

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

**ELEVENTH
DAY**

October 5, 2016

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

TAKEN BY

LUCIA BRAATEN & ALISON MAHONEY - COURT STENOGRAPHERS

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

*(*The Meeting was called to order at 9:30 a.m. *)*

P.O. GREGORY:

Good morning, everyone. Could I have all Legislators to the horseshoe? Mr. Clerk, would you do the roll call?

MR. RICHBERG:

Good morning, Mr. Presiding Officer.

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

LEG. SPENCER:

Here.

LEG. D'AMARO:

Here.

LEG. STERN:

Here.

LEG. MC CAFFREY:

Here.

LEG. TROTTA:

Here.

LEG. KENNEDY:

Here.

LEG. BARRAGA:

Here.

LEG. CILMI:

Here.

LEG. MARTINEZ:

Here.

LEG. LINDSAY:

Here.

LEG. ANKER:

Here.

LEG. HAHN:

Present.

LEG. MURATORE:

Here.

LEG. BROWNING:

Here.

LEG. FLEMING:

Here.

LEG. KRUPSKI:

Here.

D.P.O. CALARCO:

Present.

P.O. GREGORY:

Here.

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. L'Shannah Tovah, which means in Hebrew "May you have a happy new year" to everyone. If you'll please rise for the salute to the flag, led by Legislator Spencer.

(*Salutation*)

Next, we'll have the invocation, which will be given by Father Elias, Elias Nicholas. Legislator Spencer will make the introduction.

LEG. SPENCER:

Good morning. This morning I have the privilege of introducing Father Elias Lou Nicholas. Father Lou is the Pastor assigned to the Saint Paraskevi Greek Orthodox Church in Greenlawn. Father Lou earned his Liberal Arts Degree at Suffolk Community College Selden Campus in 2002. In 2004, he earned his Bachelor of Arts in Religious Studies at Hellenic College, and in 2008, he earned a Masters of Divinity from the Holy Cross Greek Orthodox School of Theology, located in Brookline, Massachusetts. In 2009, Father Lou was assigned to the Saint Paraskevi --

FATHER NICHOLAS:

Paraskevi.

LEG. SPENCER:

Paraskevi, thank you, thank you. As Deacon, and in July of that same year, he was ordained to the priesthood, and on the Feast Day of the church. He and his wife, Presvytera Tammy, a longtime community member, are the proud parents of son John, who is three-and-a-half years old. And Father Lou and his wife feel blessed and privileged to be at Saint Paraskevi. Father Lou.

FATHER LOU:

Most high God, Lord of peace.

MR. STRAUSS:

He turned it off.

P.O. GREGORY:

It needs divine intervention.

(*Laughter*)

FATHER LOU:

Most high God, Lord of peace, justice and love, we magnify your glorious name for all the blessings that you have bestowed upon our nation, blessings of land and sea, of health and prosperity, of law and of values of faith and freedom. Bless us also, Lord, with the precious gift of unity, unity in our political processes, in our judicial system, in our neighborhoods and cities and our whole nation. As the Holy Bible says, "A house divided cannot stand." Open, therefore, the hearts and minds of all our people, so that with oneness of purpose in spirit and in truth, our United States of America will serve you, oh, God, faithfully and fervently. To this unity, Heavenly Father, add the supreme blessing of peace, peace within our borders and peace around the world. Grant to us and to all people the wisdom from above, patience and trust in your goodness, so that we might learn to live according to your will in harmony and forbearance, so that we might learn to love the people as you, God, love us.

Furthermore, almighty Lord, set forth your guiding hand upon these, your servants, the delegates, the Legislators of this great County of Suffolk County, and may they perform your holy will in all cases and under all circumstances, may always be agents of unity, peace, justice and love, both in our country and across the world. For you are our creator and savior and to you we offer glory, honor and worship now and forever into the ages of ages. Amen.

(*Amen Said in Unison*)

P.O. GREGORY:

Thank you. Please remain standing for a moment of silence in memory of Nassau County Legislator and former Presiding Officer, Judy Jacobs, one of Long Island's truly remarkable elected officials who we lost too soon on September 14th. Judy was a dedicated leader who never lost her passion for helping people, whether as a community activist, as she first began her career, to serving as Presiding Officer. She inspired each of us with her selfless commitment to the communities she served, always keeping in mind the greater good of other -- for others. Excuse me. She had a special ability to work with all sides of the aisle, and brought people together, never losing sight of the goal. There was never any ego. Her warmth and kind, gentle nature made her a friend to everyone. She will be missed by all who worked with her and all who knew her as a consummate professional and a genuine caring person.

Let us also remember teenagers Oscar Acosta, Kayla Cuevas, Nisa Mickens and Miguel Garcia Moran, whose lives were stolen from them as the result of what people believe was gang-related activity. We stand with Brentwood in mourning the loss of these young victims, who had hopes, dreams and ambitions that they will never realize. And we pray for their families and friends. Gang violence is an intolerable community issue that puts us all at risk. May we vow to work together to make sure that no more blood is spilled on our streets.

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

(*Moment of Silence*)

I would like to take note that October is Breast Cancer Awareness Month, a time when we remember all those who have struggled fighting this terrible disease. In recognition of Breast Cancer Awareness Month, we have with us today representatives from two organizations: The Stony Brook University Cancer Center, which plays a critical role in battling breast cancer, and the Huntington Breast Cancer Action Coalition, which focuses on prevention and limiting exposure to what causes

disease in the first place, as well as environmental public health awareness. Again, our sincere thanks to these groups, as well as all the organizations that advocate for our health.

D.P.O. CALARCO:

Okay. We're going to have our proclamations and our recognitions now. And our first proclamation is going to be by Presiding Officer Gregory, who will present a proclamation to Kevin Foley, Director of Athletics at the Suffolk County Community College, for being recognized by the National Alliance of Two Year College Athletic Administrators and awarded the prestigious NATYCAA Directors Cup.

P.O. GREGORY:

Good morning. It's my pleasure to present this proclamation today to Mr. Kevin Foley before my colleagues and before our audience who joined us today. I would like to congratulate Suffolk County Community College Athletic Department, the Director of Athletics, Kevin Foley, who coaches -- who coaches in the personnel, student athletes and programs and accomplishments. Suffolk Community College athletics is number one in the country and has been recognized.

(*Applause*)

Has been recognized by the National Alliance of Two Year Athletic Administrators with the group's prestigious NATYCAA Directors Cup. The Cup began in 2004 to highlight the excellence in two-year athletics based on success and championship competition. Awards are given to the NATYCAA member colleges based on performance and national championship events throughout the academic year. Suffolk Community College Athletics bested more than 200 athletic programs nationally for the award in the Nonscholarship Division III Collegiate level. Suffolk Community College Athletics garnered four, four national championships this year: Women's Cross Country, Women's Track and Field, Men's Track and Field, and Men's Bowling. And the following teams placed in the top ten in other contests: Men's Cross Country placed 5th in the National Tournament. Men's Baseball placed 5th in the College World Series. Men's Tennis placed 8th in the National Tournament. Women's Tennis placed 3rd in the National Tournament. Women's Cheer placed 3rd in the National Tournament. Women's Bowling placed 5th in the National Tournament. Women's Soccer placed 7th in the National Tournament. And Women's Softball placed 8th in the National Tournament. So congratulations to your recognition. Keep up the hard work, and we'll be cheering for you always.

MR. FOLEY:

Thank you very much.

(*Applause*)

P.O. GREGORY:

And we're always pleased to have President Shaun McKay join us as well, who is just doing a fantastic job. He's getting the athletic awards, but he's certainly making -- putting the pieces together to make sure they're getting an excellent and second-to-none education while they're doing the athletics. All right. So thank you.

DR. MC KAY:

And I must say that with your support, we have done great things, not only graduating the largest classes in the last four years, but we've also, on our athletic programs, seen our students excel. So I want to thank you again for your support of Suffolk County Community College. Thank you.

(*Applause*)

(*Photograph Was Taken*)

D.P.O. CALARCO:

Thank you, Dr. McKay. Our next presenter is Legislator Hahn, who will present a proclamation to a team of students from Ward Melville High School.

LEG. HAHN:

We got Ward Melville in the house again. Come on up, guys and girls. I am pleased to recognize five students from my alma mater, Ward Melville High School, on coming in first place at the Eastern District of New York Justice Institute Program. Congratulations.

*(*Applause*)*

First place. Kevin Xu, Samuel Kim, Thomas DiPietro, Gabrielle Barry and Kian Abbott competed in a challenging mock trial competition with teams from 23 high schools across Long Island. The students were mentored by Gelinas Junior High School Teacher, Doug Elliot, who is also here. Come on up, come on up. In the end, their cogent and analytical arguments impressed the judges.

The week-long interactive learning program is the first of its kind hosted by Federal Court and Federal Judges. The program, led by Judge Joseph Bianco, is designed to introduce incoming tenth graders to the workings of the Federal Courts and the Criminal Justice System, and to promote an enlightened and responsible citizenry. The program was held at the Long Island Federal Courthouse in Central Islip, as well as Touro Law Center, and consisted of several components that allow the students to learn all about the legal system, and to develop basic advocacy skills in a fun and interesting format. Students heard presentations from seven Federal Judges, FBI Agents, a U.S. Secret Service Agent, Deputy U.S. Marshals, law professors, Federal prosecutors and criminal defense lawyers about their respective roles within the Federal Court System. The students also observed real court proceedings in the Federal Courthouse, including a guilty plea and a sentencing, and discussed what they observed with a Federal Judge.

Once again, congratulations to Kevin, Samuel, Thomas, Gabrielle and Kian on this accomplishment, and I wish you all the very best in your future endeavors.

*(*Applause*)*

*(*Photograph Was Taken*)*

Congratulations.

*(*Applause*)*

D.P.O. CALARCO:

Thank you. And before we move on, I wanted to make mention of two other young people who lost their lives tragically far too short in our Brentwood communities to violence, Janelle Curella and David Arzu. And our hearts go out to them and their families.

Our next presenter is Legislator Cilmi, who will present a proclamation on behalf of the Suffolk County Legislature to Probation Officer Melissa Farrell.

LEG. CILMI:

Good morning. It's great to be here again. Welcome back. A nice Autumn morning. And it's nice to again have the opportunity and privilege to recognize one of our great Probation Officers here in Suffolk County. I'm joined by Probation Officer Melissa Farrell, and, of course, Matt Porter, the President of the Probation Officers Association. And, unusually this morning, rather than tell a tale

of heroism in the face of danger, which we often talk about here when we're honoring our Probation Officers, this is really just a nice -- a really nice story and an opportunity for us to say thank you and recognize just a really good person in Probation Officer Farrell.

Probation Officer Melissa Farrell has been a Probation Officer since December of 2014. She's assigned to the Criminal Courts Supervision Unit in the Edgewood office. While conducting home visits in early August of this year, Officer Farrell and Officer Dykeman visited a probationer who has fallen on difficult times in recent years, yet still remains compliant with Probation. At this particular home visit, Officer Farrell noticed that the probationer had no food, no personal care items, and was basically getting by on water. The probationer, who has no real means of transportation, asked Officer Farrell to take the probationer's last \$6 in order to purchase a meal from a fast food restaurant for her. Officer Farrell declined that request, instead, leaving the home and to visit a local store and proceeded to buy a multitude of items, including food and basic necessities for immediate need for this probationer in their time of need. Probation Officer Farrell then followed up with local agencies who were able to further assist this probationer.

The incident demonstrates the fine qualities possessed by not only Officer Farrell, but all of our Probation Officers, namely the readiness, willingness and ability to protect and correct and to serve our great County.

So it's with great, great pride, not only as a Legislator here in Suffolk County, and to represent my colleagues in presenting you with this proclamation, but also as a human being, to just recognize the caring nature of what you did with somebody who was obviously in need, and somebody who was obviously trying to improve themselves. So God bless you for that, Melissa, and keep up the great work.

OFFICER FARRELL:

Thank you.

*(*Applause*)*

D.P.O. CALARCO:

Okay. Our next presentation will be by Legislators Browning and Muratore, who will present a proclamation on behalf of the Suffolk County Legislature to Robert McConville in recognition of his 30 years of service as President of the Firemen's Association of the State of New York.

LEG. MURATORE:

Good morning, everyone. Today we're here to honor Bob McConville. He's a retiring President of the Firemen's Association of the State of New York, better known as FASNY. Bob has been dedicated to FASNY for about the past 30 years. He's an active member of the Selden Fire Department since 1981, and he serves as the Commissioner of the Selden Fire District. His resume is too long to go into, but if you live in Selden/Centereach, you know what Bob McConville has done for the Fire Department.

Bob's traveled all over the State of New York, not just promoting volunteer fire services, but looking to change the atmosphere of the fire and EMS Service and the people that they serve. He, along with the Board of FASNY, has changed lanes to look to the future of service by setting goals on health and wellness, recruitment, retention, and now they are focusing on cancer within the fire services and how it affects all their members.

Bob, congratulations, not only for 30 years of service to our community, but also for your tireless dedication to all the safety and wellbeing of the residents of Suffolk County, as well as the residents of the State of New York. And to his wife, Virginia, thank you for letting us have him all these years.

Thank you so very, very much. Robert, congratulations.

*(*Applause*)*

LEG. BROWNING:

As Chair of Public Safety, I've had the honor and the pleasure of working with Bob. So we do have an all 18, so I'm hoping all of the Legislators will come up and join us for a photo. But, Bob, thank you for your service. It's always been a pleasure working with you. And I know with the Fire Emerald Society, we'll still be seeing each other, so -- but thank you.

MR. MC CONVILLE:

Thank you.

*(*Applause*)*

*(*Photograph Was Taken*)*

*(*Applause*)*

D.P.O. CALARCO:

Okay. Our next presentation will be Legislators Anker, Browning and myself, and we will present a proclamation to the Longwood Public Library for winning the New York Library Association's Public Library Building Award.

LEG. ANKER:

So I would like to introduce you to Lisa Jacobs. She is the new Library Director. And before we present this, I just wanted to say 30 years ago, when I moved to Long Island from Florida, you know, I came up here and I went to the Longwood Library, and the Longwood Library was this little, tiny building that was part of the old Walmart before the Walmart was a Walmart. And very few people -- I didn't see a lot of people there at the time, and I was, you know, into books and I loved to read, and that was 30 years ago. Today, and maybe Lisa will comment, there are, you know, tens of thousands, if not hundreds of thousands, of people that use the Longwood Library. And with a multi-million dollar renovation, that library has expanded 33%.

So, you know, Longwood School District is one of the largest school districts in Suffolk County. So, you know, it gives me great honor to present the Longwood School District with New York -- excuse me, New York Library Association's Public Libraries Building Award. And, again, this building is absolutely beautiful. I encourage everyone to stop in and see it. And, you know, it's there, you know, for our population, but mainly for the kids. And I got to tell you, you have some of the best youth directors there. You know, once you encourage kids to read, they read the rest of their lives.

So, again, thank you so much for all the work that you guys have done, I really appreciate it. The other Legislators, would you like to comment on this?

D.P.O. CALARCO:

Sure, thank you. And it's great to be able to recognize the Longwood Library and what they've done. And anybody who knows the library, they know they just underwent a major renovation to their building, and I think that's what sparked this award. And when you talk about the ability of people to learn and be able to go to the library and take in information and knowledge, you're surroundings are important to how that happens. And to have the right atmosphere is very important, and they took that to mind and made sure that they created a space that is inviting, that is warm, that is welcoming, that has places for our young people, places for our children, places for you to find a quiet corner to read, and places for you to have community events, and so we

appreciate that, and congratulations on the award.

LEG. BROWNING:

Just real quick, community centers, that's something that we have been needing. However, our libraries are basically our community centers. So, again, the beautiful building you have, enjoy it, and congratulations.

MS. JACOBS:

Thank you.

*(*Applause*)*

P.O. GREGORY:

Is Michael Brannigan here? Michael Brannigan? Okay. That is all the proclamations that we have this morning. Okay. Next, we have the Public Portion. Each speaker will have three minutes to make comments.

First, we have -- oh, there she is -- Councilwoman, Islip Councilwoman Trish Bergin.

COUNCILWOMAN BERGIN:

Thank you. Hello, Legislators. Thank you so much for having me. Councilwoman Trish Bergin, Town of Islip, 655 Main Street, Islip, New York.

I'm here today, and I'm joined by several of my neighbors from the Oakdale, Sayville area, with regards to Bill 1872, consideration to amend the 2016 Capital Budget and Program, and appropriating funds in connection with the Sayville extension. This was for sewers in Sayville and Oakdale. This is the area that Legislator Lindsay, Legislator Cilmi represent. I am here today in support of this. It is extremely important and something that the Legislators, myself, and the folks of the Town of Islip have been working diligently to try to get sewerage along the South Shore to help out with the nitrogen problem that we're facing there. So if you could please kindly consider voting yes for this, we'd very much appreciate it at the Town of Islip. Thank you.

P.O. GREGORY:

Thank you, Councilwoman. Next, we have Village of Patchogue Trustee Joseph Keyes. Mr. Keyes.

TRUSTEE KEYES:

Good morning, Ladies and Gentlemen of the Legislature. Thank you for allowing me to address you this morning regarding two items on your agenda, Item 1860, which is our Clean Lakes in Patchogue project, Item 1863, the Little Creek Storm Water Mitigation project. I am Joseph Keyes, Trustee, Village of Patchogue, and I come this morning representing the Mayor and full Board of Trustees.

A few years ago, we launched what we've titled our "Storefront to Shorefront" campaign in the Village of Patchogue. We have worked hard to revitalize and, in a sense, reshape our downtown business district, and have been widely recognized for successfully having done such. However, we also recognize the urgency to address other quality of life issues, not only in the Village, but throughout Suffolk County. As important as it is to restore life to our Main Street by filling our storefronts, it is equally important for us to take steps to revitalize and protect our waterways, our shorefronts, both recreational and necessity purposes. That is, yes, we want the fish to swim again in the lake and the creek. But of great importance is the need to continue to take steps to protect what ultimately becomes our drinking water. Aerating the lake may be seemingly a small step, but perhaps a significance -- its significance is that it is finally a first step.

The Village acknowledges to you its role and responsibility in reducing anaerobic deterioration,

dangerous gases, and toxic sedimentation in our lake of reversing the eutrophication. And we have partnered with Saint Joseph's College and their dedicated team of students and employees, willing to incorporate their efforts and talents with ours and continue to work toward the goal of cleaning up the lake. Aerating and oxygenating the lake is an extremely important first step, and a denial of the application will set us back a great deal.

Not only have I heard from lifers in Patchogue who have told me of the days when they swam the lake and they caught net fulls of minnows in the creek, but I have received many letters of support for our project from residents or shareholders, if you will, of our community.

I should add that the Town of Brookhaven has made a financial commitment to the project, as upper Patchogue Lake falls under the jurisdiction of the Town, and lower lake is the responsibility of the Village. Both upper and lower lakes will be addressed by this project, as treating one without the other will result in no effect at all. Clean the Lake is our goal, it is our passion.

The Little Creek Project is equally important, and, if approved, will go a long way in maintaining the critical vertical separation between the bottoms of leaching pools and the groundwater, as the water will no longer be impounded. Currently, the impounded water stagnates, backs up in the cesspools, thereby merging, if you will, groundwater with wastewater, and that water is what up ends -- is what ends up in the bay. You can see the importance of maintaining that two-foot vertical separation. Our project will allow the water in the creek to continually flow into the bay and allow for the continuance and the maintenance of that separation.

We expect that two tons of nitrogen will be prevented from entering Patchogue Bay and ultimately the Great South Bay per year. We also expect to see a significant increase in natural habitat to the creek, and are confident that the reduced stagnation will greatly reduce mosquito breeding grounds.

So I, again, thank you for your time, and trust that you will decide today to give Patchogue the boost it needs to see both of these projects through and improve the quality of our waterways. Thank you, Ladies and Gentlemen.

P.O. GREGORY:

Thank you. Next is Elizabeth Robinson, and then on deck, Dr. Paula Fabrizio.

MS. ROBINSON:

Good morning. My name is Elizabeth Robinson, and my address is P.O. Box 104, Huntington Station, New York.

A fraud is being perpetrated upon the Suffolk County taxpayers, not through the County directly, but via the Town of Huntington Assessor's Office, to whom the Suffolk County gives the authority to determine the amount of taxes which each individual should pay. If that person does not pay in a timely fashion, the County, not the Town, levies outrageous fines and interest. When a tax assessment refund has been justified by the County, and after those extremely burdensome fines and interest are assessed, the refund total never includes any mitigating compensation for the abuse suffered by the taxpayer.

Roger Ramme, the Assessor appointed by the Huntington Supervisor, Frank Petrone, is a cheat, a thief, a liar, and a physical bully. He's been corrupted by the vicious lies told to him by Barbara Wilhelm, a senior employee in the Assessor's Office who abuses her authority. Ms. Wilhelm told me to my face that she was going to get me, and has so done with her vicious lies and gossip. To further that end, she and Mr. Ramme have sent mail to me at false addresses. And when the postmaster, who was fully aware of their dirty tricks, forwarded the mail to me, they then changed the address to the correct one listed on my letterhead, but never actually sent me the self-serving

mail.

In addition to this, Mr. Ramme has admitted on the record that he has misfiled my documents. That action has cheated me out of my rights, privileges, benefits and Enhanced Star tax deductions, to which I am fully entitled.

Furthermore, neither one of them has entered into the computer records the County Court's 2012 Enhanced Star Judge's decision made in 2014, an appeal which I won. Their failure to enter that decision into the record has caused me to be continually denied Enhanced Star benefit, and to bury the true facts of the matter.

Please help me acquire the refundable taxes to which I am rightfully entitled, and which have been wrongfully denied to me all these years forthwith, including the appropriate interest, and deal severely with Roger Ramme and Barbara Wilhelm in the Town of Huntington. Thank you.

(*Applause*)

P.O. GREGORY:

Thank you, Ms. Robinson. As I said, Dr. Paula Fabrizio, and then Amy Engel. Where is Amy? Amy?

DR. FABRIZIO:

Good morning, Legislators. My name is Dr. Paula Fabrizio, and I'm -- good morning, Legislators. My name is Paula, Dr. Paula Fabrizio, and I'm a psychiatrist at CN Guidance and Counseling Service, a nonprofit that helps people affected by substance use disorders and mental health issues.

I testify before you today with urgency to assure our continued joint focuses on the epidemic of heroin and prescription opioid use in Suffolk, and to urge your inclusion of \$400,000 in the 2017 budget. This allocation is urgent, because fatal heroin overdoses have escalated from an intolerable 38 deaths in Suffolk in 2010 to an unthinkable 111 heroin and 96 prescription deaths in 2014, with dozens more dying in 2015 and '16.

Suffolk is now suffering more than any county in New York State. Our current detox outpatient service in Smithtown, the only such program in Suffolk, will close later this month if -- because we do not have enough funding from government or insurances to cover our costs. This means that 20 or more people referred to us each month will have yet another reason to become statistics in 2017. Yes, it's expensive to run a medically supervised facility, which must include a psychiatrist, an RN, a peer advocate and responsive administrative staff. As expensive as it is to run this program, it is far more expensive not to run the program. It will pay for itself by saving lives and preventing many of the fiscal and societal costs.

And our program is saving lives. I think of the 26-year-old man I'll call Joe, addicted to pain killers following three surgeries on his hand. Before long, he was buying the pills on the street, which eventually led to shooting one to two bundles of heroin a day. Out of work, broke, soon to be homeless, he called private doctors about Suboxone inductions, but couldn't afford the quoted \$600, with followup visits up to 300. He read about our program and called. When I first saw Joe, he was a mess, physically as well as mentally. With a face full of shamefulness, he made no eye contact. By the second dose of Suboxone, he was smiling. The next day he returned jumping for joy. Joe said that this was the first morning he awoke not worrying how to get his next fix. The next week, when he returned, he had started training in a job. We helped him enroll in an outpatient program for ongoing treatment. He was so grateful to get his life back.

I urge you as Legislators to join me in supporting the requested \$400,000 for preserving our outpatient withdrawal services. We must be able to reach out and save more Joes. Thank you.

*(*Applause*)*

P.O. GREGORY:

Thank you, Doctor. Amy Engel, then on deck, Dr. Mohammad Rana.

MS. ENGEL:

Good morning, members of the Legislature. My name is Amy Engel and I am Director of Corporate and Foundation Relations for Saint Joseph's College in Patchogue. Thank you for the opportunity to address you this morning regarding Introductory Resolution 1860, which would authorize funding through the new enhanced Suffolk County Water Quality Protection Program for the Clean Lakes in Patchogue Program.

For over a decade, Saint Joseph's College professors, students and staff have been an integral part of lake monitoring and cleanup, and we are very concerned about the deterioration in the lake. We believe that funding to install aerators in the lake are an important first step to improve water quality of the lake and the overall river system, which is part of the South Shore Estuary Reserve. Patchogue has a long and rich history as a maritime community, and restoring and preserving our water quality is essential to that continuing tradition. This project has broad support from Saint Joseph's College, the Town of Brookhaven, the Village of Patchogue, the Greater Patchogue Chamber of commerce, and the Save Patchogue Lake Committee.

We urge your support of Introductory Resolution 1860. Thank you.

P.O. GREGORY:

Thank you. Okay. Dr. Mohammad Rana, and then Paul Pressman.

DR. RANA:

Good morning, members of the Legislature. My name is Dr. Mohammad Rana. I'm a Professor of Biology at Saint Joseph's College. I'm here in support of resolution 1860, which would allow installation of a surface aerators for the Clean Lake in Patchogue program.

I have been part of the team who has been investigating the lake for the past two decades. We have monitored the water quality. This lake is undergoing active eutrophication and the water quality has deteriorated. And soon there will be a lot of complaints from the -- from the neighborhood about poisonous gases, about mosquito population, and many other problems.

We believe that funding to install aerators in the lake are an important first step to include water quality of the lake and the overall river system that is part of the South Shore Estuary Reserve. Surface aerators are fountains, used by many municipalities, which help to aerate the water and increase dissolved oxygen concentration in lake water, which is beneficial to the fish and other aquatic organisms. The aerators will also improve water flow and circulation, reduce harmful algal bloom, eliminate mosquito population, reduce high metal concentration, reduce or eliminate poisonous gases. It will be very beneficial to the lake's water quality and the overall Patchogue River system. We urge your support. Thank you.

*(*Applause*)*

P.O. GREGORY:

Thank you, Doctor. Paul Pressman, then on deck, Eric Alexander.

MR. PRESSMAN:

Good morning, Legislators. I sent out an email to all Legislators, and I'm going to read that email to

put it into the record for those that did not read it. Thank you.

I have lived in Suffolk County for over 40 years. I am a senior now, permanently disabled by medical conditions, and an everyday rider of the public system and the SCAT service. As you know, over the past two years, I have been very vocal of upgrading and revamping the transit system. Now, because of a fiscal crisis in the County, the transit system, instead of getting revitalized and expanded, is being cut. This is very shortsighted, especially since this will reduce the sales tax revenue, which is the biggest revenue-maker for the County. Everyone realizes that by cutting the buses, drivers lose jobs, the public can't get to work, can't get to shopping centers, and, therefore, less money -- less things are bought and less County tax paid. In addition, this causes more people to collect unemployment and use faith funds that is welfare. This has a ripple effect, as State and Federal funding will then be reduced to the County, and more cuts will have to be made, not only to transit, but other sectors.

I have spent the last month lobbying my State Senator, Mr. Boyle, to rethink the STOA allotment given to Suffolk County, since it pales in comparison to Nassau County. I have also asked Mr. Boyle, as well as speaking with Mr. Flanagan's, Mr. Ramos', Mr. Thiele's and Ms. Jean-Pierre's office about a meeting between the County Transportation Committee and the State Transportation Committee in order to reach an amicable and productive solution to the animosity between State and County in regards to public transit funding. Mr. Boyle personally called me and offered his help in getting a fair share of STOA funding to Suffolk County, as well as increased financial help, if and when the County Legislators and Public Works and Transit officials can show a positive and meaningful blueprint to closing the budget gap in transportation and increasing the system to make it a viable and reliable alternative for the public, as well as for the necessities of the seniors, disabled, and those who don't have cars and this is their own transportation means.

It has been over 35 years that any schedules have been changed in any appreciable way, running buses every hour, every hour-and-a-half, and no changes in the schedule to effect traffic patterns, density, and to accommodate the human needs of drivers. I, therefore, am going to list suggestions that I feel should be addressed now in order to expand and revitalize the transit system, so that the County can have a modern reliable system that it and its riders can be proud of. I have included that in my email, I will not read that now.

It should be duly noted that it's very hypocritical to now say that the County will get an outside company to reassess and make suggestions on how to fix the system when the County bought the AVL system three years ago to do exactly that and it is still not operational; an absolute waste of money. The most efficient and cost effective way to reroute and reschedule the bus system is to talk to the veteran bus drivers that have been running the same routes that could tell you where the heavy ridership is, as well as speaking to the riders who use the bus, as well as the operators of the bus companies that the County uses.

P.O. GREGORY:

Mr. Pressman.

MR. PRESSMAN:

There is not enough human intelligence being used to update and correct past failures.

P.O. GREGORY:

Mr. Pressman.

MR. PRESSMAN:

To much influence --

P.O. GREGORY:

Mr. Pressman.

MR. PRESSMAN:

-- on current computer systems and not enough human instinct and knowledge.

P.O. GREGORY:

Please wrap up.

MR. PRESSMAN:

Thank you very much.

P.O. GREGORY:

Thank you. Did you -- you submitted your statement, right, you said?

MR. PRESSMAN:

Yes.

P.O. GREGORY:

Okay.

MR. PRESSMAN:

Everybody got an email two weeks ago.

P.O. GREGORY:

Okay.

MR. PRESSMAN:

Okay?

P.O. GREGORY:

All right. Thank you.

*(*Applause*)*

P.O. GREGORY:

All right. Eric Alexander, and then Ron Beattie.

MR. ALEXANDER:

Members of the Legislature, my name is Eric Alexander, Director of Vision Long Island. We're here with just about everyone we've spoken with to stand opposed to the County's efforts to cut bus service. We haven't heard anybody who thinks this is a good idea. We especially want to acknowledge Legislators Browning, Krupski, Fleming, Kennedy, McCaffrey, Sarah Anker and Doc Spencer, who have all expressed support on the record. Maybe there's others that we are not aware of who expressed support on the record to stop the cuts, and I know they're working feverishly to find alternatives. Again, you heard from the prior speaker, but seniors, students, working people, disabled, poor, connecting to hospitals, schools and downtowns, there were 200 -- close to 200 people attending the two different hearings.

What is interesting on this is the downtowns have produced -- they're going to lose the service, have approved 1,000 units of transit-oriented development housing. Now we talk a lot about connecting Long Island, and this service already connects those areas, and there's going to be growth in those

areas. So it's not a plan, it's not a study, it's real people and real communities servicing real businesses and institutions.

So in the context of the budget, we understand there are cuts and there's a massive structural deficit within the County, but the most important item that you guys all have is this budget, addressing this budget properly. Nassau County has done things. They pared down their administration. Prior administrations had to -- they had to make some changes. You know, there's one floor in a building in Nassau County that's completely empty. So staff, there are some staff reductions, understandably. NICE Bus in Nassau County has done some efficiencies. They've right-sized their systems and kept service going. We know they receive more money from the State, but they have more -- a higher ridership, and that's the formula. We can address that in a little bit. But long-range planning, as important a service as that is, and we support it, should not trump essential services to those in need, particularly transit services to get people to work and other institutions that they need to be at.

So what's the action plan? What can be accomplished? One, today, you can find offsets in the 2016 budget to stop the cuts. We know there are some Legislators who have that information. They are here today. They can get the Administration to step forward and stop these cuts. So that's the first step.

The second step is to assemble Suffolk County Transit, the Union, DPW, and the Administration to find the efficiencies. We know there's a study. We're glad they're doing a study October 21st, to come forward to save money. They have a plan to save money. We talked to some of these folks, they have a plan to save some money.

Number three, offsets in the current 2017 budget. If we can't accomplish this, we need to restore these routes. And that's going to be rough, because we're going through the budget. There's lots of issues, lots of other issues, we get it, but there'll be recommendations, and there are a lot of bus advocates here that will speak to some of this as well.

Fourth, a serious effort to work with Albany to make it top priority to receive more money in this area. Now, we -- I think you have a lobbyist that does go to Albany and --

P.O. GREGORY:

Eric.

MR. ALEXANDER:

Yeah, I know.

P.O. GREGORY:

Please wrap up.

MR. ALEXANDER:

Just one final point. So you should talk to that lobbyist to see where the transit is in their priorities. Is it in the top 10, is it in the top 15, is it in the top 20, or is it in the top five where it needs to be? So that's the type of negotiation that needs to occur.

And I guess just the last point I'll say, just from Vision's perspective, it violates every principle of smart growth to cut transit service to essential areas. We hope you don't disconnect Suffolk by creating these cuts today. Thank you.

(*Applause*)

P.O. GREGORY:

All right. Thanks, Eric. Ron Beattie, and then M. Patricia Reeves.

MR. BEATTIE:

Good morning, and thank you for having me. A lot of you know me from wearing a different hat as President of the Board at the Vanderbilt Museum, but I'm here wearing two other hats today, one as President of the Oakdale Chamber of Commerce, and Co-Chair of the NY Rising for Oakdale/West Sayville. I'm calling -- I'm speaking to you to call on you to do the important thing for us and to approve funds for engineering of sewers in the Oakdale, West Sayville and Sayville area.

As Co-Chair of NY Rising, we did something that was kind of ironic, and what we did is we embraced the waterfront that did so much damage to us. It's an important part of the identity of our community. Being on Long Island, what could be more important than clean waterways? With the NY Rising plan, there's a very important economic development component to this for a downtown Oakdale that we've never had, as a transit-oriented development, tourism, fisheries that have gone stagnant, and smart growth policies, though, going forward. We're not in favor of overdevelopment once we get sewers, but it's important to get sewers in order to achieve these goals. Thank you for having me.

*(*Applause*)*

P.O. GREGORY:

Thank you, Ron. Okay M. Patricia Reeves, and then Cesar Malaga.

MS. REEVES:

Good morning, Legislators. Some statistics will put in context the proposed law regarding guns. An estimated one-third of American children live in homes with firearms, according to public health research, and 43% of these homes have at least one unlocked firearm lying about as an invitation for accidents. Between -- the inevitable results are appalling. Federal data says that between 2007 and '11, a yearly average of 62 children, age 14 and under, were killed every year while playing with a family gun left unloaded and unsecured, and 660 were injured badly enough to require hospitalization. But the actual toll could be even greater, with 100 youngsters or more shot to death each year in grossly careless family settings, according to a detailed new study of child deaths by firearm conducted by Everytown for Gun Safety.

The report tracked fatalities in 35 states since the shooting massacre in 2012, when 20 children were massacred in Newtown, Connecticut, and I'm sure you're familiar with that terrible time in our history. The lethal, yet still politically accepted, reality remains that a child is 16 times more likely to die by accidental shooting in this country than in any other high income nations. Toddlers were more likely to shoot themselves, while older children were more likely to be shot by someone else. Most of the shootings, 84%, occurred at home or in the family car. The group concluded that the death of children by gunfire is being significantly undercounted because of misrepresent -- reporting, rather, and official records. Each is a tragedy. Together they are an epidemic.

The potential for more carnage is stark. 1.7 million American children live in homes where guns are left unsecured and unloaded. I grew up in a family like that and we didn't touch the gun, but I'm not sure that if we were children today that would be the case. An estimated 70% of children under age 10 know where their parents think they've safely hidden guns, and they can find ammunition nearby, too, according to a Harvard study. Some of the worst shootings involve children who take their parents' unlocked guns to school. In a separate analysis of 20 school shootings by minors, in the cases where the source of the gun was known, three-quarters of the shooters obtained their guns from home. One obvious way to deal with the problem is to be less forgiving of adults, and apply stronger criminal penalties when loaded weapons are callously or purposely left unsecured.

About half the states have such laws, but they vary widely, and the issue demands far stronger safety campaigns to stir public awareness.

P.O. GREGORY:

Ms. Reeves, please wrap up.

MS. REEVES:

Yes.

P.O. GREGORY:

Your time has expired, please wrap up.

MS. REEVES:

Okay. Thank you. I support the passage of the proposed Suffolk County law, that no one with a firearm should leave it out of his or her immediate possession or control without either locking it in an appropriate safe storage place or rendering it incapable.

*(*Applause*)*

Thank you. Thank you for allowing me to report to you today.

P.O. GREGORY:

Thank you. Cesar Malaga, and then Kathleen Collins.

MR. MALAGA:

Good morning, Legislators. My name is Cesar Malaga. I am the President of the Hispanic American Association.

You know, the budget -- the Executive's budget about cutting the bus routes, eliminating some routes, it's not an interest of the people in Suffolk County. Many of the minorities and our senior citizens utilize the buses, because they -- to own a car, it costs money. So like, for instance, take the S92 Bus out in the east, that bus is very heavily used in the morning and in the evening. That's why we call it the rush hour. So you should have, you know, proper transportation to transport the people in the morning to go to work, in the afternoon to go home. And during the day, sometimes the bus has one passenger, sometimes it's running empty. So you have to adjust the schedule for those buses. You don't have to run every so often. So you have to make, you know, some adjustments to that.

The other thing I want to discuss is about the police. You know, you're saying you have to money -- you have to borrow money to pay the pensions for the police for the retirement. Now no company in the world allows the -- you know, their employees to save their vacation time and sick leave time to collect more money when they retire. I mentioned this several times here, you know, in this chamber, but you guys, I think you know, giving them increases, because I don't know how much money you get from the police unions for your campaign. That not should be the case.

*(*Applause*)*

Now you say you go to borrow money to pay their -- you know, I think it's \$60 million or something to the pensions, you know. Now the Police Department should not be getting -- they're abusing the system. They're abusing the system. We cannot afford these continuous increases of salaries for the employees who give you money for your campaign.

The other thing I want to discuss is that, you know, the red lights, you are charging us the red light

cameras, and I don't know how much the County gets from the people who run the red lights. I don't know whether you get 10 cents or 20 cents on the dollar, but the companies that provide those, they're getting more -- most of the money. So I don't know who has the figure here who can tell me right now, yes, the County gets only 2 cents or 5 cents out of a dollar. You are planning to increase the red lights, it should not be increased. So let's just, you know, look towards what is better for our County.

And the other thing I saw here, you know, on the agenda, that you're selling homes that you had taken over. Many times I have said here at the Legislature, do not sell those homes to the contractors. Give -- save those homes so you can make affordable housing for the people who can afford, like our Veterans who are returning from the war in Afghanistan and the Iraq War. So let's not sell those homes, save it for the people, and save it to make affordable housing.

P.O. GREGORY:

Thank you, Mr. Malaga.

MR. MALAGA:

Thank you very much.

*(*Applause*)*

D.P.O. CALARCO:

Okay. Our next speaker is Kathleen Collins, followed by Dolores Welch.

MS. COLLINS:

Good morning. My name is Kathy Collins and I've been a public health nurse for almost 18 years. I'm here representing the Bureau of Public Health Nursing and the elimination of the program from the budget. A Public Health Nurse is more than just a home care nurse. Our specialized and skilled nurse's mission is to promote and protect the health of the most vulnerable people of Suffolk County. Our patients receive visits from nurses who not only assess the medical needs, but they look at the barriers of care that exist in the patient's environment.

Our patients have many contributing factors that lead to poor health. These factors include poor literacy, language barriers, a lack of family support, transportation issues, and have psychiatric drug and alcohol problems that affect the patient and their families. The private home care agencies of Suffolk County work hard with their patients, but there is not a plethora of home care services. Patients are getting sicker with more comorbidities. They have multiple health issues, as well as their various social, psychological and environmental concerns are what we excel in. Private agencies are great at managing specific health issues, but to improve the patients health, but we, the Public Health Nurses, engage, educate and empower the most at risk citizens of our County, and we give them skills that transcend this health care episode. The skills we teach them are ones that they can use in the future.

Last Friday, a Discharge Planner for Peconic Bay Medical Center in Riverhead called and asked us to take a case. Even though we specialize in maternal child cases, we also take cases that we are the last resort. This case was on the North Fork of the Island and the patient was in his 30s with a wound, and he was new to insulin. You would think this would be serviced by the plethora of other home care agencies that exist, but no one had the ability to staff it. The hospital was worried about the patient and was grateful we would send a nurse to this particular case. I was told there was more need for home care services, especially on the East End, than the current agencies can manage. She continued to say that we have the expertise with patients who have complex social needs, and is happy we exist to take care of this population.

The transition of care from the hospital to the home is extremely important with this population. The barriers to health care increased in noncompliant behaviors to treatment and medical followup. The cost of noncompliant patients is not only seen in the financial cost, but with the lasting effects of the patient's health and their families. Compliant patients have fewer readmissions to the hospital. Our mission of prevention and health promotion with our patients and their families improve the health of our communities. Thank you.

*(*Applause*)*

D.P.O. CALARCO:

Thank you. Our next speaker is Dolores Welch, and she'll be followed by Joanne Barry.

MS. WELCH:

Good morning. My name is Dolores Welch. I'm a Public Health Nurse from Suffolk County. I am representing the Bureau of Public Health Nursing. We are the County's visiting nursing program. Some of you may remember me from 2012. I was up here standing once again. Well, now they are eliminating us from the budget.

We take care of the most vulnerable population in Suffolk County. Our major focus is on maternal child. At this time, we need to address the issue of addiction in relation to our Bureau and our major population. In Suffolk County, we have been identified that every family has been affected by this terrible addiction epidemic. This is not just the poor or the indigent population, this is also the middle class, the upper class people. These are your wives, your spouses, your aunts, your uncles, your sisters, your brothers, and your children. Here in Suffolk County, we are identified as the highest number in this state.

In the Bureau of Public Health Nursing there is a huge increase in these addicted mothers and babies we have visited. These are crucial skilled nursing visits that we do in the home. Since 2010, there has been a 900% increase of babies affected by substance abuse. In addition to withdrawal issues for these newborn infants, there are major safety issues as well for the addictive mother, having no support system. This postpartum period is precisely the time when a woman is ripe for relapse. For example, a postpartum mother without addiction faces her own challenges. Proper newborn care, breast feeding, no sleep, crying baby, perhaps postpartum depression also. So now let's throw in addiction to the mix. The outcomes could be devastating for mom and baby. These moms have no support systems. The transition from hospital discharge to the first doctor appointment for mom and baby is a vulnerable, dangerous time.

According to an NBC series prepared by Reuters, number one of addicted babies in this country has increased five fold. One baby born in 19 minutes is addicted. These babies are in serious danger. Nationwide, since 2010, 110 infants died from preventable deaths. These are mothers that are now incarcerated. These mothers cited no one was there for them. Again, discharged from hospital, home alone, no support. Thankfully, this has not happened in Suffolk County. Public Health Nurses are the support system of these mothers and babies, keeping them safe and preventing horrible, devastating outcomes. Thank you.

*(*Applause*)*

D.P.O. CALARCO:

Thank you. Our next speaker is Joanne Barry, followed by Patricia Schecher.

MS. BARRY:

Good morning. My name is Jeanne Barry, and I've been a Public Health Nurse for 14 years. I've

taken care of very many babies with Neonatal Abstinence Syndrome or NAS. Neonatal Abstinence Syndrome happens when a baby is exposed to drugs in the womb before birth. A baby can then go through withdrawal after delivery. These vulnerable babies, who are exposed to addictive illegal and prescribed drugs in utero, are at heightened risk for birth defects, premature births, seizures, low birth weight, feeding problems, sudden infant death, and problems with development and behavior. When these babies come home, usually after a prolonged hospital stay, they are very often fussy, they cry excessively, they're poor feeders, and are on extra calorie formula. They often have problems with weight gain, have tight muscle tone, and have trouble settling down and sleeping. Mothers caring for these babies are trying to cope with their own difficult issues, such as trying to be good moms while attending addiction treatment programs. Many patients have history of past or current mental health disorders such as anxiety and depression. They often have family problems at home, lack a positive role model in their lives, are socially isolated, and at times are victims of domestic violence, or might be living in a shelter situation. In addition to these tremendous stresses, adding chronic sleep deprivation of parenthood, together with a fussy and very needy baby, these mothers are at great risk for relapse. These babies are most vulnerable.

The Public Health Nurse plays a vital role in assessing and monitoring mom and baby, in addition to assessing the home situation and environment. The PHN instructs the mother and family in parenting, infant care, and preventive health measures, coordinating care, and making referrals for support services as needed. Through our Child Find Program, the PHN is able to follow these babies, not just in the newborn period, but on a long-term basis when developed problems or delays might start to surface. As you see, the Public Health Nurse offers a unique and a vital role in the lives of babies with Neonatal Abstinence Syndrome, and in the lives of the drug-addicted mothers that care for them.

It is my heart-felt desire that the Bureau of Public Health Nursing will continue to deliver these services to this most needy population and to all of our patients in Suffolk County in the years to come. Our Public Health Nurses are a very special and dedicated group of nurses who help our patients through some of the most difficult and trying times in their lives with a smile, a pat on the back and incredible nursing care. Thank you.

*(*Applause*)*

D.P.O. CALARCO:

Thank you, Ms. Barry. Our next speaker is Patricia Schecher, followed by Anne Little.

MS. SCHECHER:

Hello. Good morning. Thank you very much for the opportunity to speak on behalf of Public Health Nursing. My name is Pat Schecher. I've been a Public Health Nurse for over 40 years, and I'm very, very worried. The budget of the County should reflect how we see the needs of the poor, the more vulnerable citizens, and we've talked about some of the patients that we've had. We really need to see these people and have a budget that reflects how Suffolk County really wants to respond to the needs of our citizens.

I've been part of the Bureau. The Bureau has been on the budget front since 2003, 2012 -- 2009, I'm sorry, 2012, and we've been at this a long time. We're kind of at the last dip of the safety net. I'm concerned and worried because we need a safety net, and public health nursing has served that role. We've talked about transition of care, the period of time from when the patient shifts from the hospital into the community. Medical errors are cited as the number third cause of death. We see everyday situations where we walk in and see situations that need to be corrected, and Public Health Nursing is that first thing. We've talked about the plethora of private agencies, but there's places that we go that the private agencies really don't always do on a regular basis. We go to sober homes, homeless shelters, the reservations, all the underserved areas.

Stony Brook and New York State Department of Health in Suffolk County have identified certain zip codes where the people are most at risk for frequent -- very costly and frequent readmissions. The focus of a grant that was given to Stony Brook that we're part of was to include these high risk communities: Brentwood, Bay Shore, Central Islip, Mastic/Shirley, Bellport. We know which areas have the most health care disparities, the highest number of Medicaid patients, Medicaid managed care patients, and uninsured patients. There still are uninsured patients where they're pending and they don't have insurance. This is where Public Health Nursing has to step in, because the private sector isn't able to do that.

Recent cases was an example of a -- we had two victims of gang violence in Bellport, and they didn't have -- one had insurance, one did not have insurance. These are teenagers, 15, 17 years old; needed physical therapy, needed nursing. Or, I mean, actually, these kids were really hurt. This was not just a little -- a little violence.

We had a 17-month-old baby in Amityville that went home, had -- was -- the mother had just regained custody, was going into a shelter. This was the night, February 4th to 5th, where there was a snowstorm. The mother didn't have the medicines, didn't have medication. The medicines were called into the wrong pharmacy. The Public Health -- CPS and foster care were involved, but the Public Health Nurse was able to get the medications, get it to the child, assess, and avoid a readmission, another costly thing. We're always, you know, worried about money, but, really, where the rubber meets the road is where we see people that really need help. The nurses walk into situations all the time where there's no food, the baby's crying, they need -- the mother needs help, and we -- you know, we respond.

Medication errors, quickly. I know I'm running out of time, but the medication errors are a big deal. One out of five in New York -- MEDState in a recent study, National Centers of Health, that one in five parents, this is regular parents of kids with a good support system, make errors, medication errors. Our patients, as we said, were compromised language-wise, compromised education-wise. These mothers are 17, 16 years old, no support systems, trying to measure out .27 of a medication. A 17-year-old mother was giving a baby, a 16-day-old baby, premature, the mother was giving the baby a double dose, until the nurse went in the next day, because the medication wasn't there, to go over it. If we hadn't been there --

D.P.O. CALARCO:

Ms. Schecher, if you could wrap up, please.

MS. SCHECHER:

Sorry, wrapping it up. I'm worried. I really think you need to look at the safety net. There's a couple of New York State laws. Also, newborn screening, hearing, where we go out and find babies. The hospitals call us. One baby was in Brooklyn. The baby had Sickle Cell Disease. Good Sam couldn't find that baby, and between us trying to find it through CPS, we were able to get the baby to the hematologist. So please think seriously. Thank you.

D.P.O. CALARCO:

Thank you, Ms. Schecher.

(*Applause*)

The next speaker is Anne Little, and she's followed by Nina Kennedy.

MS. LITTLE:

Good morning. Thank you for letting us come and speak on behalf of the Public Health Nurses

today. My name is Anne Little and I'm here today as both the Director of the Asthma Coalition of Long Island, and as a mother of three children with asthma and one grandchild with asthma. Asthma can be controlled. It is a very complicated disease, but unless families get good education, these kids will end up in the hospital.

So Suffolk County's Public Health Nurses have been a valuable and a critical resource for our Asthma Coalition. They were one of the first partners to the table 16 years ago when we were charged with reducing avoidable hospitalizations and emergency department visits for asthma. The Bureau has worked with us to help the most vulnerable families whose children are suffering from asthma. Many of these children have required hospital care because of the severity of their disease. These nurses, who are now facing cuts in the budget, have played a very important year -- a very important role over the years as a health care partner for these families. These nurses have been proactive in maintaining their training every year to be trained as asthma educators and caregivers for children with asthma. By ensuring that these children do not end up in the hospital needlessly, our nurses are providing substantial savings by minimizing health care costs.

Suffolk County's Public Health Nurses often go into homes that others are not willing to go into. They embody the true meaning of Public Health Nursing. Asthma is complicated, it's chronic, and it's difficult for many parents to understand the complex pieces that go into caring for a child with this illness; how to correctly administer medication, how to identify and remediate triggers, and the importance of going to the doctors regularly. I can't say enough about the role that the Public Health Nurses have played in helping these families. They've been trained to teach these pieces to the parents so they can help control their children's asthma and stay out of the hospital. Without the services provided by the nurses post hospital care, we can ultimately be sure that these children will again end up in the hospital or worse.

I will end with a quick story that's just one real life example that I know about of the work of the Public Health Nurse. Very recently, one of our nurses went into the home of a young child who had just been discharged from the hospital. While she was going over the medications with the parent, the nurse noticed they were duplicating an oral steroid. In other words, the child would have been administered a double dose of Prednisone had the nurse not been there. This is a drug that has side effects even when taken correctly. We wouldn't want to consider an outcome of a double dosage. I ask you to momentarily consider that this could be your child or your grandchild.

Please recognize the critical importance of the work that these nurses do in our community. Not only are they an irreplaceable resource to the families that they serve, but they also provide vital support to the rest of the public health community working in Suffolk County. Thank you.

(*Applause*)

D.P.O. CALARCO:

Thank you. Okay. Our next speaker is Nina Kennedy, followed by Alison Abrams.

MS. KENNEDY:

Good morning. My name is Nina Kennedy. I am here on behalf of Public Health Nursing. I'd like to read you a letter. This is from Sister Margaret Smyth, who is a Northport -- a North Fork Spanish Apostolate, and she's been working with Public Health Nursing.

"Dear Members;

I am writing this letter in support of the Public Health Nursing. They are very special" -- "they are a very special agency with people who are dedicated to the health and care of some of the most poorest people of our County. The nurses not only care for the sick and wounded, but they provide

information in order to help their entire families. I can say for myself that I have" -- "that have worked with many of the nurses over the years, and I have seen the impact of their work. They bring hope and courage to so many who are afraid. Their role is to be present for the community. Please continue to have them helping our communities. They are needed. Sincerely, Sister Margaret Smyth."

On a personal note, I have worked for Suffolk County Department of Health for 20 years in three previous positions in which these departments have been closed. I am currently working as a Public Health Nurse, and feel our nurses play a vital role to support and care for our vulnerable residents of Suffolk County. I would like to say that I am very privileged to work with a group of hardworking, dedicated, professional nurses who make a great impact in our community. I hope that you all will consider keeping us in the budget so we can continue this wonderful work that we do. Thank you.

(*Applause*)

D.P.O. CALARCO:

Thank you. Our next speaker is Alison Abrams, followed by Deirdre Wahlberg.

MS. ABRAMS:

Good morning. I'm the Director of this program, of these wonderful nurses that go out every day and do such a wonderful job. They're strong, compassionate and passionate people. I think you can hear the support from our program, and I also have other letters to support the program from Stony Brook University and others that feel we are so needed. That being said, I would like to discuss the finances of cutting our program.

They have told us that we're not going to be laid off. So we looked at how much money that would be, and then we looked at our revenues, and we looked at the actual cost of our program, and for 2015, it actually looks like the County would be losing \$250,000. So -- and we looked at our projected for 2017 and our revenue was up.

Because we're a progressive department, we took advantage of the Performance Management Team, and we are working very hard to make sure that our productivity is as best as it could be. We're closing every gap to make sure we're as efficient as we could probably be.

We know we needed to look at ways to increase our revenues and to decrease our spending. So to increase our revenues, we're looking at ways to get reimbursed for our screenings for SBIRT, which is the drug abuse program. We're looking at increasing referrals. We are looking at additional contacts with other HMOs, and we're even looking into Telehealth, because that seems to be a hot topic on the Hit Parade. To decrease our costs, we looked at each expenditure and tried to cut every single place we possibly could to still survive and maintain this valuable program.

So I also wanted to talk a little bit about the big picture of cutting costs for the County, and there -- we're having an aging workforce in Suffolk County, and we were always being asked, "Who's ready to retire, who's ready to go?" And in Newsday, they even had article that said, like, what -- you know, how could we get incentives. Well, I can't see if we don't have any money how we're going to get incentives. And so many people who would like to retire, but really still want to be productive members of this department and in all the departments I see in Suffolk County. So we were looking at that.

And I just took four members of our department that would be eligible, and with -- and then put back what we would be allowed to make at a part-time level, and for four people, the County would save \$225,000. That's big. That's a big number. And I didn't even include benefits. So we did look at other ways of saving money and still keeping vital services. This is a vital service.

So -- and look at -- I just wanted to say one more thing about part-time workers; if you look it up, just Google it, are usually very, very good. So I ask you, in summary, we respectfully request that you hear our voices and consider not eliminating this program. It is so vital. How can this be done? Thank you.

*(*Applause*)*

D.P.O. CALARCO:

Thank you, Ms. Abrams. Next speaker is Deirdre Wahlberg, followed by Gregory Noone.

MS. WAHLBERG:

Good morning. I'm Deirdre Wahlberg, and this morning I'm here representing Angie Carpenter, Islip Town Supervisor, and I'm going to be reading her comments.

"Members of the Suffolk County Legislature;

As the Town of Islip Supervisor, I am in complete support of Resolution 1872 for the funding of the design and planning of the Sayville Sewer Extension. My only caveat is that any offset that you have identified for this project not be the \$1 million that was previously included in the County Executive's 2016 budget, which was earmarked for the FIS Customs Facility at Long Island MacArthur Airport. We, the Town of Islip, will be using those funds, as we have already hired a consultant to commence the feasibility and design of this project.

I thank you for all of your efforts on behalf of this much needed economic development project that will not only benefit the Town of Islip, but all of the residents of Suffolk County. Angie M. Carpenter." Thank you.

*(*Applause*)*

D.P.O. CALARCO:

Thank you Deirdre. Next speaker is Gregory Noone, followed by Lara Urbat.

MR. NOONE:

Where did everybody go? Dia dhaoibh a chairde agus maidin mhaith, which means good morning, my friends. I regret to inform you today that the County Executive, Steve Bellone, has completely stripped our funding in the recommended 2017 Operating Budget. This will effectively mean the end of our 25-year record of serving people living with HIV and AIDS. We will also lose the Federal funds if there shall -- received as part of the Ryan White Grant aid to localities.

Our services will end on New Years Eve this year. Our staff of four dedicated persons will lose their livelihoods. Our offices will shutter on March 1st of 2017. Suffolk County will lose its only dedicated HIV/AIDS supportive services provider.

There are other agencies that do provide medical services. Some offer care coordination, others counseling, others housing, some advocacy. Some serve only women, some only LGBT, only minorities. We serve all. None offers the essential basic humane supportive services directly to all Long Islanders living with HIV and AIDS that we do. We do not single out race, ethnicity, religion, sexual or gender orientation. We don't care what your first language is or where you were born. If you are HIV positive, then we will do whatever we are able to keep you healthy and engaged in your medical care.

Beds, furniture, food, housing, warmth, cooling, clothing, personal hygiene, transportation, these are

not abstract ideas. These are not services tailor-made for public relations or flashy media displays either. These are real people's requests, your neighbors, your constituents, and, most likely, someone you know personally.

I spoke last week before the Budget and Finance Committee and gave them example after example of whom we serve and how. I have made copies for you to distribute today as well. Many of you know me and know what we do at our little Patchogue office. For those who don't, I've been involved with HIV/AIDS services and activism since 1989, and never have I been so worried for our continued existence. Much has changed over the years. Less people are dying. Gains have been made in both prevention, research and medicine. What has changed little is the perception, stigma and fear, whether overt from others, or internalized by those living with the disease who have learned to protect themselves as best as possible.

I stand before you this morning to say exactly what I told Newsday and News 12. I will never parade, before them or you, our clients as creatures to be pitied. I will stand in their place to beg you to keep our doors open to serve this group of people, whose confidentiality deserves to be maintained.

I report to each of you and our friends at Health Services every month the service units we've perform. I assure you that these coded names we send you are real people with real issues, real problems that can often be solved with a caring voice and a little hand-up.

We're winning the war on the AIDS epidemic. New infections are down. People are living longer, more productive lives. To pull the rug out and end the most successful and long-term HIV services agency is wrong and I beg you to not let this happen. Please restore our funding for 2017.

(*Applause*)

D.P.O. CALARCO:

Thank you, Gregory. Our next speaker is Lara Urvat, followed by Janine Pessah.

MS. URBAT:

Good morning. My name is Lara Urvat. I am with Nelson, Pope and Voorhees, and we are the environmental consultant for the Village of Southampton. We are requesting your approval this morning for funding for stormwater improvements that would aid in improving the water quality in Lake Agawam. Lake Agawam is a hypereutrophic lake that has been impaired for quite some time, and recently experienced a cyanobacterial bloom in June of 2016. These blooms are harmful not only to fish and wildlife, but to human health.

The improvements that we are proposing would aid in reducing the amount of nutrients that would enter the lake, and, therefore, improve the quality and health of the lake. And we just request your support and approval of this so that we can continue to improve the health and the quality of the lake. Thank you.

(*Applause*)

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

D.P.O. CALARCO:

Thank you. The next speaker is Janine Pessah, followed by Richard Sullivan.

MS. PESSAH:

Good morning, Legislators, and thank you for this opportunity. My name is Janine Pessah and I am the Coordinator of Volunteer Resources from Parker Jewish Institute located in New Hyde Park for health care and rehabilitation. I am here today to share with you a new community health program called the Caregiver Support Initiative.

Parker was awarded a multi-million dollar grant to provide free assistance for caregivers of Alzheimer's and other forms of dementia throughout Long Island. There is an estimate of 50,000 people in Long Island to have Alzheimer's and that is estimated to grow. Our research-funded grant is funded by the New York Department of Health and includes services such as support groups, consultations, joint enrichment opportunities, paid scholarships, education workshops and companions. Research shows with a few hours of respite for caregivers, it could prolong caregiving in the home for longer. With every dollar of grant money that we receive, we save taxpayers \$15 in delayed nursing home costs. Caregivers also find that their overall health and well-being improves. The eligibility of these services is not based on their income or their insurance; all these services are free.

I'm here today to promote awareness for this program and see how we can work together as a community to see share this program with our caregivers. I ask that you connect with myself and my team to help our caregivers who so desperately need our help. Thank you, Ladies and Gentlemen

Applause

LEG. CILMI:

Mr. Chair, I'd like to make a motion to extend public portion.

D.P.O. CALARCO:

Sure. We have a motion to extend the public portion by Legislator Cilmi. Second by Legislator Muratore. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Twelve (Not Present: Legislators Browning, Hahn, Barraga, Stern, D'Amaro and Presiding Officer Gregory).

D.P.O. CALARCO:

Okay, the public portion has been extended. Our next speaker is Richard Sullivan and he'll be followed by Richard Remmer.

MR. SULLIVAN:

Good morning to the Legislature. I never did this before. I'm here on this bill 1872, and you may have -- I'm sure you're going to find it very hard to believe, but I'm probably going to be the senior speaker for the evening on that subject. And being a senior and being in a position of being an observer, you can find that all of the next speakers are going to tell you all the stuff about who backs the sewers and how good the sewers are and all of that, every bit of it's going to be true. And then you're going to be able to compare the fact that Patchogue did sewers a long, long time ago and for us to financially do it now it's over twice the price, and if we don't pass this bill it's going to be four times the price. It only gets worse, and the water quality on the same scale only gets worse. All of this is just from years of observance from being an outsider.

I feel that after you gather all this information, you people sitting right here should realize that you have a golden opportunity to start the wheels turning to make the sewer district in a very bad area a whole better thing for our children, our grandchildren and the whole entire environment of Suffolk County can get changed on what you do today. So it's very -- I'm very happy you're paying

attention and I really think you need to support this, as we all do.

D.P.O. CALARCO:

Great. Thank you very much. Our next speaker is Richard Remmer, and he'll be followed by Patrick McGrath.

MR. REMMER:

Members of the Legislature, thank you very much for allowing me to speak this morning. I'm not sure I can say it much better than my neighbor Richard Sullivan said it a few minutes ago, or the Councilwoman Trish Bergin started the morning session by saying, or from the reading from our Supervisor in the Town of Islip, Angie Carpenter, or Ron Beattie who was here for the New York Rising Reconstruction Committee. This really is an amazing opportunity.

Four years ago with Sandy -- which is probably a little poignant today as Matthew approaches Florida -- Oakdale, West Sayville was devastated, make no doubt about it. Individual businesses were destroyed, homes were destroyed, we're still rebuilding. And part of that challenge is the average depth-to-groundwater is less than five feet. So you build a house, you put your cesspools up in the air to make Suffolk County Department of Health water services happy, and now your water in your cesspool is higher than your neighbor's yard or your neighbor's living room. We need to change that. And if we don't change it, the water quality in the Great South Bay, the water quality in the Connetquot River is going to continue to deteriorate. We all remember when there were clamors all over the bay and all of those visions, we need to turn that around; now is the time.

I'm a parks advocate. I serve on the Long Island State Parks Commission, I worry about water quality every time discussion comes up on the bathing beaches at Heckshire, the beauty of Bayard Cutting Arboretum and Jones Beach Park. Those are millions of visitors that come from not just Suffolk County, but from outside the County, outside the State that spend money. They're hard-working people who go to visit those parks; if water quality deteriorates, those parks will not be as valuable, they're not going to be the asset that they currently are. We need sewers to turn that around,.

After Sandy, the Town of Islip commissioned a study on sewer options, sanitary options for Oakdale/West Sayville. Those options included building a new sewer plant, included hooking up to the Patchogue system, it included putting in individual sanitary systems as well as hooking to Bergen Point. That fourth option is the one that the PW Grosser Study concluded, head and shoulders was the way to go. The funding that you're facing today in 1872 would make that a reality by putting the engineering in place so that this project would be shovel ready. Please, please take advantage of this opportunity, vote yes for 1872. Thank you.

Applause

D.P.O. CALARCO:

Thank you, Mr. Remmer. Our next speaker is Patrick McGrath followed by Scott Maskin.

MR. McGRATH:

Okay, good morning. My name is Patrick McGrath. I'm here to speak about Resolution 1872, to ask your support for that. I've been a long-time resident of Oakdale, living there approximately 35 years, and I just want to speak from a homeowner's perspective.

I had -- when I first moved to Oakdale, within a matter of years, being a good Irish Catholic, I quickly had four kids and I had a yard where my cesspools were in the backyard. Some of my neighbors had them in the front which was a little better situation, but in my situation they were in the backyard, and because of the high water table, my close proximity to the water, I was constantly

having problems with the cesspools, which made it very difficult for my four young children to enjoy the yard. And I found that many times when it came to communions, confirmations, graduations, or any large gatherings, many times myself and even my neighbors would opt to have it at a hall or someplace else because we were always worried about the problems with the cesspools having a large amount of people over.

So I just would like to ask your support for this. I realize that this is something that will be a long-term project, something that I'm probably not going to get to enjoy too much, but I would like for my children, for the younger residents of Oakdale and for people who move to Oakdale, especially South Oakdale, to be able to enjoy their property, and I think by having the sewers that would be a big help.

I grew up in Seaford. When I lived in Seaford as a teenager, we did have cesspools and septic systems. In the late 60s I can remember the sewers coming in and changing and what a great thing that was for my parents and for the residents of the area. So I please ask your support for this. I think it's a great thing. And this is just from a homeowner, but aside from the health issues and environmental issues, it's just a great thing that you can do for the community. Thank you.

Applause

D.P.O. CALARCO:

Thank you, Mr. McGrath. Our next speaker is Scott Maskin followed by Sharon Lieberman.

MR. MASKIN:

Good morning, and thank you for hearing us today. To those of you that are in your seats, thank you. For whatever's going on back there, I would have liked to see 18 people in 18 seats right now, we deserve that.

That being said, my name is Scott Maskin. I've been here several times to support the solar industry as well as the apprentice training program and I have proclamations on my walls for citizen things and business stuff. So today's all about the sewers for us. Last week Legislator Lindsay sat in an open house, a town hall type meeting, we talked about dredging of the canals. None of us left very encouraged that this was going to happen any time soon. Today we're sitting here talking about the sewers. This is a quality of life issue for us. Several years ago -- in 24 days my community will talk about Hurricane Sandy and the devastation. We didn't get headlines in Oakdale, many people lost businesses and homes and we fought and we kicked and we screamed for every little bit of service that we got in Oakdale. So today we're talking about sewers. We should not have to fight and kick and scream with this Legislature to get this thing passed. And please, not only do we want this passed, we want this expedited. Thank you very much.

Applause

D.P.O. CALARCO:

Thank you, Mr. Maskin. Our next speaker is Sharon Lieberman, followed by Vincent Caldone.

MS. LIEBERMAN:

Good morning. My name is Sharon Lieberman, I'm one of the Public Health Nurses. I'm just here, I would like to share two of the letters from Stony Brook Hospital whom we work very closely with. The first letter is from the Director of Social Work of Stony Brook:

"It has come to my attention that there will be a cut to Suffolk County public nursing in the next few weeks. We currently have a Public Health Nurse on-site, Sandy Segal, who covers our pediatric, mother/baby, NICU areas, and assesses cases and referrals for follow-up nursing visits at home, for our infants, babies and children are our most vulnerable population. Referrals are made for home

nursing visits on these cases based on clinical need and regardless of insurance, legal status and source of payment. Many of these cases involve children involved in child protection, children born to mothers addicted to drugs, children going home to homes where financial and psycho/social status is unstable, and clinically complex cases where extra teaching and education is needed. The cases of babies born into mothers using drugs is now a crisis in Suffolk County and is considered a public health issue. In many of these cases, the nursing visits serve as not only a means for continued health and wellness, but also as a means to avoid inevitable readmission. Many of these cases who live without the intervention of public health nursing wind up back in the emergency rooms in Suffolk County. More importantly, if these identified high-risk patients" -- I'm sorry. "If these identified high-risk patients have Medicaid and Medicaid Managed Care, most certified home health agencies in the County will not take the case. The Public Health Nursing system is oftentimes the only option.

They also take every child find referral which helps expedite early intervention. While often there are creative solutions to cuts and changes in budgets and loss of services, I do not see that in this case. There will be a barrier to safe discharge planning for the young patients at Stony Brook University Hospital if there is a decrease in the availability of Public Health Nursing." That was from the social worker.

The next one I have is from the nurse manager of the Anti-Partum Mother/Baby Unit:

"I am hoping that I am able to make an impact with my voice. Recently there was discussion about budgetary cutbacks that will significantly impact our Suffolk County patient population. With the recent social concerns, issues and needs of our patients, we can only rely on our visiting nurse service to be able to capture significant needs of our neonate, adult and peri-partum patients. In addition to our significant substance abuse issues and our obstetrical patients have additional comorbidities that rely on out-patient resources that provide our patients education, guidance and support. I do fully support the visiting nurse service resource of Suffolk County that has been a major resource for our organization for years. You have my full authority to use my name and request to endorse the needs and request for our County to remain an active consideration of the budgetary process for the County of Suffolk and the New York State Department of Health, with much gratitude for the services provided for Stony Brook University Hospital patients."

And both these women have left their contact information and have said you guys can reach out and speak to them on our behalf. Thank you.

D.P.O. CALARCO:

Thank you, Ms. Lieberman. Our next speaker is Vincent Taldone, and he'll be followed by Susan Tocci.

MR. TALDONE:

Good morning. You will all be very pleased to know I'm not here to ask for any additional money out of the budget, but I respectfully request a delay in my presentation until our Presiding Officer returns to the room. I think it's really quite urgent that he hear what I have to say and I've taken my entire day off.

D.P.O. CALARCO:

He's at the dais right now, sir.

MR. TALDONE:

Pardon me?

D.P.O. CALARCO:

He's at the dais right now. He may not be in his seat, but he's here.

MR. TALDONE:

Where might he be?

P.O. GREGORY:

Right here.

MR. TALDONE:

Okay. Good to see you. Very good, thank you. Again, my name is Vince Taldone. I am a member of the Flanders, Riverside and North Hampton Community Association's Executive Board. I have been its past President, a past member of the County Planning Commission and a city planner by training. I'm here today to ask for this Legislature to intervene in what I consider to be an improper policy by the County, and I actually have characterized it as immoral. There is community development fund money that is coming out of the CHIP Program, the Community Housing Improvement Program which was for very low income people who needed housing improvements, handicapped accessibility, etcetera. When they paid back those loans it went into a fund. The Town of Southampton has \$230,000 available in that fund, but the town has chosen to reallocate that money to far more affluent communities than the original money was intended for. We think that's wrong. We think the poorest people in Suffolk County ought to have that money allocated to the things that they need.

The split is between Hampton Bays and Riverside. As you all know, Riverside is undergoing a major revitalization. It is the number one hamlet in Long Island, both Nassau and Suffolk County, of economic distress, low income, crime, poverty, poor performance at our school which is now a failing school, better known by the State as a focus school. We have no, no park facilities that are of any decent quality. The two that are there are dilapidated, and we own 14 acres of water front property that can't be accessed by any of the poor people who live there, and modest income people who live there.

Hampton Bays has four or five major parks, including ocean-front parks, Shinnecock Canal parks, Meschutt, Tiana, Ponquogue Beach. Hampton Bays has no abandoned stores, has no vacant stores on its Main Street, but somehow the mapping and description of impoverishment paints a very different picture of this little area of Hampton Bays as a benefitting area. Whereas Riverside, which is to receive 20,000 of the allocation, 210,000 for this additional park in Hampton Bays which also got the good ground park, we earn in that area, my neighborhood, one-third of the income. The average price of a house in Hampton Bays is 489,000, in Riverside its 110,000. The unemployment rate is astronomical. There is no second home economy in Riverside, it's all people who work and struggle.

So we don't understand how this County can approve, because the County has approved, the reallocation of that money to another fabulous park in Hampton Bays when the community of Riverside, the poorest people in a community that is a majority/minority community, gets bus fare, \$20,000 which is nowhere near the money we need.

D.P.O. CALARCO:

Mr. Taldone, your time is up.

MR. TALDONE:

I know, my time is up. But I ask this Legislature to intervene. You have the oversight power, you can look at this policy and see whether it is fair. Should we be spending the poor people's money on the rich people? That's your choice. You can stop it and I ask you to.

Applause

D.P.O. CALARCO:

Thank you, Mr. Taldone. Our next speaker is Susan Tocci, and she is followed by David Schecher.

MS. TOCCI:

Hi. Good morning. I would like to reiterate what Mr. Taldone is saying. Being a resident of Flanders/Riverside my entire life, I'm so disappointed to hear where this money was allotted to Hampton Bays.

With that said, I think he's touched base on everything, but I'd also like to address another issue; the possibility of the closing of a rest stop that's located on Flanders Road, State Route 24. I believe it was sadly and wrongfully implied to Legislator Fleming that the community was in favor of closing this area due to the garbage dumping was the issue. I want to tell you that this rest area has been used for many reasons, and I don't believe that it should be closed.

As a volunteer of the local ambulance for over 20 years, I myself and the ambulance have used that. When we have a mutual aid to Hampton Bays, our neighboring district, that's one of our staging areas, our standby areas to stay by. My family has a long -- all snow plow, and going back and forth on Flanders Road myself in the middle of the night snow plowing, we pull in there. We pull in there, I see State trucks, I see County trucks pulled in there as well as my neighbors that go -- that utilize that rest area.

But besides all these other reasons, the most important reason is from a safety standpoint. My sister Barbara Tocci was killed a stone's throw away from this rest stop area. She was hit by a PSEG employee that was texting and from road conditions. I know Ms. Fleming, Legislator Fleming has tried to help in getting this rest stop named as a dedicated text stop. If this gentleman would have pulled in, my sister would have been here. I think it's very, very important in this day and age, when we see the increase in fatalities from texting, from the texting and driving, that we are trying to promote people to pull into these rest areas and not shutting them down because of an eyesore of garbage. The garbage issue does need to be addressed, but I don't believe shutting down this rest stop is the answer.

This road is a very dangerous road, it's a high speed road, it's very dark at night. And I myself have done numerous, numerous fatalities on this road, and I don't suggest anybody pull to the side of the road on Flanders Road. At the Community Civic Association meeting, our local community civic association meeting the other night unanimously, other than one person, voted for keeping this rest stop. So I'd like this to -- I really want to point out that there's -- that I don't believe that this -- that Ms. Fleming, that you were really pointed in the right direction on this, but I appreciate what you have done. Thank you.

Applause

D.P.O. CALARCO:

Thank you. Our next speaker is David Schecher, followed by Albert Marnell.

MR. SCHECHER:

Thank you very much for allowing me to speak. Welcome to my world, I am a husband of a Public Health Nurse. And the stories that you heard today has been pillow talk and table talk in my house for the last 42 years, and this rather unfunny joke in my house, that when I write a book it's going to be that it's hell living with a saint.

The type of things that these women deal with, as you've heard, are in most people's lives

catastrophic; in fact, in anybody's life a lot of the things they do are. What I would like to do is not reiterate the things that they've said but give you, first of all, a little bit of history from my standpoint. When my wife started here as a Public Health Nurse in 1974, there were 90 Public Health Nurses, there were 120 that were billeted for the County but there was 90 that were working at that point. There has been a continuous effort by County Executive after County Executive, it doesn't matter what party it is, to cut down those health services in this County and the only buffer from that has been this Legislature which has, up until this point, stopped them at every point from completely abolishing those services.

What has happened along the line is that they continually say they can't afford it. I went and looked and saw what my tax bill was for my general funding for this year. Ten years ago for everything, other than the Police and the districts and special things, my tax bill, in a \$10,000 tax bill for the last ten years ago was \$63, now it's 53, it's gone down. I don't feel good about that. I felt when the money is spent -- you've heard all the people that you've spoken -- that have spoken about the services that have gone on today, from the proclamations to everything else, have been things that the Suffolk County Legislature has helped. You haven't gone out in the street with these people, but you've made it so that they can and they want to keep doing that.

There have been attempts continually to try and cut back on the money. At one point my wife was a coordinator for Suffolk -- for Southside Hospital. She was there for 20 years, it was a wonderful arrangement. When they did their evaluation for Middle States, she was in on it. And one of the big things that they kept pointing to is that they have a close arrangement with Suffolk County. It was a big part of their getting the kind of evaluation that they were getting. They truly appreciated it. The County pulled her out. She was out for one year and at the end of one year -- and it was devastating to her and to the people in the hospital -- they realized that for some reason or other they had a \$450,000 deficit for that year that was coming on and the only thing that they could figure out was that the difference was that she'd be pulled out of Southside Hospital, and then they put her back in again, only to pull out again two years later.

(Timer Sounded)

So if they tell you that it's all about money, the money that they're dealing with is not always clear-cut and I hope -- I want to thank you for what you've done for us over the years. Thank you

D.P.O. CALARCO:

Thank you very much for coming today. Our next speaker is Albert Marnell followed by Stephen Ruth.

MR. MARNELL:

Good morning; good afternoon almost, I think. First of all, this is not police bashing. I first want to say, mention a law enforcement officer who has done some great things, his name is Steven Browning, that's the husband of Kate Browning, has done some storm mountain rescue. He's very skilled, New York -- NYPD, very skilled in military and aviation. But what I'm bringing up right now is something separate, so I don't want to give the impression this is about police bashing.

The off-duty officer that was charged in the wrong-way Suffolk County crash that killed one, there was no blood test given to him, and I don't understand that. To me it smacks of corruption. Obviously something is very wrong there.

The other issue I want to just quickly bring up here is, you know, we all -- we all know how costly the two main public servants are and I just want to quickly read this. I had -- I sent this to Jason Richberg. I don't know -- oh, my voice goes up when I come closer to this thing. He may have circulated it to you, it's from the Empire Center about Long Island's coming fiscal crash. Basically,

I'll scan over this part here.

Roughly two-thirds of the bill, the tax bill with Nassau and counties -- Nassau and Suffolk County's public schools, basically what it's saying, it's double. To look at it from a different angle, Long Island's 125 school districts spent 10.3 billion, this is going back to 2'12, 2'13, to educate roughly 450,000 students; 1.7 billion more than the total expenditure of Connecticut's 165 local and regional school districts which enroll 517,000 kids. That's obviously out of whack.

I bounced this off a friend of mine who is a retired lawyer in D.C., he lives in Maryland. I sent him the whole article, he wrote back to me, he said, "*These outrageous public contracts are debt-deal scandals are indicative of the institutional corruption and sweetheart deals which are classically New York but hardly limited to New York. It is as though New York has become part of Europe. California has its own version which even it's extraordinary growth can't support. Bottom line is corruption, whether old school or institutionalized, is the enemy of the economic prosperity*" -- "*the economic prosperity, freedom and dignity.*" And on that, I'll leave it, my time's up.

D.P.O. CALARCO:

Thank you, Mr. Marnell. Our next speaker is Stephen Ruth followed by Linda Frego.

MR. RUTH JR:

Good morning, Ladies and Gentlemen. I want to talk about a few things. One, first of all, I think that everyone's being lied to in regards to the County's bond status. I think that it's not a AAA bond rating. If anybody -- can anybody here who agrees with me please raise your hand? No, you think it's AAA? No? Okay. All right, well, I appreciate some honesty there. But we know we're being lied to, it's not a AAA status. We're in a serious financial deficit. The reason being is because there's too much private money in politics. I see that Legislator Trotta's not in favor of a lot of the land acquisitions and I agree with him. I would like to know, and I think everybody should know what these land appraisals are coming in at before anybody decides to buy open space to conserve land. I think that there's probably a misconception about what this land should be sold for and I think that it's probably being sold at more -- higher than market value.

Furthermore, I don't think that we should be buying open space land when we're laying off nurses and bus drivers. I think that we really have to prioritize and it's not being done. I think that a lot of private money in politics is the reason why decisions are being made and I think it's got to end. There's no reason why my opponent should have a million dollars in his campaign contribution war chest and I should be working with what I'm working with. It's not fair, it's got to end. The unions are buying politicians and it's all special interest money controlling your votes; it's got to stop. I'm not in favor of it, I'm sure a couple of other Legislators aren't in favor of it either. I do respect the fact that you guys are trying to vote on behalf of the people and I think that the people are becoming more conscious of what's going on.

What's going on also with the dismantling of the substance abuse infrastructure, we have to have more support staff for the drug addicts and the people that are overdosing. I also think that we need a civilian heroin task force to monitor the locations where people are overdosing, that way we can try and save their life. After the fireman or the police officer revives them, whether it be the Narcan spray or just a trip to the hospital, I think that that location needs to be followed up with to get that addicted person into treatment to hopefully save their life, and I don't think that's being done.

And then furthermore, cutting the infrastructure in regards to the substance abuse staff; that's not going to help save lives. We have to save lives and there's too many kids getting killed on a daily basis from heroin addiction in Suffolk County and their families don't have any recourse. And then when people have kids that are drug addicted, there's no place to put them because all the facilities are filled up. We need more facilities for these kids. I think that a lot of the people dying aren't even -- their stories aren't being told. They don't hit the newspapers, they don't -- nobody knows

about all the people dying, and it's worse than anywhere else in the country. So I think that we have to stick together and really take the bull by the horns, otherwise it's just going to get worse. So thank you very much.

Applause

D.P.O. CALARCO:

Thank you, Mr. Ruth. Our next speaker is Linda Frego followed by Eric Hofmeister.

MS. FREGO:

Again I'm here to represent we the people and posterity. Democide is defined as the murder of any person or people by their government. The SAFE Act is just one, in addition to the Red Light Camera Program, one more piece of Legislature that will lead to democide.

Michael McDermott quotes "*SAFE Act*," regarding the SAFE Act, "*To which study do they refer*," in answer to the question what is the cause of gun violence in the mass shootings? The answer is none.

Anthony Jacob Wolstein asked me to tell you, "*You have no right to invade the rights and privacy of anyone; stop now or be held accountable for your crimes under natural law.*"

Richard McCary wanted me to tell you that, "*If they don't remove the SAFE Act and add more gun control, we will invoke our Second Amendment rights and start taking back our country from the people we put in to protect our constitutional -- Constitution.*" And then he added, "*F-U, come and take it.*"

We the people demand to know why we and our children are forced into gun-free zones while government officials, celebrities and their children are protected by armed guards. We demand that you uphold the Constitution and the Bill of Rights as you swore to when you took office. Time and time again, as soon as guns are stripped out of the hands of we the people, governments engage in the mass murder of innocence. Those who argue for gun control seem to fail to understand that disarming citizens leads directly to concentration of power in the hands of evil government who, sooner or later, use that power to exterminate millions of innocent people in the name of love or whatever concept they wish to invoke.

I have a chart here I'm going to pass out that shows statistics of democide from 1990 to 1999, and it's in the thousands. So if you read 76,702, that means 76 million people. As you can see from the chart when you hand -- when you take a look at it, which is published by the University of Hawaii Researcher, governments are the number one leading cause of non-natural death in the world. A rogue government, such as governments here, strip away citizens' rights, and the University research shows that over 260 million people have been mass murdered by government since 1900. Merely every case of mass murder by government has been preceded by gun control.

It's time that our Legislature actually do the job that they're paid for and act on our behalf instead of special interest groups who donate to your campaign funds, like the police unions.

(Timer Sounded)

Abraham Lincoln said, "*The dead shall have not died in vain, that this nation under God shall have a new birth of freedom and the government of the people, by the people, for the people shall not perish from the Earth.*" We the people demand that you end the Red Light Camera Program and fail

the SAFE Act and stop the democide.

D.P.O. CALARCO:

Thank you. Our next speaker is Eric Hofmeister followed by Aaron Watkins-Lopez.

MR. HOFMEISTER:

Good morning, Legislator Calarco and Members of the Legislature. My name is Eric Hofmeister, I'm the District Director for Senator Tom Crocci. My office address is 250 Veterans Memorial Highway, Hauppauge, New York.

We're here -- I'm here today to speak about Resolution 1872 which is for the amending of the 2016 Capital Budget and appropriating funds in connection with the Sayville Sewer Extension. Senator Croci clearly supports this resolution. And as you know, this project provides for 53,000 feet of gravity-fed sewer main and two pump stations and will enable future connection of up to 9400 parcels along the South Shore in the Town of Islip. The project will have a positive environmental impact due to the high nitrogen producing characteristics of this area which has been well studied and documented. It is our hope that this action will not take money and funding from other communities' significant projects in our districtS and -- sorry.

This project also will allow for the Town of Islip to do smart growth and planning in these areas which are impacted by this project with the appropriate community input. The Senator has been diligently working to secure construction funding for projects within his district, including this one, and he will continue those efforts. With that, we ask that you support this project and pass this resolution. Thank you.

Applause

D.P.O. CALARCO:

Thank you, Mr. Hofmeister. Our next speaker is Aaron Watkins-Lopez followed by Nancy Marr.

MR. WATKINS-LOPEZ:

Good morning. My name is Aaron Watkins-Lopez, I'm a member of the Long Island Bus Riders Union. In one of the previous meetings that I attended and spoke at, the question of what is the STOA formulation came about. I don't know if you ever got that answer but I'm going to tell you right now; 41 cents per passenger, 69 cents per vehicle mile. Nowhere in this formula does it say *as needed*. If you cut service, you will start a downward spiral of defunding from the State of our bus system. There is no, *Oh, they're going to pick up the slack next year*. There is no, *Oh, if we cry hard enough, if we played these games with the State, they're going to give us the money because we need it*. There is a formula. The formula says riders plus service miles equal funding. If you cut 400 riders from the route and you cut ten routes, you're going to lose money.

On top of that, I understand -- you know, I did speak to some of the Legislators here and I do thank you so much for your time. But you all will be affected, if not the first wave, then the second wave of cuts; if not the second wave of cuts, then the third wave of cuts. Starting next Monday, when you cut those bus routes we will not have buses in ten years, and I can promise you that. Because the State's not going to pay for Suffolk County to cry and say, *Well, we don't think it's practical to give a public service to the people that need it, while everybody else at the top gets raises*. So I would just like to remind everyone that if you cut this bus service -- remember, 41 cents per rider, 69 cents per vehicle mile -- you cut any service, you cut your funding.

As Eric Alexander had said a couple of hours ago, there is money. There is money that you could call right now to Steve Bellone's office and tell him it's imperative that you move this money to the buses. Right now our County Executive thinks by abandoning and really just stranding the lowest

income people on Long Island and the most disenfranchised people on Long Island, Suffolk County's going to realize we're in a fiscal deficit. That's not how it works. Cutting off services to the most disenfranchised -- and the neediest people in the County never tells the people at the top, *Oh, we need to take the structural deficit seriously.* But I can guarantee if all of a sudden everyone started getting pay cuts, everyone that gets over \$100,000 in pay -- if they got pay cuts, they would listen.

I would also like to tell you that there is STOA money available that has not been allocated yet. There's \$4 million at the State level. I have been calling, I know the Federation of Labor has been calling, but this County needs to do something, but you need to also put in the effort. The State will not give you the money if you cut these buses, but if you cut these buses you'll definitely get less State money. Thank you.

D.P.O. CALARCO:

Thank you. Our next speaker is Nancy Marr, followed by Johnny Mora.

MS. MARR:

My name is Nancy Marr and I'm speaking as an individual. I have been a member of the Suffolk -- now it's Hudson River Health Center Advisory Committee, it was originally the Suffolk County Health Center for many years. And I am -- I do want to protest the cut in the budget for Public Health Nurses.

We will not reduce the cost of health care without improving the health care of individuals. Suffolk Public Health Nurses are embedded in our communities, and as such they are vital to the intraprofessional teams needed to assure that all people have equitable access to quality care and healthy environments. Medical professionals have come to realize the importance of the many road blocks that individuals experience when they attempt to improve their health. Physicians and clinics are being asked to consider environmental and family factors, as well as physical and medical ones, and are looking toward developing integrated service models that can help patients find the support and resources that can help them deal with chronic diseases, first-time parenthood. Hospitals are being required to provide the resources that patients need to avoid readmission or they're being fined.

If public nursing nursing is cut all together, who will take on the responsibility of reaching out to patients who are vulnerable, geographically or emotionally isolated and who try to overcome their medical problems by reliance on emergency room care and other expensive treatments or by neglect?

I also want to speak briefly against the cut of the ShotSpotter in Bellport. It has proved to be an effective deterrent for gun shooting in our area and I think many people in the community will be exceedingly disappointed if it's removed and we'd go back to having more gunshots. Thank you.

D.P.O. CALARCO:

Thank you, Nancy. Our next speaker is Johnny Mora followed by Chief Cameron.

MR. MORA:

Good afternoon. My name is Johnny Mora, I am a Program Coordinator NBLCA, National Black Leadership Commission on AIDS. NBLCA, it's a 503(C)3 -- no, I'm sorry, 501(C)3 non-profit organization with a mission to educate, mobilize and empower communities of colors and their leaders, to meet the challenge and fighting HIV and AIDS and other health disparities in their local communities. Founded in 1987, NBLCA is the largest and oldest non-profit organization of its kind in the United States.

I'm here to -- some of you have sent a letter, a note about our organization, now open in Suffolk

County. We are nationwide in New York and our headquarters is in Harlem, New York. We have offices in Rochester, Buffalo, Syracuse and Nassau, and now in Suffolk. I'm here to put myself and services to collaborate in unity with the communities of colors and of communities here to let everybody know that HIV is still in existence and it's a big problem with the community and those who are unaware of being infected and not being in treatment. Please help me. I am here to collaborate with all the communities. Thank you so much.

D.P.O. CALARCO:

Thank you, Mr. Mora. Our next speaker is Chief Cameron.

CHIEF CAMERON:

Good morning, everyone. I am here representing the Suffolk County Police Department. I'm speaking in support of IR 1180 which bans the sale of Kratom, and IR 1758 which bans the sale and manufacture of the synthetic Opioid U-47700. Both of these substances have been determined by the Drug Enforcement Administration to have no medical value and they are both addictive. Currently they are not regulated by the Federal government, New York State, so they are not banned in Suffolk County. So it is the opinion of the Police Department that banning these substances will help us with the Opioid addiction crisis and we support the passage of the legislation. Thank you.

D.P.O. CALARCO:

Thank you, Chief. Our next speaker is Paul Musso.

MR. MUSSO:

Good afternoon. My name is Paul Musso. I'm just requesting your reconsideration to one of the Operating Budget items with the increase of the \$300 for mortgage fees. As you guys know, people are fleeing Long Island due to increasing miscellaneous fees that act more like backdoor taxes. These fees equate to approximately 60% to increase in the General Fund. As you look at it, this is a real estate backdoor tax, right as the market's really recovering from years of hardship. I feel like we're living in a third world country where we have exorbitant fees and, again, just another way of getting backdoor taxes.

Young couples are trying to make it on Long Island, yet have another fee which will make or break their ability to stay right here on Long Island. Older citizens who refinance their mortgages yet have another unburdened fee that might already have burdened them from staying here. When will this stop? Is the end in sight to this timeless amount of fees that our County pays? Thank you.

D.P.O. CALARCO:

Thank you, Mr. Musso. I have no other cards. Is there anybody else in the audience who would like to address the committee? Sure, come on up, sir, and just state your name for the record and then afterwards fill out a card that the Clerk will give you.

MR. CROWLEY:

Thank you very much. My name is Tom Crowley, I live in Oakdale. I actually own a number of properties in the Oakdale and Sayville area, seven of them to be exact. Two of them are large marinas; one is Greens Creek Marina, the other one is Oakdale Yacht Service. I've been in the neighborhood there over 30 years. I came from Babylon, I grew up on Bergen Avenue where the plant is; it was there when they built it. It was a huge inconvenience for the entire neighborhood and there were a lot of bad things said that were going to happen when the plant went into effect, namely the lakes dropping and the salinity of the bay going up; none of this happened. It was the best thing that ever happened to that end of the bay, economically speaking and environmentally speaking.

I employ about a hundred people seasonally. We gross about \$10 million a year in income between all of our operations. The Snapper Inn was here before, there's a number of us that really need these sewers. Without that clean water, without that bay, we will not have the jobs. We will not have the bay for all the people to recreate in. We truly need this 1872 passed to keep our way of life going and to really keep Long Island Long Island. That's why we lived here, we live on an Island, let's keep it beautiful. Thank you. And I support the resolution.

Applause

D.P.O. CALARCO:

Thank you, Mr. Crowley. Are there any other members of the public who would like to address us at this time? Seeing none, I'll make a motion to close the public portion.

LEG. CILMI:

Second.

D.P.O. CALARCO:

Second by Legislator Cilmi. All those in favor? Opposed? Abstentions? Public portion is closed.

MS. ELLIS:

Seventeen (Not Present: Legislator Spencer).

D.P.O. CALARCO:

And I'll hand it back to Presiding Officer.

P.O. GREGORY:

Okay. Next on our agenda we have ***Reports and Statements***. We do have a request from Deputy County Executive Jon Schneider to speak on behalf of the County Executive.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

Thank you very much, Mr. Presiding Officer. And good morning, everyone. This is a little bit of a rare sight. In approximately five years in office, this is just the second time that I have utilized the time allocated to the County Executive's Office. We try only to utilize this time you've allocated for matters of importance and urgency, which is what brings me here today.

Several months ago, as members of this body are aware, Newsday and other media outlets published reports that a sitting Assistant District Attorney, Mr. John Scott Prudenti, supplemented his income by renting out his boat to members of the defense bar. These reports, which on their face appear to be a clear and flagrant violation of our County Ethics Code, were subsequently confirmed by the District Attorney's Office. This acknowledgement comes on top of media reports indicating that multiple officials with knowledge of an investigation into the DA's Office had evidence that ADA Prudenti accepted a bribe in exchange for helping win the early release of a convicted violent felon. Yet despite all of this, no action has been taken against this individual; in fact, he continues to exercise authority as a Bureau Chief in Suffolk County courtrooms. He continues to represent the people of Suffolk County as though he may not be facing off against some of the very same defense attorneys who rented out his boat.

Based on these disturbing facts, Newsday put in a Freedom of Information Law request for ADA Prudenti's financial disclosure forms in order to shed further light on this subject. It is clear under Suffolk County Law that financial disclosure forms are public documents. Section 7714 of the Suffolk County Code states, "*Information filed and financial disclosure statements required by this article shall be maintained by the Board and shall be made available for public inspection upon written request.*" Yet Newsday's FOIL was denied. I'm not here to debate the flawed reasoning of the Counsel of the Board of Ethics who withheld this document from the public. I am here, however, to

urge this Legislature to use the power that it wisely gave itself today to strike a blow for transparency in Suffolk County and to order the release of this public document.

As the Counsel to the Board of Ethics opined in a media report earlier this week, Section A30-8 of the Suffolk County Code gives the Suffolk County Legislature the power, by a two-thirds vote of this body via Procedural Motion, the power to compel the release of a document. The County Executive cannot make such a request. He cannot introduce a Procedural Motion, only one of the 18 members of this body can. It is a power that the Legislature very wisely invested in itself as part of the oversight responsibilities of this body. It is a power that is rarely invoked and it is a power that I urge you to invoke today.

A financial disclosure form is a public document. Given what we know about this individual, there is an urgent need for the public to know more about the behavior of this active, current Bureau Chief who is undertaking one of the most important and sensitive responsibilities representing Suffolk County residents in a court of law.

We know that Newsday is weighing its legal options to appeal the denial of its FOIL request. We can all agree in this room today that it would be a stain on this County and an outrage to taxpayers if Suffolk County taxpayers were forced to bear the expense of paying for lawyers to argue in a courtroom against disclosure, against transparency. By exercising your oversight powers and compelling the release of this information, you can avoid that shameful situation from playing out.

Again, the fact is that a financial disclosure is a public document. If it's not going to be available for public inspection, particularly when there's a clear public interest, I don't understand why it even exists at all. And there is no exception in the law for Assistant District Attorneys. The only exception set forth in the law is Section 77-14B which allows an employee, at the time a statement is filed, to submit a request to the Board of Ethics requesting that an item disclosed in the statement be withheld from inspection on the grounds that inspection would constitute an unwarranted invasion of privacy or a risk to the safety or security of such person. If such a request is made, the Board of Ethics is required to evaluate the request and withhold any such item from public inspection upon a finding by the Board that the inspection of such an item by the public would constitute an unwarranted invasion of privacy or a risk to the safety or security of any person.

In an effort to clarify this process going forward, we have submitted a Local Law which we are laying on the table today which will make clear that financial disclosure forms are public documents subject to public inspections and we look forward to working with the members of this body to enact that law within the next several cycles. But that does not address the urgency of today. You have before you a specific problem that a public document has been denied to the media related to an active, current Suffolk County employee. You also have before you a solution which any member of this body can put forward a Procedural Motion and by a two-thirds vote you can undertake an important step for transparency and restoring trust in government.

I know that no member of this body wants to see taxpayer-funded attorneys forced to argue against transparency in a court of law. This whole situation could have been avoided, quite frankly, if this individual had simply shared this information; he has not. This could have been avoided if the District Attorney's Office had taken action against this individual or compelled release of this information; they have not. This could have been avoided if the Board of Ethics had simply followed the disclosure rules set by this body and responded affirmatively to the FOIL; it has not. It now falls to you. Fortunately, doing the right thing in this case does not require any expenditure of funds. It does not require creating any new positions, it doesn't require creating any new rules. It simply requires one of 18 members of this body to make a simple motion and for 12 members of this body to vote yes on that motion. It is a power you wisely gave yourselves for moments just like this and it is a power we urge you to undertake today. Thank you very much.

LEG. TROTTA:

Can I ask him a question?

P.O. GREGORY:

Yes, you can. But I must state, and I am -- oh man. There was a compromise. The County Executive's Office had wanted to get a Procedural Motion, you realized you didn't have the votes to get a Procedural Motion so you laid on the table a resolution, which you alluded to, and you asked -- you mentioned to my staff, my Chief of Staff that, *If you allow us to speak, that's the compromise. We'll just lay the bill on the table and that's it.* So you used the opportunity to speak to try to persuade the Legislature for something that you didn't have the support for or you throw this -- you lay this initiative on our lap, which I'm insulted, I really am insulted. This is -- oh, my God. I'm trying to control myself.

I don't -- I don't like when the Legislature is being used and abused and I very much feel that you're taking advantage of the situation. If we have a verbal agreement on something, we should stick to it. You guys keep pushing this agenda and I don't know what it's for, but these people here shouldn't be involved in that agenda. There are important issues that are pointed out, that information should be released, but that should be looked into in a timely manner at our jurisdiction and in front of the Ways & Means Committee and not thrown in our lap 36 hours after some press conference. This is not a whipping board. We have a deliberative process and we should be respected to go through that process. Not just be bandied about because someone has a personal agenda. And if we agree to something, we should stick to that. That's all I have to say. You have a question, Legislator Trotta?

LEG. TROTTA:

A question and a statement. You know, we had a Chief of Police on the cover of Newsday for having sex with prostitutes. He was on the cover for being investigated by the FBI, and then the County Executive says, *Oh, I stand behind him.* What, did he find God all of a sudden? All of a sudden now this is a big thing and this is going to happen? It's -- and the taxpayers, wait till you see the lawsuits we're going to have from keeping this guy there? It's ridiculous.

I'm assuming the Feds are looking at all of this. I would -- I'm for transparency and everything, but I'm disgusted by the fact that the County Executive would send you here after doing what he did. It's the most despicable thing I've ever seen, it's reprehensible and it's an insult to everybody who knows what's going on in this County that he stands there and all of a sudden he's the purveyor of goodness. *Oh, it was transparency;* he's the biggest crumb there is in this entire County.

Applause

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

Is there a question there?

LEG. TROTTA:

The question is why didn't he do this with Chief Burke? How come he didn't do this; can you explain that to me?

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

I am simply here to note that there is a public document that we believe should be disclosed to the public that we are urging to disclose as soon as possible, and we are going to push for every opportunity for disclosure of this -- of these documents related to this individual who is a current, active -- we are dealing with a matter simply before us, which is an active employee, where there is a clear public need, clear public benefit for getting information out. If that's not something that

folks wish to act upon today, that's the prerogative, but that's the -- that's the stance that this office has on this matter.

LEG. TROTTA:

Why didn't he have it when the Chief of Police was on the cover of Newsday for having sex with prostitutes? He did nothing. While he was being investigated for beating a guy up in the precinct, he did nothing. No Internal Affairs, no anything, and he had the ultimate power to do it. He did nothing, zero. And then he makes pretend, *Oh, I didn't know.*

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

We're going to talk about past employees, not current ones.

LEG. TROTTA:

Absolutely, a hundred percent. You know why? Because that's going to cost us millions of dollars.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

All right, we'll just keep talking about past employees.

LEG. TROTTA:

I'm not saying I'm not for this, but I find it hypocritical that all of a sudden he's found God and this is what's important to him. It's absurd.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

I don't think it's really a religious matter, but fair enough.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

Jon, could you please pass on to the County Executive that while we are all for transparency, this has to be analyzed clearly. There are many positions in this County, including ADAs, that deal with confidential information, etcetera, etcetera, etcetera. I do not know why the Ethics Board did not send out to Newsday their FOIL request; I have no idea. Things have to be vetted, we can't have it shoved down our throat. Thanks.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

That was for Legislator Fleming.

LEG. FLEMING:

He was just trying to get your attention, he's bigger than me.

P.O. GREGORY:

Oh, I'm sorry. Legislator Fleming, sorry.

LEG. FLEMING:

Thank you, Mr. Presiding Officer. And thank you, Mr. Schneider, for coming in and speaking with us. I -- you know, whatever the past history is, I wasn't here. But I can say, as a former Assistant District Attorney, I'm alarmed by the fact that a very senior member of the District Attorney's Office who does have the power to make decisions with regard to plea agreements and charging issues, you know, whether someone's going to be charged, what they'll be charged with, whether you present something to the Grand Jury, whether you don't. You know, when you're a line assistant,

you go to the Chief of your bureau and ask those questions, they make the final decision. This is a person who has a lot of power.

I don't see anything in the law -- it's not my area, but I don't see anything in the law that would support the denial of this FOIL request. I mean, the name of the document includes the word *disclosure*, the point of it is a financial disclosure. So I, too, am alarmed at the position of the Ethics Board. Alarmed and confused, I have to say, at the position of the Ethics Board that this shouldn't be released.

That being said, if we do not have -- two-thirds majority is a substantial number of people around the horseshoe. And if there isn't support for that, and I hear that there's not, I am the Chair of the Ways & Means Committee and I do feel that the folks at the Ethics Board who are responsible for this decision, which seems to me to be a questionable decision, need to come before the Ways & Means Committee and describe for us the reasons for this. And my goal would be to get this financial disclosure form disclosed, I think it is important to the public.

So I do appreciate this being brought to our attention. And as I said, as the Chair of a committee that does oversee ethics in the County, I think it would be very appropriate and I would like to take that step of calling whoever it is in the Ethics Board or the Ethics FOIL Office forward to the committee to explain their reasoning.

P.O. GREGORY:

Okay. All right, Legislator Cilmi.

LEG. CILMI:

Thank you. I just want to make sure I understand this, Jon. The request that was made to the Ethics Board was made by Newsday; correct?

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

Correct.

LEG. CILMI:

And the County Executive is responding to the denial of the Ethics Board to Newsday's FOIL request; is that correct?

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

Correct.

LEG. CILMI:

Has the -- if I'm not mistaken, I believe anybody can file a FOIL request with the Ethics Board. Has the County Executive filed a FOIL request with the Ethics Board?

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

For this information, no. But presumably, we would receive the same response that Newsday received.

LEG. CILMI:

Well --

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

And somebody pointed out --

LEG. CILMI:

Do you know what the response was? Have you seen the response?

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

I have subsequently been made aware of the response, yes.

LEG. CILMI:

But have you actually seen the response? Do you know why the information was denied, why the request was denied?

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

The information was -- my understanding is that the information was denied based upon a supposed law enforcement exemption which does not exist within the Suffolk County Code. But more importantly, the remedy that exists, which was pointed out in a media report by the Counsel to the Ethics Committee, specifically said that --

LEG. CILMI:

I know what the remedy suggests

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

Yes.

LEG. CILMI:

But the question is we rely on the Ethics Board for many things.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

Uh-huh.

LEG. CILMI:

And we've appointed people to the Ethics Board who we believe are beyond reproach, who will look at matters fairly and justly and release documents that are appropriate to release and not release information that's inappropriate for some reason to release. I have no knowledge of why they have withheld this document; I have not seen the request from Newsday nor the denial from the Ethics Board. But I would suggest to you that if this is something that the County Executive wants to learn more about, then maybe the County Executive should file his own FOIL request with the Ethics Board, allow the Ethics Board then to respond to the County Executive and then the County Executive can have a conversation with the Ethics Board with respect to their response.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

I appreciate that. I mean, the County Exec -- the County Executive's response has been to put forward an amendment which we are laying on the table today which simply -- which clarifies the law basically to say what we think it already says, but to make it more clear that a financial disclosure form is a public document to be shared with the public.

LEG. CILMI:

But he's reacting to a denial by the Ethics Board to a Newsday request.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

Well, he's -- correct, he's reacting to the denial of a public document by the public, and a document which should be available to the public. So --

LEG. CILMI:

But it was requested by Newsday, not by him.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

That's irrelevant. The fact that Newsday --

LEG. CILMI:

I don't know that it is. I mean, he does not have the right to know why the Ethics Board denied that request.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

No, but as a public -- as a duly elected public official, he has the right to suggest changes to the law to conform with the belief that public documents should be shared with the public. Why the Ethics Board had the flawed reasoning they did is, frankly, irrelevant to our thinking on this matter. The bottom line is it's our belief that this is a public document, that financial disclosures in general are public documents that should be shared with the public. I actually think --

LEG. CILMI:

You believe there should be no exemptions then? Do you believe that every financial disclosure form should be released regardless of implications for law enforcement officials?

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

Well, there is a specific -- there is a specific exemption which exists within the law for officials to request redaction of specific information.

LEG. CILMI:

Yeah, that wasn't my question, though.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

There is nothing that speaks to a wholesale denial, no.

LEG. CILMI:

And you don't know exactly why there has been a wholesale denial in this case.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

It's immaterial.

LEG. CILMI:

I don't think it is. But nevertheless, not to spend time, additional time on this, but clearly it's a complicated matter at the very least and should be discussed in committee.

P.O. GREGORY:

And Jon, let me say, I don't -- I think I can speak safely for everyone here that the actions of this individual everyone's against and they believe are egregious. So it's not the ins or the aspect of it that there's a disagreement, it's just really about process. And I do think that you guys are misinterpreting this mechanism, and I'll ask George, our Counsel, to clarify. If we were to pass a Procedural Motion, George, under the law and the intent of the law, would we be able to disclose that information to the public?

MR. NOLAN:

The law really doesn't speak to that, but just for some background on this particular issue. The section that the County Executive's representative is alluding to was placed in the code because five, six, seven years ago the Legislature undertook an investigation of the old Ethics Commission. The committee that was charged with doing that investigation requested records from the Ethics Commission, the Ethics Commission did not provide the records, we served a subpoena to get the

records, they moved to squash the subpoena; eventually the court said the Legislature had the right to get those records. So when we revised the Ethics law five or six, seven years ago under Bill Lindsay, we made a point of putting something in here to state that if the Legislature, while performing -- you know, in its oversight function, asked for records from Ethics, that they would provide us with the records. I don't believe it was the intent at that time, I don't remember it being discussed, that if Ethics decided to withhold a financial disclosure statement, we could request that record from them and then publicize it; that was not the intent of that section.

I will state that apparently the attorney for the Ethics Commission cited this section of our law as if the Legislature could just override a determination of the Board of Ethics, and I think that was incorrect in him citing this and saying the Legislature can easily solve this problem by a two-thirds vote.

I think the Ethics Board -- I agree with the County Executive, I think the record that was requested by Newsday is a public record. I don't see anything in our law that has an exemption. And I have read the opinion from the Board of Ethics that was given to Newsday and I totally disagree with their argument. I think it's weak. And I think it is correct that the Ways & Means Committee should have the Board of Ethics in, their Executive Director or any Board Members and have them, you know, explain their reasoning. But, you know, that is where that section of the law came from.

P.O. GREGORY:

All right. Legislator Muratore.

LEG. MURATORE:

No, I didn't have anything.

LEG. HAHN:

(Raised hand).

P.O. GREGORY:

Oh, I'm sorry, Kara. Legislator Hahn, excuse me.

LEG. HAHN:

Thank you. Can we get a copy of the denial?

MR. NOLAN:

I have a copy in my office somewhere, I'd be glad to try to locate it and I'll give you a copy.

LEG. HAHN:

I think -- because I'm curious as to does it refer to anything other than this law enforcement exemption that doesn't exist in the law?

MR. NOLAN:

The first point was a Federal statute which talked about a law enforcement exemption, which I really find that is no basis, under our Local Law, for denying -- in fact, there's really -- there's nothing in our law that talked about the Board of Ethics being able to deny outright a request to inspect a financial disclosure statement. So they, I guess on their own power, decided that they had that authority, but it's certainly not within our law, their ability to just say flatly, *We're not going to give you a statement*. You know, I think it would be within their power to redact certain information, they can redact values and so forth, but the flat-out denial I think was incorrect and not the intent of the Legislature when it enacted this law.

LEG. HAHN:

It doesn't refer to any Federal investigation or anything that we're --

MR. NOLAN:

The Federal statute was designed to protect undercover agents, undercover police officers. Obviously the person who they requested the record for everybody knows is in the District Attorney's Office, he's been in Newsday multiple times, everybody knows his identity. So to cite that statute I don't think is enough.

LEG. HAHN:

Okay. I just feel like we absolutely have the right to understand why our board is denying access. I completely agree with Ways & Means Committee Chair Fleming and I'm pleased that she's going to -- as Chairperson of the Ways & Means Committee, going to be investigating this further. I think, you know, we need to move forward with the County Executive's Local Law and clarify this, if there's any remaining confusion.

I do want to understand -- and I just want to confirm, and I'm sorry if this is a duplication here, but there is no -- any kind of exemption, wholesale denial for law enforcement on disclosure.

MR. NOLAN:

Not in our law.

LEG. HAHN:

Right. And our oversight function of the Legislature is an incredibly important function that we hold. Is there any difference in allowing disclosure if we operate through a committee versus through action taken by the full Legislature? Should a committee request the report versus a vote by two-thirds of the Legislature? Is there any implications or difference in the law between actions by either body?

MR. NOLAN:

Was that directed to me, Legislator Hahn?

LEG. HAHN:

Oh, yes, I'm sorry.

MR. NOLAN:

Could you please clarify? I'm not sure what the question is.

LEG. HAHN:

So if the committee requests, you know, whether it be an Executive Session or requests, as oversight body, the disclosure form, versus if we voted by two-thirds of our members to request the form here at the Legislature; is there any difference between the action of the full body versus the action of a committee in allowing our disclosure to the public if we were to get that document?

MR. NOLAN:

The section cited by the County Executive simply states that the Board will provide all documents requested by the County Legislature or a duly authorized committee of the Legislature that is exercising oversight of the Board, but such a request has to come by a Procedural Resolution and a two-thirds vote. Because, again, you have to be sensitive to the demise of the old Ethics Commission where there were allegations of improper political interference and influence. So the sponsors of the new law made it a little more difficult for the Legislature to get records, that it wouldn't be done willy-nilly and it would be by at least a super majority vote, but it has to be by the full body.

LEG. HAHN:

Has to be by the full body. Okay, I'll yield for now.

P.O. GREGORY:

Okay. Legislator Trotta?

LEG. TROTТА:

Yeah, I just -- I mean, is it possible that they didn't do this because there's a Federal investigation and they were asked not to; is that some kind of possibility there?

MR. NOLAN:

I can't really respond to that.

LEG. TROTТА:

I mean, would that be a legitimate, legal reason why?

LEG. HAHN:

(Inaudible)

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

That's not the reason I cited.

MR. NOLAN:

You know, they have a lengthy explanation. There was no illusion to an ongoing investigation, so I --

LEG. TROTТА:

If Newsday asked for any of ours, would they get it?

MR. NOLAN:

Yes, I think that --

D.P.O. CALARCO:

(Inaudible)

LEG. TROTТА:

You know, I hate to say this, but I'm siding with the County Executive and I think that --

(*Laughter*)

-- you know, this might -- I'm not against waiting a month because it's been 15 years since this has been going on.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

You may hate to say it, but it warms my heart to hear it.

LEG. TROTТА:

Then I'm here to warm your heart, Jon.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

Thank you, Legislator.

P.O. GREGORY:

Legislator Barraga.

LEG. BARRAGA:

I think it was back in 2012 where this Legislature made a decision and, as was pointed out by George Nolan, that Bill Lindsay was a strong advocate of revamping the Ethics Board as it existed at that time.

And since this new board has been in effect, I don't recall of any real problems coming up in the last five or six years other than this particular issue. And I think their decision was predicated, if I read correctly, on a Federal Statute excluding certain law enforcement officers from having to financially disclose, through an Ethics Board, their documents. So it's a question of debate.

I don't know if they're right or they're wrong, but one thing I do know, putting financial disclosure aside, you will eventually get a ruling or a decision by the Board of Ethics concerning this individual and his actions. The question is when is that ruling going to come? Does it come tomorrow, three weeks from now, six weeks from now? I mean, I know I've had situations where I made requests of the Board of Ethics and often it took several months before I received a decision. So the fundamental question, the objective of getting a ruling or a decision, you will get that, it's just a question of when. Because if a decision comes tomorrow, this whole question of financial disclosure is almost pushed aside.

And candidly, candidly, I'm a bit surprised, I'm a bit surprised that, Jon, you're here on this particular issue. I'm sitting here with the other Legislators listening to Public Health Nurses who are going to lose their jobs and bus routes that are being cut, we're looking upwards of a \$400 million deficit; we have major, major problems. Yet in my office, and maybe I'm an anomaly, the last hundred people in to see me, nobody was talking about this particular issue. It seems to be an in-house, political issue that the people really don't care about. What they care about are the services that they currently enjoy, and because of the deficit, those services will be either be severely cut back or eliminated. That's where we have to concentrate our time, not this side-bar issue. It's strictly in-house, it's with the Board of Ethics, leave it there, let them make the decision.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

And just to respond very quickly. You know, I would say this. You know, first and foremost, to a couple of points that were made, I'm here, frankly, because we have great respect for this body and the ethics laws of this County. And quite frankly, it pains me that it -- you know, that it does come to this, because I think this is actually a pretty simple matter which should have been disclosed.

However, I do think it's important to note, these issues of disclosure, these issues of, you know, whether or not there are two systems of law in this County and, you know, disclosure for some and no disclosure for others, I think that is -- you know, with all due respect to a number of other very important, very critical issues which we spend a great deal of time and rightfully so on, these are issues that are central, that are at the core of this government. So, you know, maybe, you know, there -- you know, they tend to be a little incitery at times, but I think they are so fundamental to this government, to this County that they merit discussion, and that's what brings me here today. But that's not to say that I am in any way, you know, dismissive of any other issues; and believe me, we spend quite a bit of time on them. But the point is well made and well taken.

P.O. GREGORY:

Okay, Legislator Lindsay.

LEG. LINDSAY:

Thank you, Mr. Presiding Officer. I just want to speak in favor of this. Given the powers that a

Bureau Chief is afforded and given the fact that some of these powers are exercised, not in the public domain but in private, in my opinion it's an even greater reason that we should release these documents and that a public disclosure form is simply made to be released to the public. We all complete those forms on an annual basis, and I know personally myself, as I completed, I know that at any time it could be made public for anyone that requests it. So to ask anybody within the County system to complete a public disclosure form and then not have it released just is counter-intuitive to the spirit of the law and the law itself.

And just in deference to Legislator Barraga and his financial argument, which I fully agree with, that we shouldn't be spending any time on this, the form should have been released, but I think a greater tragedy would be for us to be put in a position where we have to spend money to legally defend the fact that the Ethics Board didn't release the form to begin with. And that money, we all know too well, could be spent on so many other programs that we're looking to cut and remove. So to me, it's a pretty simple argument, it's a public disclosure form; if the public requests it, it should be released. So I plan to vote in favor of this.

P.O. GREGORY:

Legislator Calarco.

D.P.O. CALARCO:

Thank you. Does anybody know -- and this kind of gets to Legislator Barraga's point -- has there actually been a complaint made against.

Mr. Prudenti? Has anybody made allegation of abuse or someone -- or that he filed an inappropriate disclosure form or was in violation of our Ethics Code; does anybody know?

LEG. TROTТА:

I think the County Executive.

D.P.O. CALARCO:

And I mention that because, you know, I'm looking through our code here, and the section of the code that cites our ability as the Legislature to compel documents from the Board is actually under Section A30-8 and is titled *Confidentiality*, and the intention is to assure that their deliberations, when there are -- when they are conducting a hearing, when they do have a complaint or a referral that's been sent to them, that that's done in a confidential manner to protect the person that the complaint's being made against in case that complaint is false. And so that we have the ability to have oversight in those matters by having a two-thirds vote of this body, which I expect would actually have to be done during Executive Session to protect the confidentiality of that proceeding.

So I don't think it's necessarily an appropriate venue for us to compel a disclosure form to be provided; in fact, I think it's specific to our ability to have oversight of this Board to make sure the Board is doing what it shall do.

As it pertains to the disclosure form; to be quite honest, I was a bit shocked when I heard that it was not provided pretty readily. I think there is a pretty clear indication of what is supposed to be redacted and what isn't. Whether it is a Bureau Chief or an elected official, we are very specific in who fills these things out. It's not that every person in law enforcement fills out a disclosure form, but only those people who are in high level decision-making positions whose conflicts and potential ability to be swayed one way or the other in their official actions needs to be made public so that we can decipher whether or not there is a problem.

So I would encourage the Board to make those documents readily available. I think that I support Legislator Fleming, in her position as Chair of Ways & Means, to call the Board to Ways & Means, as that's the appropriate venue. But I don't think that we can actually compel these documents and

make them public without potentially violating our own code.

P.O. GREGORY:

Legislator Fleming.

LEG. FLEMING:

Yeah, I just have a question with regard to the letter that was received from Ethics; was it the Ethics Board's lawyer that composed the letter?

MR. NOLAN:

I think the signatory was Samantha Segal, the Executive Director.

LEG. FLEMING:

And does the letter indicate that there's an ongoing -- there's ongoing consideration of the matter by the Board, or are they just saying, *Nope, it's done?*

MR. NOLAN:

No, the only issue addressed by the letter was the Newsday request for the financial disclosure statement, there was no indication of their investigating a complaint in relationship to that person.

LEG. FLEMING:

Or considering further the propriety or impropriety of releasing the document?

MR. NOLAN:

That was the end of the discussion in terms of whether or not they were going to release a statement.

LEG. FLEMING:

Okay, so that's a real concern for me. I mean, I certainly appreciate the County Executive's position here that this is important. And I appreciate, Mr. Barraga, your really excellent point that we have before us some very difficult work to do with regard to the budget and we should not be distracted by things that aren't of urgent importance to individuals in our community. But I do think that this transparency issue with regard to a very senior member of the District Attorney's Office is a matter of day-to-day concern for members of our community. So, you know, my office will issue a letter today directing the Ethics Board to appear before the Ways & Means Committee to describe the reasons for their decision, but, you know, obviously that committee meeting does not occur until November the 17th. But I also agree with Tom that if the decision comes tomorrow from the Ethics Board, if they are considering this any further and they make a decision, that may very well put the issue to rest.

So, I mean, we have important responsibilities here, as does -- as do the members of the Ethics Board. So, you know, it's a difficult situation we're in and we have very important things to turn our eyes to and this is one of them. So my office will be issuing that letter today, and the Ethics Board certainly has the opportunity, as Tom said, to put the matter to rest. So I hope that they're listening to this and will take some guidance from the concerns that you're hearing from the horseshoe here.

P.O. GREGORY:

Okay. Legislator Trotta.

LEG. TROTТА:

I disagree. This has a huge budget impact. The integrity of the criminal justice system, if this guy or people up there are doing something wrong, the potential lawsuits that we could face could fund

those nurses for the next 20 years. So, you know, this is something I think that we should decide sooner than later. I mean, my question, has there been a complaint been made? Has the County Executive issued a complaint, you know, that may say, *Look into this?*

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

The County Executive specifically has sent a letter to the Ethics Board in regards to the fundamental conduct of this individual. So the fundamental conduct of this individual, again, as --

LEG. TROTTA:

Do you know when that was done? I mean, we have a responsibility to expedite this process.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

We issued that request, I can send you the letter, I believe it was in May.

LEG. TROTTA:

Okay. So we're sitting here six months later and nothing's been done.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

Several -- correct. And the letter we sent, just to be clear, dealt with -- really there's two issues here. There's the fundamental conduct of this individual, essentially as reported in the media and as essentially acknowledged by the District Attorney's Office, that a sitting Bureau Chief, a sitting prosecutor acknowledges, and they acknowledge, that this individual supplemented his income by renting out -- don't know if party boat is the right --

LEG. BARRAGA:

I'm familiar with it, yeah.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

To members of the defense bar, some of whom, maybe as perhaps today, may be facing -- may be sitting across from this individual in a court of law.

LEG. TROTTA:

This is very troubling. And I'm not going to -- I will put a resolution -- I will -- whatever I can put in to put a vote to make this happen today I will do, because I don't -- I think it would be irresponsible for any of us to let this continue if it will, in fact, continue. It would be the equivalent of keeping Chief Burke in for three years after he did what he did and I will not stand for it. So I will put the resolution to vote, or whatever it's called, today to vote on it. I won't be able to sleep tonight knowing that we could possibly cost the taxpayers more money by keeping this. So whatever motion I had to make, I just made.

*(*Laughter*)*

P.O. GREGORY:

All right, Legislator McCaffrey. It's after 12:30, but we have three more speakers.

LEG. McCAFFREY:

I'll be very quick. I'm just -- I wasn't party to the agreement about laying this on the table as opposed to having a Procedural Motion. But my question, I don't know if it's to you, to Jon or to the Presiding Officer; what impact would this bill have on the release of this information? What does it call for?

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

What we're laying on the table?

LEG. McCAFFREY:

Yes.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

So what we're laying on the table, what I would say is it clarifies what we already believe to be the law which is to say that it would make it very clear that financial disclosure forms are public documents, that there are no exceptions to them, and upon request that they are to be provided to whoever -- you know, whoever may make the request.

LEG. McCAFFREY:

And that's without exception?

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

Dennis?

MR. BROWN:

It actually does say that it wouldn't be subject to any exemptions being applied under FOIL or under the Federal version of FOIL. And that if there are any exemptions to be applied, only the exemptions that would apply that currently exist in the code; and as George indicated earlier, the only two exemptions that apply in the code are with respect to safety or with respect to an unwarranted invasion of privacy.

LEG. McCAFFREY:

And then this could be applied retroactively to a request that's already previously been made?

MR. BROWN:

The laws generally don't apply retroactively, but it would be easy to do a new request.

LEG. McCAFFREY:

I'm just concerned about the timing of this. You know, by the next time that they come it's November 17th to the committee. And I have complete faith in Legislator Fleming in flushing out all the facts with the Ethics Board, but -- I don't want to say that they're dragging their feet, but we've had -- you know, a request was made in May and we wait for decisions quite often for a long period of time, and I am concerned about, you know, the aspersions that it's casting upon our whole criminal justice system. I'm concerned about this and the fact that we're going to be several months away from now before we get any kind of results or any kind of -- we actually see the document and actually could be taken on that. I mean, if we had a hint that they were not being released because of, you know, an ongoing investigation from another agency, I'm okay with that.

But the fact that they're just saying, *No, we apparently have no good reason*, I'm truly concerned about the impact, as was stated before, that it has on the appearance of our criminal justice system here in Suffolk County. And I can't understand why and I don't know that I want to wait until November 17th for them to answer questions and not answer questions about whether or not they should or should not release this information. And we would not -- so that bill would be laid on the table, it would go through committee on November 17th and then be voted on at the next cycle, so we're several months away before we would actually see these documents. Okay, thank you.

MR. BROWN:

Thank you.

P.O. GREGORY:

All right, just one at a time. Legislator Anker, and we have two more.

LEG. ANKER:

Okay. So it seems like the big issue here is the timing. Do we need to get this done right away or can we wait for the committee meeting? Why don't we just make a call? Why don't we call Linda? Why don't we find out why this Board of Ethics is not providing this information? Again, this is a timing issue.

"The mission of the Suffolk County Board of Ethics is to practice and promote ethical literacy and conduct in government through training, transparency and trust. In order to accomplish the mission, the Suffolk County Board of Ethics shall maintain confidentiality, adhere to its own Code of Ethics" -- and I'm not sure what their own Code of Ethics is -- "and engage in outreach and training of public officials," that's us, "and employees and recommend new laws to advance submission of ethical compliance." So right there, I just read from their mission statement.

They need to provide the information period. And if they don't provide it, they need to let us know why. So I will be supporting the most expedited way that we can get the information, you know, or find out why they're not providing Newsday with their information. And again, this is very frustrating because as we've all said, we have better things to do right now. We have a budget to discuss and we have some major issues happening in Suffolk County. So let's get on with life.

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

To George. Our next meeting is on November the 17th. For something like this, I know -- would we be able to call a special meeting of Ways & Means in this circumstance, or does it have to be publicized in advance? I mean, could the Chairperson call a special meeting?

MR. NOLAN:

The committee could have a special meeting.

LEG. SPENCER:

And how much lead time to make it?

MR. NOLAN:

I think it's just a couple of days notice to have a special meeting. I think -- you know, my opinion is I think you want to proceed in an orderly manner. I think if you're going to call the Board of Ethics in or their Executive Director, give them ample opportunity to be prepared, know what the issues are. So, but certainly they could have a meeting before the 17th of November, if that's what the committee wanted to do.

LEG. SPENCER:

I don't know if the Chairwoman would entertain something like that. That would be my concern, is just going another six weeks to address this issue. In either case, though, even if we called a special meeting, the next meeting that we have, the General Meeting; any action we take in that special meeting, if it occurred before the budget meeting, would we be able to entertain any action during the General Meeting, or would we have to wait until the next regular meeting?

MR. NOLAN:

Acting on what?

LEG. SPENCER:

After it -- I'm assuming if it goes through Ways & Means and there's some action that's taken on this resolution, could we entertain it during the Budget Meeting?

MR. NOLAN:

If it was put on the agenda. But I think the County Executive's asking us to act on something today, on a Procedural Resolution I presume, that has not been prepared, that hasn't been vetted by anybody up to this point, so they're asking us to do something today. But certainly we could -- you know, if it was on the agenda for the November 9th meeting, if it was the will of the Legislature that they wanted to take that on at the Budget Meeting, typically we do not take on other business at our Operating Budget meetings because that's big enough.

LEG. SPENCER:

Well, I think corruption and ethics are such a major issue. We could call a Special Meeting of this body if we had to, we could do that, too.

MR. NOLAN:

Sure.

LEG. SPENCER:

Okay, thank you.

P.O. GREGORY:

Legislator Kennedy, you have another quick question.

LEG. KENNEDY:

I'm just going to make this quick. Can we, all members of the Legislature, request a copy of the County Executive's May letter to the Board of Ethics so we are aware of exactly what it entailed?

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

Absolutely.

LEG. KENNEDY:

And how long will that take us to get?

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

If I can do it from this thing right up here, I guess I'll do it right now.

LEG. KENNEDY:

Marvelous. Thank you.

LEG. SPENCER:

(Laughter) It would be pretty cool if he actually does it.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

That would be cool, right?

P.O. GREGORY:

All right. So that's it. It is 12:40, we stand in recess until Public Hearings at 2:30. Thank you.

(*The meeting was recessed at 12:37 P.M. *)

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

(The meeting was called to order after the lunch recess at 2:44 p.m.)

P.O. GREGORY:

Good afternoon, Madam Clerk. Please do the roll call.

MS. ELLIS:

Good afternoon.

(Roll Call by Ms. Ellis, Clerk of the Legislature)

LEG. SPENCER:

(Not Present)

LEG. D'AMARO:

Here.

LEG. STERN:

(Present)

LEG. MC CAFFREY:

(Not Present)

LEG. TROTTA:

(Not Present)

LEG. KENNEDY:

Here.

LEG. BARRAGA:

Here.

LEG. CILMI:

Here.

LEG. MARTINEZ:

Here.

LEG. LINDSAY:

Here.

LEG. ANKER:

Here.

LEG. HAHN:

Present.

LEG. MURATORE:

Here.

LEG. BROWNING:

Here.

LEG. FLEMING:

Here.

LEG. KRUPSKI:

Here.

D.P.O. CALARCO:

Present.

P.O. GREGORY:

Here.

MS. ELLIS:

Fourteen -- 16, sorry.

P.O. GREGORY:

Okay. All right. We have -- we're at the Public Hearing portion of our agenda, and the first Public Hearing is on the **2017 Operating Budget and Program**. And I have one card, David Hubbs. Mr. Hubbs?

MR. HUBBS:

I've got to change my eyes. Good afternoon. My name is David Hubbs and I am here today to speak about the Suffolk County Executive cutting the "Learn To Be Tobacco Free" Program.

I started smoking at age 14 and continued until approximately 50 years. I became addicted to tobacco. Having tried several ways to quit, I had no success. I then turned -- got to bear with me a minute because I have emphysema from this. I then turned to be -- to the "Learn To Be Tobacco Free" Program and I found success in 2004. Since then, I have spoke to several classes and have helped quit -- have helped people quit from their addictions. The addiction of smoking is one of the most severe addictions there are. I spoke to several young men at group meetings that had heroin and cocaine addiction and quit that, but couldn't give up this tobacco.

I felt very strongly about the program, helps people to quit smoking, and by attending our support group meetings once a month. Everyone should know how tobacco can cause serious health problems, from children on up to adults to seniors like myself. Unfortunately, I learned too late. I was diagnosed with COPD and emphysema in 2009, just before open heart surgery to replace a heart valve.

I hope that this program continues so other people can be saved and no longer use tobacco or any product that can become addictive. I will continue to work and speak at meetings to help other people, which I am doing tonight after I leave here. I have spoken to several -- probably 700 to 800 people during my 12 years of being in the program. I can't see why the County can't come up with a few bucks and keep this thing going, because it is so successful in getting people to quit. I have a list at home, which I forgot to bring, but there are so many people out there that are trying to quit and cannot quit because of one reason or another.

Thank you for letting me speak today, and I hope the Legislature can come across with a few bucks to keep this thing going, and I appreciate your time. Thank you.

(*Applause*)

P.O. GREGORY:

Thank you, sir.

LEG. SPENCER:

You have a question, please.

P.O. GREGORY:

Sir, Legislator Spencer has a question for you, right there.

LEG. SPENCER:

Hi. Good afternoon, and thank you for your testimony. I share a lot of your concerns with that, especially with some of the positions I've taken as a doctor on smoking.

One of the questions, and you could describe this as we're discussing this, trying to save this program, is that there are a lot of programs that are out there. Tell me from your perspective what's unique about this program that we have to provide it, and is there anything else out there, from your experience, that replaces it?

MR. HUBBS:

The neatest thing about this program is that once a month we have a support meeting. There's people that come to the support meeting that are trying to quit or have quit. And we sit with them and we discuss different ways you can get around, you know, the urge to smoke or the urge to grab a cigarette, because you only have to have one cigarette and you're back to a pack a day. There is no doubt about it, because I've done it, and I've quit 100 times. But every other program, there is no Narcotics Anonymous meetings anymore. I think there's one left on the Island. And Suffolk County has the only "Learn To Be Tobacco Free" program that has a monthly meeting where we bring in people that are trying to quit, or have joined the program to quit, and we discuss with them how I made it. You know, if it wasn't for that County program, I wouldn't be standing here, because before I had my open heart surgery, I had to have a hip replaced and they weren't going to do my hip because I was smoking.

So, you know, there's so many benefits to keeping the program going so that people understand that there is a way out of this addiction, like any other addiction. There's thousands of other addictions, I'm sure, but the tobacco program is a serious addiction. As I said before, that I've spoken to many young guys that came to our program that said they gave up heroin and cocaine easier than you can a cigarette. That's hard to believe, but it's a fact.

LEG. SPENCER:

It definitely is a fact. And it's important for us to hear this as Legislators, because a lot of times there's just a group of programs on a piece of paper, but to really see how they're impacting individuals and to have you give the testimony and that you're saying it saved your life is very important. Thank you.

MR. HUBBS:

Oh, yeah, it is.

LEG. SPENCER:

Thank you very much. I appreciate that.

MR. HUBBS:

Thanks, everybody.

P.O. GREGORY:

Legislator Cilmi. Sir, another question for you.

MR. HUBBS:

Another question?

LEG. CILMI:

I'm sorry.

MR. HUBBS:

I never had so many questions before.

LEG. CILMI:

I'm sorry to keep you up there.

MR. HUBBS:

I'm standing on a metal hip here and it's starting to hurt.

LEG. CILMI:

Oh, I'm sorry. I'll be very brief, then. From your perspective, what -- where is the cost associated with this program, from your perspective?

MR. HUBBS:

I think the cost is in the medications that are given out.

LEG. CILMI:

Okay. So they give out -- they actually give out medications?

MR. HUBBS:

Right. They require the applicant to sign up for \$50 year for medications. The only thing I could see that could help that is there's a lot of insurances that cover it. I personally know of a young lady that I'm taking to the group meetings that's mentally challenge and she's tried to quit for years, and her father is a very good friend of mine. I've taken her to the group -- to class meetings. I attended classes all over again with her, which I've done probably ten times. But she is covered by insurance that would pay for medications. So maybe it could help cut down the cost a little bit if they asked the participant if their insurance covers the medications.

LEG. CILMI:

So you pay -- so everyone pays \$50?

MR. HUBBS:

Fifty dollars a year.

LEG. CILMI:

A year.

MR. HUBBS:

For medications.

LEG. CILMI:

And, presumably, the medication is -- the cost of the medication exceeds that amount, and that's what the County is --

MR. HUBBS:

Correct.

LEG. CILMI:

I mean, we'll obviously ask the folks in the County, but I just wanted -- from your perspective, I wanted to see where you thought the cost was. Thank you. I appreciate your testimony.

MR. HUBBS:

Anybody else before I turn my hip again?

P.O. GREGORY:

Okay. Thank you, sir. All right.

(*Laughter*)

MR. HUBBS:

Have a good night.

P.O. GREGORY:

You, too. Thank you. All right. That's all the cards I have for speakers for the Operating Budget. Is there anyone else that would like to speak? Please come forward. No? Okay. All right. I'll make a motion to close.

LEG. BARRAGA:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator Fleming)

P.O. GREGORY:

Okay. ***Southwest Sewer District Assessment Roll***. I don't have any cards for this public hearing. Is there anyone that would like to speak on this public hearing? Please come forward. Okay. Seeing none, I make a motion to close.

LEG. BARRAGA:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay. Before I proceed, I do have a question. MaryAnn Johnston? Where is MaryAnn? On your card, you have Public Hearing 1371, but we don't have a Public Hearing 1371? Was that 1771?

MS. JOHNSTON:

1771.

P.O. GREGORY:

1771?

MS. JOHNSTON:

Yes.

P.O. GREGORY:

Okay. All right. Just before I proceed. All right. So next public hearing is 15 -- ***I.R. 1503 - A Charter Law to Improve the County's Budget Approval and Amendment Process to Increase Transparency and Accountability ("Taxpayer Awareness Act.") (Cilmi)***. I don't have any cards for this Public Hearing as well. Is there anyone that would like to speak on it? Please come forward. Okay. Seeing none, Legislator Cilmi?

LEG. CILMI:

Motion to recess, please.

P.O. GREGORY:

Motion to recess by Legislator Cilmi, second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator Fleming)

P.O. GREGORY:

I.R. 1764 - A Local Law Establishing a Sewer Connection Policy to Foster Economic Growth in Suffolk County (Browning). I don't have any cards for this public hearing. Please come forward if you'd like to speak on it. Okay. Seeing none, Legislator Browning?

LEG. BROWNING:

Motion to recess.

P.O. GREGORY:

Motion to recess by Legislator Browning, second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay. ***I.R. 1771 - A Local Law to Terminate Alarm System Registration Fee (Trotta)***. I do have several cards, first being MaryAnn Johnston, right? You did say 1771, right?

MS. JOHNSTON:

That's the wrong one, then.

MR. STRAUSS:

She wrote down the wrong one.

P.O. GREGORY:

She wrote down 1371. All right. We'll skip her for now. Gene Demers.

MR. DEMERS:

Hello, folks. It's me again. I just thought I would relay something on how this is progressing. I've been involved with this almost from the beginning. At the beginning, I sent out all kinds of notices to my customers to advise them as to what was happening and when the law finally went into effect. I didn't have anyone -- I had one customer who decided that he wanted to stop his alarm

monitoring. Well, let me tell you, now I'm up to seven, as the fines start being issued, as people start realizing that they're going to have to pay this thing every year, the exorbitant amount that the fines are. They're beginning to cancel, and I see this avalanching as time moves on.

You've heard from a number of people how it's going to effect our businesses. I had a situation last night where somebody, who was having some business difficulty, had cancelled his monitoring a while ago, and he call called me and said that he wanted to resume it. And I informed him about the alarm law and the cost involved. And in spite of the fact that he's got millions of dollars worth of electronic equipment in his building, he has declined having an alarm system connected to central station. I don't know how this ultimately can affect anything, but the fact is, is that his business is now vulnerable to someone breaking in and damaging or stealing his equipment.

I just wanted to keep you all posted on what's happening and how this law is going to eventually avalanche and cause harm to this trade and this business that I've been in for 47 years. That's all I have to say.

(*Applause*)

P.O. GREGORY:

Thank you, sir. All right. Annette Kattoe -- Kattau. Excuse me.

MS. KATTAU:

Thank you. I just wanted to say that I do a lot of alarm calls, because I have daughters with houses and friends with houses that are in the city, and it's really -- I just wonder. I support Robert Trotta's doing away with this. I've gone to a lot of alarm calls. I usually make it before the police do. And the last one I just did, I went back a second time and met the policeman, and he -- I was just behind him. He was not going to get out and look at the back entrance, two entryways at this house. I actually asked him to do it. So I just think, really, what is the purpose of this? And I have to agree with Mr. Trotta. Thank you.

P.O. GREGORY:

Thank you. All right. That's all the cards that I have. Is there anyone else that would like to speak on that matter? Please come forward. Okay. Legislator Trotta?

LEG. TROTTA:

Motion to close.

P.O. GREGORY:

Motion to close by Legislator Trotta.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay. ***I.R. 1772 - A Local Law to Enhance Enforcement of Smoking Restrictions at Multiple Dwelling Buildings (Martinez)***. I don't have any cards. Was there anyone that would like to speak on this matter? Please come forward. Okay. Seeing none, Legislator Martinez?

LEG. MARTINEZ:

Close.

P.O. GREGORY:

Motion to close by Legislator Martinez, second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator Fleming)

P.O. GREGORY:

J.R. 1776 - A Local Law to Ensure Fair Employment in Suffolk County (Pres. Off.). I don't have any cards on this public hearing. Is there anyone that would like to speak? Please come forward. Okay.

AUDIENCE MEMBER:

Excuse me, I have a question.

P.O. GREGORY:

Question for?

AUDIENCE MEMBER:

With regard to the alarm.

P.O. GREGORY:

I'm sorry.

AUDIENCE MEMBER:

Is this going to be decided upon today?

P.O. GREGORY:

No, it's -- no.

AUDIENCE MEMBER:

What's the next step?

P.O. GREGORY:

It goes to committee. Because if you close the Public Hearing, it's going to go to committee. Whenever the committee date is, it will be decided at that point.

AUDIENCE MEMBER:

How will we know?

P.O. GREGORY:

And there are several bills.

MR. NOLAN:

There's one eligible bill.

P.O. GREGORY:

Yeah, there is one that's eligible today, but this particular bill will not be eligible to be voted on today. Okay? Thank you.

All right. I'll make a motion to close ***I.R. 1776***, second by Legislator Calarco. All in favor?
Opposed? Abstentions?

MS. ELLIS:
Eighteen.

P.O. GREGORY:
Okay. ***I.R. 1777 - A Local Law to Require Safe Storage of Firearms (Pres .Off.)***. I have a couple of people here to speak, to say the least.

(*Laughter*)

All right. Each member -- each person will have three minutes to speak, and we will call them in the order that we receive them, first being Meryl Cassidy, and then on deck, Greg Langstrand. Meryl Cassidy? Did I pronounce your name right?

MS. CASSIDY:
Yes.

P.O. GREGORY:
Oh, okay. And then Greg Langstrand, you're next.

MS. CASSIDY:
I'm surprised I'm up first. Good afternoon. I'm the Executive Director of Response of Suffolk County. We're Suffolk's only 24/7 suicide prevention, crisis intervention center; also, the area network provider for the National Suicide Prevention Lifeline. I'm also Co-Chair of the Suicide Prevention Coalition of Long Island, and I'm here today to lend some support to Presiding Officer Gregory's resolution about the -- requiring safe storage of firearms.

My interest in supporting this has to do with preventing future tragic loss of life to suicide by firearms. And while I know there are many, many lawful firearm owners who practice safe gun storage, I think there's a lot more we can do to educate the public, and to sanction those who don't follow the law.

On an average day in the United States, there's more than 100 Americans who die by suicide, and half of these suicides involve the use of a firearm. Suicide rates, both overall and by firearms, are higher in places where household firearm ownership is common. Every single research study on the subject finds a very strong connection between suicide and firearms, so there is definitely something about having a gun in the home that increases risk, and it certainly increases access to lethal means.

In the United States, where firearms are the method used in more than 50% of suicides, and where roughly one in three homes has a firearm, even a small relative decline in the use of firearms in suicide acts could result in large reductions in the number of suicides, depending on what, if any, method would be substituted for firearms. So let's look at that.

The fact that more than 90% of all suicide acts with firearms are fatal, but suicide acts with firearms only constitute about 5% of all attempts. In contrast, fewer than 3% of all suicidal acts with drugs or cutting are fatal, but as a group, such acts constitute about 90% of all attempts.

Those of us who work in suicide prevention know that the availability of lethal means is a very strong risk factor, and that collaborating with suicidal individuals on a safety plan has to include

efforts to keep the environment safe. I've also given you a copy of what a safety plan looks like. In fact, when individuals are in the midst of a suicidal crisis, it's really not even enough to properly store and lock up firearms. The best practice would dictate that we remove access all together. This is especially critical when we think about children and adolescents and young adults. We as parents and caregivers may think that our children don't know where or how to access our firearms, but I can tell you that many, many do. And the impulsivity that can accompany youth, combined with the intensity of suicidal urges, which do abate overtime, make it essential that we do whatever we can to keep the environment as safe as possible.

I know this Local Law doesn't address all of the issues that I've outlined here, but I think it's a step in a direction to ensure greater safety and lessen risk. Thank you.

P.O. GREGORY:

Thank you, Ms. Cassidy. I just have a quick question for you.

MS. CASSIDY:

Yes.

P.O. GREGORY:

So one argument that has been presented is, well, if you have someone who is suicidal, they will go through any and all attempts to fulfill that desire, so why are you infringing upon our constitutional rights to have a firearm to do so? So -- but from the statistics that you bear, that you just laid out, and the question is, did I hear you say that, overall, firearms -- suicide by firearm is a smaller percentage of the greater number, but within that smaller number, it's a greater percentage of success, right?

MS. CASSIDY:

Correct. And there's a lot of research that means really do matter. People think about means, and your first premise is not really correct. People will have a preferred means, and if you take access to that means away, you can really send someone off in a different direction. So, no. I mean, yes, there are going to be people who -- it's not a question of if they will die by suicide, it's a question of when. But for the people where the death is preventable, means really does -- so when you put a barrier by a bridge and a person's method of choice is a bridge, they will now take suicide off the table and work with us to stay safe. And that's what we really are in the business to do, to help people consider other options.

P.O. GREGORY:

So you're saying that there is a preference for those who commit suicide, not all will just look at whatever means are available?

MS. CASSIDY:

Correct.

P.O. GREGORY:

So when I was a younger person, a very good friend of mine, actually his sister committed suicide. So she went in the garage, she turned on the car, put, you know, the hose to the exhaust. And so the argument that I've heard is, "Well, if a gun was available and she wanted to do that, she would have done that," as opposed to getting in a vehicle and suffocating to death.

MS. CASSIDY:

Correct.

P.O. GREGORY:

From what you're saying is her preference was to go in the vehicle and not necessarily look for a gun or a knife, or whatever?

MS. CASSIDY:

Correct.

P.O. GREGORY:

Okay. I'm just trying to understand the psychological aspect of it. Okay. All right. Well, thank you. Anybody else? Thank you. Okay. Mr. Langstrand, and then on deck, Ronald Richardson, Reverend Ronald Richardson.

MR. LANGSTRAND:

Hi. My name is Greg Langstrand and I'm from West Babylon. Thank you for allowing me to speak today.

P.O. GREGORY:

Hold on just one second, sir, I've got to make an announcement. There's a silver -- anyone have a silver Outback vehicle that's parked in front of the dumpster? Please remove it, because they're trying to get access to dispose of the -- all right. I'm sorry, sir, go ahead.

MR. LANGSTRAND:

No, that's fine, sir. Regarding Resolution 1777-2016, I am opposed. We don't need anymore infringements on our Constitutional rights. I also don't see how enforcement would be possible without inspecting firearm owners' homes. Without a warrant, no one's going to allow that to happen.

Without making light to -- I understand that the issue of suicide is a tragedy, no matter how it happens or where it happens. Through personal experience from my past job, I've been to numerous suicides. There was maybe a few that were done by gunshot. It's -- basically, it's by any means, pills, drowning, hanging, stepping in front of trains, walking onto the highway, onto the Belt Parkway. If someone's dead set to kill themselves, they're going to do it.

In Japan, they have some of the strictest gun regulations in the world, and per capita, their suicide rate is higher. That's unfortunate. I mean, that's another issue to address, but to go after firearms and law abiding firearm owners is not the way to do it. So I stand opposed. Thank you.

*(*Applause*)*

P.O. GREGORY:

Thank you, sir. Reverend Richardson. There you are. Okay. And then Colleen Merlo.

REVEREND RICHARDSON:

Good afternoon. My name is Ronald Richardson. I am a retired Roman Catholic priest, having served the bulk of my 55 years in active ministry here in Suffolk County.

I feel somewhat awkward making a presentation here on behalf of children when the church, of which I'm a part, has had a very checkered record in terms of the protection of children. I'm very conscious of that, and yet, by the same token, as I reflected on the importance of this particular piece of legislation, that there is a parallel, it seems to me, and a lesson to be learned from a very huge organization that the Catholic church is. And I think the lesson, at least for me, is that of uberous, of pride.

Together with others here today, who obviously have different points of view, together with them, I tried to think out what the motivation is in terms of opposition, and, specifically, the motivation are very powerful interests. All of us being, I'm sure, are familiar with the NRA. In addition, there's another lobbying group, the National Shooting Sports Foundation, and it represents the industry itself. It's a very big organization, not quite as big as the NRA, but the lobbying financing that takes place is almost comparable to the spending of the NRA.

I take a lot of this information from an issue, 2013, in the Atlantic, and a number of things were pointed out. The NSSF --

P.O. GREGORY:

Pastor. Excuse me, Reverend, your time has expired, so you've got to wrap up.

REVEREND RICHARDSON:

Okay.

P.O. GREGORY:

Okay?

REVEREND RICHARDSON:

I just --

P.O. GREGORY:

You can submit your -- you can submit your statements and it will be distributed to everyone.

REVEREND RICHARDSON:

I'm sorry?

P.O. GREGORY:

You can submit your statements for the record --

REVEREND RICHARDSON:

Terrific.

P.O. GREGORY:

-- and it will be distributed.

REVEREND RICHARDSON:

Okay. Thank you.

P.O. GREGORY:

I apologize. Three minutes goes quickly. I'm sorry.

REVEREND RICHARDSON:

It's okay. Thank you.

P.O. GREGORY:

Thank you for your -- coming here today.

(*Applause*)

All right. Colleen, and then on deck, Stanley Kessler.

MS. MERLO:

Good afternoon. My name is Colleen Merlo, and I am the Executive Director of LI Against Domestic Violence, and also the Co-Chair of the Suicide Prevention Coalition of Long Island. I'm here to talk about the safe storage of firearms and as it pertains to domestic violence specifically.

In New York, we do have very strong restrictions on access to firearms by domestic abusers, and I'm grateful for that. However, I think we can do more to prevent death and injury when guns are in the homes where domestic violence or dating violence is occurring.

Domestic violence fatalities are prevalent in New York, and they frequently are a result of a gun crime. According to the FBI, there are -- there were 656 domestic violence homicides in New York between 2003 and 2012. More than a quarter of these were homicides due to guns. Over the past 24 -- 25 years, more intimate partner homicides in the U.S. have been committed with guns than with all other weapons combined. And people with a history of committing domestic violence are five times more likely to murder an intimate partner when a firearm is in the house. In addition, abusers who possess guns tend to inflict the most severe abuse on their partners, and we've seen this firsthand at LI Against Domestic Violence.

Domestic violence assaults involving a gun are 12 times more likely to result in death. The impact of guns in domestic violence situations is not only limited to homicides. As I said, when a gun is present, we see more horrific abuse. We also know that guns are used as a means of power and control, and used to threaten and subdue victims. Sometimes they threaten harm against a victim, sometimes they threaten harm against themselves, children or a pet. The risk -- because of the risk that firearms pose when they intersect with domestic violence, a series of Federal and State laws aim to keep hands out of the most dangerous domestic violence offenders, but many of these laws only protect victims where there is a long and documented history of domestic violence, where the court has interceded, and there has been criminal charges, or the Family Court has issued an Order of Protection, or when such orders are violated.

In doing this work, I know many of our victims do not reach out for assistance until the sixth, or seventh, or eighth incidence of violence. If they use a gun on the first or second, they're never going to have that opportunity. Therefore, there are countless victims of domestic violence who are high risk for serious death or injury because the violence occurring at the home and the presence of a firearm.

Safe storage of firearms can give victims a chance to escape from the situation, and/or the perpetrator a moment to cool off and pause before discharging his or her weapon. I know that those who argue against the law that requires safe storage will cite the fact that criminals will not follow this law. However, in the case of domestic violence, it could be a powerful tool in removing guns from the homes of a perpetrator who would use them to threaten, harm or kill victims, their children and/or pets. Thank you.

*(*Applause*)*

P.O. GREGORY:

Oh, Colleen, Legislator Trotta has --

LEG. TROTTA:

You know this bill is just for a lock on a gun, it has nothing to do with keeping guns in your house.

MS. MERLO:

I understand that. There are laws to keep guns out of convicted offenders where domestic violence is present, and those laws do a lot of good. However, in cases where a victim has not gone to court,

has not sought those protections, if a gun is kept locked, it gives that perpetrator a pause. It gives the victim time to get out. It also might be a way for a victim to contact law enforcement and say, "I'm living in a house where domestic violence is present. This gun is not being stored properly." And we can get the fines and everything else in place so that that victim can be safer in her home or his home.

LEG. TROTТА:

That's a stretch. Okay. Thank you.

P.O. GREGORY:

Legislator Fleming.

LEG. FLEMING:

Hi. Good afternoon.

MS. MERLO:

Hi.

LEG. FLEMING:

And thank you for coming, and thank you for your great work.

MS. MERLO:

Thank you.

LEG. FLEMING:

You mentioned that New York State does have strong laws in place already. Could you just explain? I'm trying to understand the whole landscape here. Could you just explain what you are basing that on?

MS. MERLO:

Sure. So there are laws on the books that state if you've been convicted of a domestic violence crime, that you have to -- that when you go to purchase a firearm legally, you cannot do so, because your name is on a registry that states you are not able to own a gun. So that keeps the hands -- the guns out of hands -- you know, the hands of perpetrators.

LEG. FLEMING:

Okay, thanks. And I think I -- wasn't -- is there a law in place that requires anyone accused of domestic violence to surrender their weapons?

MS. MERLO:

Yes, there is.

LEG. FLEMING:

And that's just on -- you know, once -- I think it's just on the leveling of charges against an individual, they don't even need to --

MS. MERLO:

Right, so there has to be charges present.

LEG. FLEMING:

And then the cops can go and take the guns from their home?

MS. MERLO:

They have to voluntarily surrender their firearms, is how it's posed.

LEG. FLEMING:

Okay. I had a feeling you'd be an expert on that.

MS. MERLO:

Thank you.

LEG. FLEMING:

That's good to know.

P.O. GREGORY:

Legislator Hahn has a question for you, too.

LEG. HAHN:

Yeah. And also in the case of when there are orders of protection, correct?

MS. MERLO:

Yes, that's true.

LEG. HAHN:

Okay.

P.O. GREGORY:

Okay. All right. Thank you.

MS. MERLO:

Thank you.

P.O. GREGORY:

Stanley Kessler. Mr. Kessler, and then Jean Hand.

MR. KESSLER:

My name is Stanley Kessler. I belong to the NRA, New York State Rifle and Pistol Association, and the Peconic River Sportsman's Club. This law, this proposed law, will only affect honest citizens, citizens who have never committed a crime and probably never will. The gun owners, the gun -- let's say the gangbangers who are out there on the street, and the drug dealers who keep their guns lying around the house really aren't going to do anything about it. But the legitimate gun owners, most of them will lock it up. Some don't for a need of protection. Just read the newspapers every other day, you'll see a home invasion. It's not necessarily in Brookhaven, but somewhere around here. The guy that owns the gun or the woman that owns the gun should not be prevented from carrying the gun in her house, his house, whenever they feel the need for it. Let them worry about their children. Ninety-nine times -- 99% of the time they do a very good job at it. Remember, these laws only affect honest citizens. Thank you.

*(*Applause*)*

P.O. GREGORY:

Mr. Kessler, I have a question for you. So thank you for coming here today. I really -- I appreciate your -- appreciate your position, I appreciate you coming out and sacrificing your time to weigh in on this very important topic.

MR. KESSLER:

Thank you.

P.O. GREGORY:

So can you quickly explain to me, as you interpret the law, what this law is requiring?

MR. KESSLER:

From what I understand of this law is they're supposed to be locked in a safe area away from children. If somebody's breaking into your house, you don't have time to get it unlocked, you're in trouble.

P.O. GREGORY:

Okay. I just wanted to make sure you finished.

(*Applause*)

No. What the law is asking is it doesn't require that you lock your weapon up. It requires that if you -- if your weapon is not on you or in your control or possession, that you either put a firing lock on it, or that you lock it up. So it's not saying that if you're in your home, you automatically have to lock it up, as you alluded to in your initial comments. If you want to walk around your house with it, or have it nearby, you could do that. It's not saying you have to store it in a locked safe. I just wanted to make sure you understood that.

MR. KESSLER:

Let me ask you a question. When you go to sleep, you're in our bedroom, you and your wife, if you have a gun in your night table, do you require that to be locked?

P.O. GREGORY:

Well, as I understand it, you can do that, but I will have legal clarify it. He's not here. Oh, there he is.

MR. NOLAN:

I would say that if it was in your control, which to me means you could get to it before anybody else could get to it, then I would say you could keep it in your nightstand, if that's what you wanted to do.

MR. KESSLER:

You got me. I don't know what else.

P.O. GREGORY:

So this is not the boogie man coming and taking your guns from you. I just wanted to make sure you understood that, because I know there was some misunderstandings of what this is actually requiring.

MR. KESSLER:

No. My understanding was you wanted them locked up, period.

P.O. GREGORY:

No, no, there's no requirement to do --

MR. KESSLER:

Don't we have enough gun laws now? There's 28,000 in the books of the United States.

P.O. GREGORY:

Okay,

MR. KESSLER:

Does it ever end?

P.O. GREGORY:

Well, that's a different conversation.

MR. KESSLER:

I can't tell you how many times I've been around here.

P.O. GREGORY:

But I thank you, I thank you for coming today. Thank you, sir.

MR. KESSLER:

Thank you.

*(*Applause*)*

P.O. GREGORY:

Mr. Hand, or -- I'm sorry. Jean, and then Mr. Raab, Bill Raab. I saw him earlier, I don't know if he's still here.

MS. HAND:

Good afternoon. My name is Jean Hand. In addition to being married with children and grandchildren, I'm a retired educator, having taught elementary school students for 21 years. For 16 of those years, I taught 5th graders, who examined, among many other things, the story of the founding of the government of these United States of America. One of the lessons I emphasized with my students, and which I submit we all should learn, if we have not done so already, is that with every right our government guarantees to us comes an equally important responsibility. As an example, we are guaranteed the right to free speech, but along with our right to speak freely, we have a responsibility to use that freedom for the common good. Thus, publicly spoken words of hate, abuse, and threat of harm are in a sense exempt from the right to free speech. In all honesty, if it were up to me, I would ban guns across the board.

*(*Applause*)*

Violence begets violence, guns beget more guns, always with the potential for more violence. However, I understand that good, decent people disagree with me and cherish their right to own guns. So being realistic, I do not propose to take away such right. I do strongly insist, however, that qualified gun owners use that freedom with the common good in mind. Qualified gun owners have the responsibility to ensure that their guns do not fall into the hands of children, felons, terrorists, or anyone else who might use them to abuse, threaten and/or harm by killing or wounding themselves or others, whether wittingly or unwittingly. The bill here proposed would address such concerns.

I urge you to do the responsible thing. Don't own or allow other owners a gun that is not safely stored. Vote in favor of this much needed bill and put an end to senseless, preventable killings. Thank you.

*(*Applause*)*

P.O. GREGORY:

Thank you, Jean. Mr. Raab, and then Richard Hand.

MR. RAAB:

Good morning, everyone. Well, afternoon, whatever it is. It's always morning somewhere. All right. On 1777 -- just so you know, my name is Bill Raab. I'm an NRA training counselor and instructor, which means I train instructors as well as students. I work with scouts, I work with all kinds of groups. I do women on target classes and many other things, all working with the safe and responsible use of firearms.

Now, on this bill, we heard about First Amendment and this and that, and okay. Well, if you do something, you are responsible for it. This bill introduces prior restraint, 1777. In other words, we're being required to do something before anyone does anything.

We talk about trigger locks. Well, in this very body, some years ago we did a demonstration with trigger locks. We showed a demonstration where a handgun was fired with the trigger lock installed. So trigger locks give a false sense of security. This has been shown over and over again. I'm really getting tired of having to cover the same ground.

We had a lot of push-in robberies and stuff that are going on in the County. There seems to be a spate of them lately, more than are reported. Having a safe storage law, "Excuse me, wait a minute, let me get my gun to get the means to resist you." No, that doesn't really work very well. That's when they come and draw a chalk outline and write a report. So, no, thank you.

This says reasonable regulation. I don't see anything really reasonable about it. We heard about domestic violence. Many of your domestic violence shootings involve law enforcement officers who have guns already, who are not regulated and restricted by these laws. Look it up, I have.

And, also, a firearm gives equality to the 100-pound woman against the 200-pound man. My ex-wife is a firearms instructor. She's 98 pounds with rocks in her pockets. She would stand in equal footing against a 220-pound attacker, because she knows how to use a gun.

All right. Intentional shootings and impulsive acts, all this other stuff, I've asked before, please cite your sources, because with children, there were 50 children in shootings last -- in 2014, which is the last year. Meanwhile, 51 people were killed by lightening, so maybe we should ban lightening or cause lightening to be locked up. Sixty-seven children were killed on tricycles, so we should ban those or keep them locked away. Six hundred and forty-seven children drowned, all in the same year study.

Okay. The occurrence of intentional self-harm, blah, blah, blah, blah, blah. Okay. This study, the suicide study that was done in Seattle, it's been discredited many, many times, and, yet, it keeps being brought up over and over again. Again, I get tired of covering the same ground more than once.

Legislature finds horrific acts of violence, blah, blah, blah. The use of firearms in a school setting, how would this bill do anything to prevent that?

Okay, let's see. Now we get to the legal part. Right here in Suffolk County --

(*Timer Sounded*)

Okay. My time is up.

P.O. GREGORY:

Yeah, but I have a question for you.

MR. RAAB:

Sure.

P.O. GREGORY:

So you have something further to say?

MR. RAAB:

Sorry?

LEG. CILMI:

He asked a question.

P.O. GREGORY:

I was trying to help you out.

MR. RAAB:

No, I couldn't hear you, I'm sorry.

P.O. GREGORY:

We can extend your comments by asking you a question, so I said, "You have something further to say?"

MR. RAAB:

Right here in Suffolk County, Colaiacovo v. Weber, found -- in the Supreme Court, State of New York, found that, according to the Heller decision, safe storage is not constitutional. Now I handed this out before. I sent it to your office before the first Public Safety hearing and I have it again.

Chwick v. Mulvey, it says New York State has the preemption on firearms law. There's a summary of the Heller decision. And in Merced, California, Safe Storage Law, had a young girl, 14 years old, who knew how to shoot, listened to her brother and sister be pitch-forked to death, because their guns were locked up, because their father was afraid of violating the Safe Storage Law. So she got to listen to her two siblings be killed by a crazy guy with a pitch fork because of Safe Storage Laws.

Is Suffolk County going to assume the responsibility for the physical and medical cost from disarming me if I am now somehow injured? I don't think so. And Suffolk has no money. We don't need to defend laws that we can't defend.

*(*Applause*)*

P.O. GREGORY:

Okay. Mr. Hand, and then Richard Zwirblis.

MR. HAND:

Good afternoon, everybody.

P.O. GREGORY:

Good afternoon, sir.

MR. HAND:

My name is Richard Hand. I have lived and been a resident of Suffolk County for most of my life.

You heard from my wife one speaker back, Jean.

Having lived here so long, I'm well aware this Legislature has a rich tradition in being a leader in the passage of legislation that has served to promote and safeguard both the health, safety and welfare of its citizens and the protection of natural environment. Among other initiatives, it was the first in the nation to ban the use of DDT as an agricultural pesticide. It also has led the way nationally in requiring a reduction in nitrogen levels in residential sanitary systems, another first. Back in the mid 1980s, it presciently passed laws to protect and reclaim large portions of the Pine Barrens, the natural filtration system for our water system. It has recently passed a law by which the use of plastic throw-away bags should be sharply curtailed, thereby significantly reducing the contamination of our natural environment with nonbiodegradable materials. This body then has in the past answered the call when it was needed and indicated to act decisively and forcefully to safeguard the health and well-being of the people of this County.

Under consideration today is the proposed law to require the safe storage of guns in the home and in other places. On the face of it, to me at least, it appears to be a modest proposal. After all, we happen to live in a state that has on its books some of the strongest gun laws in the country, thankfully. This includes an absolute ban on the sale to private citizens of military grade assault weapons and large capacity magazines, and a requirement for background checks for all firearm and ammunition sales, among other common sense provisions.

A gap exists in the New York law, however. New York State requires a safe and secure storage of guns for those who are known -- and this was mentioned earlier -- known domestic abusers, suffer from mental illness or disability, or convicted felons, but not in all instances. All that are missing link in the provision for universal safe storage. Luckily, the New York State Legislature's failure to close that gap does not prevent this local governing body from doing so. Preemption does not erect a barrier to a locality's Legislative action, so long as that action does no less than the State's own Legislative initiatives.

I have two more pages. I'm going to end it there and just say we hope that the Legislature passes this bill. It's not prevented from so doing and it's needed.

P.O. GREGORY:

Thank you, sir.

*(*Applause*)*

Okay. Mr. Zwirblis, and then on deck, Heather Georgiou.

MR. ZWIRBLIS:

Good afternoon. I'd like to bring up a little history. I've lived on Long Island all my life, and years ago, schools used to have shooting programs. They used to teach children how to fire and take care of firearms. But because of all the political maneuvering, all these classes have gone away. Now the only one out there that's trying to help children with firearm safety is the NRA, which I am a member, okay? But the NRA keeps on getting blocked by politics, okay? Does anybody realize how many programs the NRA has to teach children how to use guns properly?

And being a law abiding citizen, I have my own rifles and guns, which are all locked up. I have five grandchildren. They know how to use a weapon safely, because their parents taught -- took the time to teach them. Like it was brought up before, the only people and the only children that can get guns are from parents who don't give a darn, drug dealers, anybody else like that who leave weapons around. Children are very inquisitive. I could remember playing cops and robbers using cap guns. Has anybody seen a cap gun in the last 50 years? No, because politicians said it was too

dangerous. Sure, there are children getting shot with fake guns because they take the plastic cover off, or maybe the parent took the plastic cover off. But I think this law is ridiculous, because no matter how you lock up a gun, a criminal can get the lock off in 30 seconds. Thank you.

*(*Applause*)*

P.O. GREGORY:

Thank you, sir. Heather Georgiou. Okay. Heather, and then on deck, Edward Newman.

MS. GEORGIOU:

Hello. My name is Heather Georgiou, resident of Patchogue. My grandfather -- I'm a granddaughter of a World War II Veteran. I'm the daughter of a Vietnam Veteran.

*(*Applause*)*

My grandfather and father are no longer with me to protect me, but they died knowing that I had my Second Amendment right, that I would not be a victim, that I could defend myself with a firearm. They taught me how to use guns. I know how to defend myself. And I'm not a paid member of any organization, I'm here for my own passion for women not to be victims, to know how to protect themselves, and know how to defend their lives, their children's lives.

Now I'm looking at this law. This law really needs to be thrown out. It doesn't help anything. Some of the issues that were brought up are mental health issues. This is a gun storage issue. They're not connected, they're not related. Someone before said violence begets violence. Well, I have a hard time with this statement, because most of the people that I know that have protected their lives with a gun never fired a shot, but they're still here and they're still alive because of their firearm.

*(*Applause*)*

So I have -- I'm holding in my hand 38 pages of signatures, hundreds and hundreds of signatures that I and a few other women personally collected. These signatures are against the Safe Act. And in this position -- in this petition it specifically states that any other infringement upon the right of the citizens to keep and bear arms is unconstitutional and illegal. So these people are all Suffolk County residents, they all signed this petition for -- against any law. Yes, I do have copies for everyone. So I would like to submit this to you. I made copies for all of the members at my own expense, no -- again, no one has paid me to be here. I'm here because I passionately believe in every person -- you know, a woman with arthritis should be able to grab her gun and defend her life, not sit there fiddling around with a trigger lock that, you know, a lot of people have trouble opening to begin with, or if you're nervous and in you're in an emergency situation, you're trying to remember the combination to your safe. This is -- these are issues -- you're putting all of these impediments and layer upon layer of impediments for people to access their weapon to defend their own lives.

So I don't think this helps anything. I agree, there are problems. A lot of them are mental health issues and they do need to be considered, but this doesn't -- this has no effect on it, and it's very gray. I mean, you're in control of it. You know, we're not even really sure what "in control of it" is meaning according to this law. So it's just -- it's just not -- it's not a good thing. I mean, I'd like to see, you know, maybe some mental health practices put in, you know, to help these issues, but this safe storage thing, it just is going to do more harm than good, and I really respectfully ask that it be withdrawn.

*(*Applause*)*

P.O. GREGORY:

Heather, thank you for coming and making your contribution to this dialogue. I have a question for you.

MS. GEORGIU:

Yes. Here's 18 (handing over petitions).

*(*Applause*)*

P.O. GREGORY:

So your argument is that the storage of a weapon is not the safe thing to do because you don't have easy access to it?

MS. GEORGIU:

My argument is the storage of the weapon should be left up to the owner. If they feel that it's their choice to put it in -- let's say they have arthritis or they have some kind of condition, let's say they have an abusive, you know, guy with an order of protection that wants to come and kill them, she should have her gun right with her, right with her, you know. You know, to me --

*(*Applause*)*

P.O. GREGORY:

And that would not -- and this law does not prohibit that.

MS. GEORGIU:

Well, what if she -- let's say she runs to the store, she's not home, her gun's not locked up. So, you know, when she gets home, she wants to grab her gun, whatever it is, you know, she should have that choice, she should have that freedom, because, according to this law, if she leaves the house, she has to go and lock it in a safe. So let's say when she gets home, he's in the driveway, she's got to run to her safe and fiddle around with that.

P.O. GREGORY:

Well, either in a safe or a locking device, it would --

MS. GEORGIU:

Right.

P.O. GREGORY:

But do you recognize at all that having a weapon, whether it's children or any unlicensed person, you could be 30 years old and not have a pistol permit, have access to a weapon, do you not recognize at all that that's -- could be potentially harmful, or some unintended consequence could result from that?

MS. GEORGIU:

My kids have access. My kids have access to weapons and they know how to use them, they know how to safely handle them. They know it's -- they're real and they know their effects and their consequences, and, you know, I feel perfectly comfortable with that. And if another parent feels --

P.O. GREGORY:

How old are your children?

MS. GEORGIU:

They've been around it their whole -- their whole lives. They're now 21, 17 and 16.

P.O. GREGORY:

Okay.

MS. GEORGIU:

And they're all marksman level shooters, which is an Army qualification test.

P.O. GREGORY:

Right.

*(*Applause*)*

MS. GEORGIU:

But I do feel that it should be up to the individuals who own the firearms to store them the way that they feel it's appropriate to store them, because everyone's situation is different. Someone may want to store their guns for whatever reason they have, and that's -- that should be up to them, and someone, maybe in a safety situation where they feel it's important.

I remember one night I had a speaking engagement. My husband was out of town. I live in Patchogue. There was a house all police lines, someone had been murdered, okay? I had to leave my kids home alone. I was terrified. I didn't know if the police caught this murderer. I gave my son a specific weapon and the magazine. I said, "You're in charge, you protect everybody." Okay? And he did. And, you know, I left, and I got home as soon as I could, but I had peace of mind knowing my son could protect his family.

P.O. GREGORY:

But your children, I assume, are licensed.

MS. GEORGIU:

No, my children are not licensed. They're American citizens with the right to keep and bear arms.

*(*Applause*)*

P.O. GREGORY:

Okay. Well, I know I went to -- because I looked in getting a pistol permit for myself.

MS. GEORGIU:

I'm talking about a rifle.

P.O. GREGORY:

I went to the store and I was told that I couldn't even touch a weapon that I was looking to purchase without a license.

MS. GEORGIU:

This is true. And, absolutely, this is something we need to look into. You should be able to touch it, you should be able to purchase it.

P.O. GREGORY:

Okay.

MS. GEORGIU:

I agree with that 100%, there should no -- be not any pistol permits required in Suffolk County. We should all be able to access and buy weapons.

P.O. GREGORY:

Well, that's a different discussion all together.

MS. GEORGIU:

Oh, I'm sorry.

P.O. GREGORY:

But thank you. Thank you, though. Thank you for coming.

*(*Applause*)*

All right. So Edward Newman, and then we have Nicholas Sarro.

MR. NEWMAN:

Good afternoon. My name is Edward Newman. I am a lifelong resident of Suffolk County here to speak on 1777-16. This bill is based on vague and inaccurate information. Let's discuss real numbers.

According to the United -- according to a United States Department of Justice study, there are roughly 1 million household-member-present burglaries in the U.S. These are also known as home invasions, of which 266,560, big numbers, were violent. With Hurricane Matthew bearing down on us, hopefully goes out to sea, it's worth reminding everyone of the rash of home invasions that took place after Superstorm Sandy. The amount of time required to retrieve a secured firearm could make the difference between life and death in a home invasion. And to put everybody at risk, to lock and unlock your firearms, multiple firearms in many cases, every time you come and leave is ridiculous.

In Maryland, when Governor Glendening demonstrated, he and Police Sergeant Pauley spent minutes trying to remove a trigger lock in a public demonstration while pushing for legislation similar to this, minutes.

According to the CDC, 50 children died from accidental discharge of a firearm in 2015, 50. For comparison, 67 died from bicycle and tricycle accidents, 68 from poisoning, 647 drownings, 1,365 automobile related accidental deaths in the same period. Based on population, we would expect one such death in Suffolk County every five years, yet no one has been able to point to a single occurrence since the 1970s that did not involve gang members and unlicensed handguns.

*(*Applause*)*

A firearms storage law does not guarantee to eliminate or even reduce child death or injury. The most recent occurrence in Suffolk County was an off-duty law enforcement officer who had a negligent discharge while cleaning his duty pistol. This resulted in injury to himself and his child. Neither this law nor any other storage law would have changed that. If this is truly about protecting children from unsecured firearms in the home, why are there not exemptions for commercial businesses? How about shipments? If the firearm is not locked, will UPS or FedEx be breaking the law? And if theft is the concern, please explain how a trigger lock will prevent theft of a firearm. It will not.

This bill is ineffective. As far as the children, the GAO stated trigger locks are only reliable

protection up to age seven. That cuts the 50 deaths to under 24. According to Lott, the rate of accidental total gun deaths in two sets of states ends up being virtually the same at the end of the period when the law was passed. The same holds true for the subcategory of handgun deaths.

This bill is unconstitutional. In the Heller case, the Supreme Court of the United States struck down Washington D.C.'s storage law. I quote the late Justice Antonin Scalia. "The requirement that any lawful firearm in the home be disassembled or bound by a trigger lock makes it impossible for citizens to use arms for the core lawful purpose of self-defense and is hence unconstitutional."

*(*Applause*)*

A ruling by the Supreme Court of the United States has mandatory authority. It is binding on all levels of courts and governments. Despite --

P.O. GREGORY:

Mr. Newman, your time has expired. Please wrap up.

MR. NEWMAN:

Thank you, sir. I urge all members to vote against this. And unlike the bill, I have citations for all of these statistics I've quoted. I'll pass out copies.

*(*Applause*)*

P.O. GREGORY:

Mr. Sarro, Nicholas Sarro. Sarro? I'm sorry if I -- and then Vincent Rasulo.

MR. SARRO:

Good afternoon. My name is Nick Sarro.

P.O. GREGORY:

The mic is off. There should be a green light.

MR. SARRO:

Ah, okay. Thank you. Okay. Good afternoon. My name is Nick Sarro. I'm a lifelong member or a life member of the NRA since I was able to shoot a BB gun as a -- younger than a teenager, probably.

Nobody is denying that something out there is going on that needs attention. Nobody here is denying that there should be something done. The only place that we're in disagreement is how we should go about doing that.

I thought -- we were here last week and I went over most of these things as fast I could in three minutes. And between what I said and what the other members said, 100% of us were against it. Most all these things are ineffective, unconstitutional, and unenforceable until after the fact. Yes, we want to do something. What can we do? In the cases of drowning, parents want to protect their children no matter how small. We live on an island. We're surrounded by water, bays, oceans, rivers. Bathtubs, outdoor pools, a spackle bucket that two days ago was empty, is now filled with six inches of rainwater, are potential hazards for drowning. The best thing a parent can do is to teach their child how to swim. Yes, we have laws about fences and protecting the pool, and pool alarms, and things like that, but nothing compares to teaching your son or daughter, your infants even, how to swim.

Now the NRA, was formed in 1871, has literally written the book on firearms safety and education,

educated even toddlers. They have programs for every level, even for toddlers, and they'll know what to do. And then they tested this information. They set up scenarios, they filmed it. It works. It works a lot better than a lot of this, which is really preaching to the choir.

Nobody in here doesn't take adequate care and precautions with their firearms. The last thing we want to do is find out that somebody stole it, and worse than that, used it to commit a crime. So we take all the safeguards that we feel are appropriate. And just like the parent that teaches their child how to swim at an early age, we should not boohoo the NRA and their attempts to educate everybody about what to do if you come across a firearm. I mean, toddlers, they have it, infant, young people, youth organizations like the Boy Scouts, and they go on all the way up to law enforcement and the military. So they -- and they've been doing it since 1871, when -- less than ten years after the Civil War, when they were using single shot and muzzle loading rifled muskets. So they kept up with the technology, they've kept up with the current trends and things that are going on. They are the experts. These are the people that you should go to and write, write to them, and they're only too -- we're all too willing to help.

I'm also an instructor in the NRA with rifles and shotguns, and I'm working on my pistol part. But I have my pistol license and I've been shooting that for -- I've had to renew it already.

All right. If you excuse the pun, the ball is in your court.

*(*Applause*)*

P.O. GREGORY:

Thank you, Mr. Sarro, for coming, and I thank you for recognizing that something must be done. Although you may not agree with this method, but I do thank you. I'm just commenting, that's all.

MR. SARRO:

I'm sorry. I thought you were calling the next person.

P.O. GREGORY:

No, I am. I was just commenting as you were walking back.

MR. SARRO:

Okay.

P.O. GREGORY:

But thank you for your contribution. Mr. Rasulo, and then on deck, John Joseph Budnick. I can't necessarily read it. Okay. There you go, sir.

MR. RASULO:

Good afternoon. My name is Vincent Rasulo. I'm a Suffolk County resident. I'm here representing myself, and I'm also here acting as the secretary of the Suffolk County chapter of SCOPE, representing our membership. I'm going to keep my statements very brief. Most of these points have been hit already by the overwhelming opposition. I'm also here speaking in opposition of 1777-2016.

I don't personally believe that legislation can fix a lot of the problems in our society. I think these are things that someone else touched on, educational issues. All legislation is going to do is put more obstructions and restrictions on those who are already obeying the law. And purchasing a safe and a gun lock is just going to increase the cost of self-defense to those who already may have a problem affording it. So for those reasons, I and my membership are opposed to this law. I would appreciate if you would withdraw it. Thank you.

*(*Applause*)*

P.O. GREGORY:

Thank you, sir. Mr. Budnick, and then on deck, Mary Baxter.

MR. BUDNICK:

Chairman Gregory, members of the Suffolk County Legislature, my name is John Joseph Budnick. I'm from Nassau County, where I served as an Assistant District Attorney for nine years, also Special Assistant to the County Legislation -- Legislature, excuse me.

I most respectfully submit to you that after having studied this bill, studied the New York State Safe Act and the New York State Constitution, you are precluded from proceeding, because the New York State Legislature has conclusively, by the Safe Act, particularly in the -- pardon my language -- whereas clauses and the provisions of the various Legislative memoranda that accompany it, particularly that by the New York State Police. They have, in effect, taken the entire field. They have occupied the entire field of gun legislation. And I would respectfully submit that you are precluded from proceeding with this law.

*(*Applause*)*

I would also submit to you, speaking as a person who has been shot, and a person who's been shot at several times when I was a Nassau County Park Ranger, that you need to take in mind perhaps the situation of Franklin Delano Roosevelt. Franklin Delano Roosevelt up in Hyde Park used -- and his wife both slept with guns under their pillows. President Roosevelt's was named "His", Eleanor Roosevelt's was named "Hers". They slept in different rooms. The -- I have a bit of a background in history, too, but I won't talk about that.

I'm also a graduate of the Nassau -- New York -- excuse me -- the United States of America's National College of District Attorneys at the University of Houston, Texas. And getting back to President Roosevelt, this man had to be literally picked up and put in his wheelchair to be taken to the bathroom. Now, I just can't see, if we have what is proposed here coming into effect, and it were to have affected him. He would have to put away his gun when he had to leave his bedroom to go to either the bathroom or to the radio room, or the dispatch room, or the map room to take care of urgent other matters.

And I most respectfully suggest that you reconsider proceeding further with this law. And I thank you very much for your time and trouble. God bless you.

*(*Applause*)*

P.O. GREGORY:

Oh, sir, you have -- Legislator Fleming has a question for you.

LEG. FLEMING:

Hi. Good afternoon. Question for you, sir.

MR. BUDNICK:

Hi, Legislator Fleming. How can I help you? I'm sorry.

LEG. FLEMING:

By getting to the mic.

MR. BUDNICK:

Thank you.

LEG. FLEMING:

Also, if you could just elaborate on what you said about the New York State Safe Act preempting the field. In what aspect of that act is affecting what aspect of this?

MR. BUDNICK:

Well, the Legislative memoranda, okay, that accompanied it indicated a clear desire by the State of New York to basically preempt the field. There have been at least one Appellate Division case and numerous lower level court cases that have indicated that they -- and I have not been able to find one that disagrees with the contention that the New York State Safe Act meant to encompass the field by the State Legislature of the issue of gun control in the State of New York, okay?

LEG. FLEMING:

Wasn't there -- wasn't there -- I'm just researching this myself and trying to figure it out, which is why I'm asking the questions. Wasn't there a Washington D.C. -- a Washington D.C. bill that was considered and -- on that very issue? And I don't know if anybody's familiar with this. And, in fact --

MR. BUDNICK:

There may be --

LEG. FLEMING:

-- the decision was that it was not preempted by -- so it was a Federal statute. Okay. I thought that there had been an examination in New York State of a Local Law that had been found not to preempt. Originally, I thought it was preempted. I'm just trying to figure it out. Could you direct me to the specific part of the legislative file?

MR. BUDNICK:

I'd be very glad to sit with you, the cases that I found. And I also do it on my experience, having been a Special Assistant to the Nassau County -- actually, it was the County Board of Supervisors at that time, and witnessing several enactments by that body having been declared to be in violation of the State Constitution, because the Legislature had precluded the field, basically.

LEG. FLEMING:

No, I appreciate that. My --

MR. BUDNICK:

One of them I could remember right off the top of my head was called, I believe, ACME versus Gulotta, and it basically precluded the County of Nassau from enacting provisions governing school buses, because the State Legislature, in the Vehicle and Traffic Law, had basically preempted the field.

LEG. FLEMING:

No. I understand the concept of preemption. My question is knowing that you can -- a Local Law can be preempted by State Law, where in the New York State Safe Act is there a basis for which to conclude that we're preempted by the State legislation?

MR. BUDNICK:

As I had indicated, in the Legislative memoranda, okay, that accompanied the introduction of the law.

LEG. FLEMING:

Thank you. If you have any further authority, my web -- my email address is on the website, and I'd appreciate it.

MR. BUDNICK:

It would be my honor and pleasure.

LEG. FLEMING:

Thank you.

MR. BUDNICK:

Thank you very much.

P.O. GREGORY:

All right. Thank you.

MR. BUDNICK:

My compliments.

*(*Applause*)*

P.O. GREGORY:

Mary Baxter. Mary Baxter, and then John DeVito. Oh, I'm sorry. All right, hold on. No John DeVito? Mary Ann Johnston?

MS. JOHNSTON:

Good afternoon, everyone. I'm here for myself. I want you to think about an old Jewish axiom. "He who saves one life saves the world entire."

My brother was one of the first to graduate from Suffolk County Police Academy back in the early 1960s. He learned the value of locking up a gun from his two-year-old son. He used to come home from his tour of duty and put his service revolver on the very top of a very tall refrigerator. My nephew could climb anything, and he did, and he took that gun, and my brother found him like this (demonstrating), muzzle pointed toward his chest with his fingers on the trigger. That very night my brother installed a safe, and he never, ever again put his gun where anyone could get at it. And I do believe that most people who are safe firearm owners already lock up their guns. So if you're already doing something, why object? The reality is, for those of us who don't know, that it only takes a moment, a moment to change everyone's life. My brother would never have recovered had my nephew figured out how he could pull that trigger. He just wasn't strong enough.

And in my own life, on a personal basis, I went through a very rough time at my life where I actually vacillated between homicide and suicide, and I have always been grateful I did not have a gun. So I want you to pass this, because everything we do to end the slaughter is important, and that's where we need to be. And everyone should be pulling together. We have 30,000 lives lost in this -- in this country last year due to firearms, 30,000. If that was happening in vehicles, we'd be doing everything we could to make them safer. So I ask that you do that, too. Thank you.

P.O. GREGORY:

Thank you, Mary Ann. John Romeroy?

MR. POMEROY:

Pomeroy.

P.O. GREGORY:

Pomeroy. I'm sorry, I though it was an R. And then Agnes Kelly.

MS. POMEROY:

Good afternoon, and thank you for allowing me to speak. Most of the topics that I was planning on discussing have already been covered, so just in the name of time, I will avoid repetition. But I did want to emphasize that as a resident of Suffolk County, as a parent, as a business owner, and a Boy Scout Leader, I feel that all this time that we're spending today could be so much better spent on passing other laws that I think would be much more beneficial and more broadly beneficial in scope to our residents.

You know, I attended last week's hearing out of curiosity, and with the intention of trying to be very open-minded and hearing both sides. I will say one thing that really appalled me, surprised me, was the number of home invasions that were referenced, and the length of time it took for our Police Department to respond. That really gave me pause and caused me to very definitely oppose this law.

And I would also like to propose, if we really want to focus on locking things up, we have such a horrible scourge of drug addiction, and so much of that is based initially on legal prescription drug use. Why not put our efforts towards making laws that will mandate the securing, the locking of legally owned prescription medication to prevent those that are inquisitive or those that do have addictions from either starting an addiction or furthering an addiction. I think that would be a much, much more focused and beneficial effort. Thank you.

*(*Applause*)*

P.O. GREGORY:

Agnes Kelly?

MS. KELLY:

Yes.

P.O. GREGORY:

And then Susan Hornik.

MS. KELLY:

My name is Agnes Kelly. I'm a member of Pax Christi Long Island. That's the Catholic peace movement, and we work very hard to avoid violence and work for the common good. But I want to thank you for letting me speak, and thank Suffolk County Legislature for your gun safety legislation. Also, many thanks for your cutting edge laws, no smoking in public places, and eliminating plastic bags in stores. You're on the ball.

Please do not lose site of the biggest category of firearms, suicide. About two-thirds of people killed by guns, or 20,000 a year, kill themselves. The rate which Americans commit suicide with guns has been increasing for several years, even as the rate of gun homicide has declined. Public health experts say that ready access to firearms makes it easier for people to act on suicide thoughts that involves guns. Overall, guns were used in about half of the 41,000 suicides in 2014. These numbers are all the more tragic because suicide is the leading cause of death among young people.

The country could reduce the death toll by enacting better safety policies and investing in educational campaigns, just as the Suffolk County Legislature is doing now by passing this law that requires gun owners to properly secure firearms by placing them in a safe and storing them safely.

This would make it harder for teenagers who are more impulsive to commit suicide, and help reduce the toll of unintentional gun deaths as well. Thank you very much.

(*Applause*)

P.O. GREGORY:

Thank you, Ms. Kelly. Susan Hornik, and then on deck, Stanley Blyskal.

MS. HORNIK:

Hi. Thank you so much. My name is Susan Hornik. I'm a Suffolk County resident, and I'm here as a volunteer with New Yorkers Against Gun Violence, representing our 336 members who live in Suffolk County.

A gun is a right, it is also a responsibility. I am sure that every gun owner in this hall is a responsible gun owner. But if we look in our hearts, we all know gun owners who are not so responsible, and that's what I.R. 1777 is meant to address.

Since the Safe Act was passed, seven such safe storage laws have been passed in New York State, in New York City, in Rochester, in Buffalo, in Syracuse, in Albany, in Saratoga Springs and in Westchester County. Nassau County has introduced a similar safe storage bill. Other municipalities are considering them.

In 2011, in New York, almost 400 children under 18 were hospitalized with gun injuries, 60 of those were accidental. An additional 33 children under 16 died. In Suffolk, in the most recent five years that we have data for, police report between 140 and 160 people have committed suicide using a gun. More than 75% of guns used by youth in suicide attempts, or when they unintentionally cause injury, were owned by someone in their own household or by a friend. According to the Children's Defense Fund, almost half of parents in the study who owned a gun said their kid did not know where the gun was located. Seventy-three percent of their children disagreed and said they knew exactly where their parent's gun was located, so this is what we're talking about.

The issue boils down to one thing for me, and that is what is the life of a child worth? I'd like to repeat that. What is the life of a child worth? I did a search of news headlines, just looking for three-year-olds involved in gun incidents, and I have two pages worth of headlines. I'd like to read a few.

A three-year-old who found a gun his uncle's backpack shot himself and died. A three-year-old died after a self-inflicted shooting. He found a handgun inside a bedroom in his home. A three-year-old was shot and killed by his mother's boyfriend, who confessed to accidentally shooting the boy. The man had recently purchased a gun in response to feared break-ins. A three-year-old boy died after he accidentally shot himself in the head while alone in his parents' bedroom. A three-year-old was injured after shooting himself. The child crawled under a bed and found a pistol. A three-year-old is dead from an apparent self-inflicted gunshot wound. Neighbors told police that the child shot the gun after finding it in his home.

P.O. GREGORY:

Ms. Hornik, your time has expired.

MS. HORNIK:

All right. I have another page full of headlines, and I urge you to pass resolution 1777.

P.O. GREGORY:

But, Ms. Hornik, Legislator Trotta has a question for you.

MS. HORNIK:

Yes.

LEG. TROTТА:

I agree with a lot of what you're saying, and I sympathize with it. I mean, some of the things you said, the lock would have no bearing on it.

MS. HORNIK:

Most of these -- the bill as proposed is that a person has to have control of his gun at all times.

LEG. TROTТА:

There was a few things. My question to you is, you know, more people -- I think the numbers are like ten times more people drown in -- children drown in pools than with guns. So should we -- I mean, the law, you could have it so when you're away from your pool, you have to have a cover on it. I mean, is that, you know --

MS. HORNIK:

My point, I think we know --

*(*Applause*)*

LEG. TROTТА:

I'm not -- this isn't anything --

MS. HORNIK:

Safe storage -- let me just say, safe storage laws save lives, every study shows that, and we -- so we know how we can address this problem. Kids drowning is another problem. Yes, we should address it. Traffic accidents is another problem, and we have cut down drastically on traffic accidents through smart laws.

LEG. TROTТА:

Actually, traffic accidents and fatalities are going up again.

MS. HORNIK:

Well, they've come down drastically, actually.

*(*Applause*)*

LEG. TROTТА:

Well, listen --

MS. HORNIK:

They're way down.

LEG. TROTТА:

In a perfect world, I -- there's nothing that anybody in this room wouldn't be -- no one wants to see anybody die at all.

MS. HORNIK:

I think it's a matter of priorities, respectfully. So my priority --

LEG. TROTTA:

Well, if more children are dying drowning in pools, shouldn't you be advocating for that, because you could save more lives by having a pool cover put on every pool?

MS. HORNIK:

I think --

*(*Applause*)*

You know, I'm not here to argue water safety, I'm here to argue gun safety. And I think we should do what we can to protect kids from accidents, and teenagers or --

LEG. TROTTA:

Do you agree that at some point, you know, we can't protect everybody?

*(*Applause*)*

MS. HORNIK:

Yes, of course I agree with that. We are not going to live in an entirely safe world, but there are certain laws that we can -- that we can pass and enforce. And in state after state, where there are strong gun laws, there are fewer gun deaths, it's that simple.

LEG. TROTTA:

Well, that's absolutely -- Chicago is the example. They have the strongest gun laws.

MS. HORNIK:

Chicago is plagued by guns coming in from in from Indiana and surrounding states and --

LEG. TROTTA:

The laws aren't doing anything. So I understand. Listen, I sympathize with you, I understand what you're saying. I respect your right to come up here and say that 100%. And, you know, it's a dilemma. I mean, no one wants to see anybody get killed in any form.

MS. HORNIK:

Well, I don't see the inconvenience of keeping your gun under control while it's -- while you own it if you might protect somebody else's life. I'm sorry, I just -- I just don't understand your argument.

*(*Applause*)*

LEG. TROTTA:

Well, the only -- okay, thank you.

P.O. GREGORY:

Legislator Fleming has a question for you.

LEG. FLEMING:

Hi, Sue.

MS. HORNIK:

Hi.

LEG. FLEMING:

Do you have -- have you handed out or given us the statistics that you provided at the beginning of

your testimony?

MS. HORNİK:

I've got a -- I've got a copy here.

LEG. FLEMING:

If we could get a copy, it would be great, or if you could send it electronically, it would be great.

MS. HORNİK:

Yeah, I can do that.

LEG. FLEMING:

Okay. Thank you.

MS. HORNİK:

Thank you all very much for letting me speak.

P.O. GREGORY:

And I must say, too, I want to thank you for your -- I think your comment was well taken, that it's not about necessarily there is -- out of the universe of gun owners, most are responsible, safe --

MS. HORNİK:

Absolutely.

P.O. GREGORY:

-- owners, but it's that percentage that are not. And I don't think you pointed out any numbers, but you do recognize that there is -- not all gun owners follow safety protocols, right?

MS. HORNİK:

Right.

P.O. GREGORY:

Okay.

MS. HORNİK:

But I think most -- I grew up in New Hampshire. My family is a gun-owning family, and they did -- they felt they had a responsibility and they did follow safe protocols. I don't think that's -- I don't think that's a lot to ask.

P.O. GREGORY:

Because --

MS. HORNİK:

It's a lethal weapon, you know. I mean --

P.O. GREGORY:

Right. I mean, if we -- if we look at Sandy Hook, and we're not supposed to debate the bill, and I'm trying not to, my wife, she is a childhood friend of one of the young girls, Grace McDonnell, that was killed that day. So in that scenario, she was 7 years old, we just received a holiday card from her and her brother and a week later she was killed going to school. The child that got access to it, the mother was a law abiding or a legal licensed person, but the child had access to it and took the weapon to school and killed those children. In those headlines, you referenced young children getting access to weapons, but in your --

MS. HORNIK:

Most people don't think a three-year-old could actually fire a firearm.

P.O. GREGORY:

Right.

MS. HORNIK:

But they can.

P.O. GREGORY:

But wouldn't you agree that this is not necessarily about young children, obviously, that's important, causing harm to themselves, but having access or the ability to have access to a weapon where they can cause harm to others?

MS. HORNIK:

Right, both.

P.O. GREGORY:

Right, okay. All right. Well, thank you. Thank you very much.

MS. HORNIK:

Thank you very much.

(*Applause*)

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

P.O. GREGORY:

Okay, Stanley Blyskal and then Jackie Hilly.

DR. BLYSKAL:

Good afternoon. My name is Dr. Stanley Blyskal. Until my recent retirement, I practiced family medicine in southwest Suffolk County for over 38 years. Today, as you consider the safe storage legislation, I'd like to offer you a medical opinion on this matter. And not just my opinion, it's an opinion that's based on published medical literature and supported by a consensus document published last year in the Annals of Internal Medicine labeled *Firearm Related Injury and Death in the United States: A Call to Action from 8 Health Professional Organizations and the American Bar Association*.

Gun violence in the United States is not simply a criminal justice issue, it is a public health issue. There are approximately 33,000 gun-related deaths each year in the U.S. and more than twice that number of gun-related injuries that require medical attention. Of the 33,000 deaths, more than 50%, almost two-thirds, are suicides. In fact, 52% of total suicides -- there are 40,000 people in this country who kill themselves each year, 52% of them use firearms, and that number rises to 76% if there is a firearm in the household.

Those opposing any gun safety measures promote improving mental health as a means of reducing gun violence. I fully support every effort to improve mental health, but because it's a good end in its own right, not because it's going to reduce gun violence. In fact, the data showed that persons with serious mental illness are responsible for only 3 to 5% of all gun violence. Furthermore, any health professional will agree that predicting who will become violent is practically impossible given

the complexity of the patient's mental status and circumstances.

So how can we reduce this carnage? Let's look specifically at the issue of suicide. In my work as a family doctor, I treated many patients with depression and other mood disorders. I thank God that in those 38 years I didn't lose a single patient to depression, to suicide, but those patients were all under treatment. People who commit suicide frequently, most commonly, do it impulsively, frequently their judgment clouded by alcohol or drugs. This holds true especially for adolescent suicide; as we all know, adolescents have poor impulse control and use temporary setbacks as catastrophic problems

(Timer Sounded)

Common sense tells you that a locked up gun safely secured is going to buy you some time to be able to get help to that patient

P.O. GREGORY:

Excuse me, Doctor, please wrap up.

DR. BLYSKAL:

We've had 139 suicides by gun in Suffolk County over the last five years. What I ask you to do is diminish that number even by one. Every life is precious, that's what I spent my life doing, trying to save lives. Isn't it worth it? If you enact this firearm storage bill, I can guarantee you you will save lives.

P.O. GREGORY:

Thank you, sir. Thank you.

Applause

All right, Jackie Hilly? Okay, and then Wendy Turkington.

MS. HILLY:

I don't know if everybody can hear me, but I couldn't hear half the speakers. So, my name is Jackie Hilly, I'm the former Executive Director of New Yorkers Against Gun Violence and I've been working on gun safety issues for about the last 25 years. I do have a lot of different sites I can send you. I didn't realize the first time I've come to give public testimony here that I would have been better served by bringing some print material. I want to make it short because a lot of people have made some very important points.

I think of this bill as a public health bill and one that will save lives. I don't disparage any of the members of this community who are safe gun holders and storers, I just know by looking at the evidence and all of the studies that have been done that safe storage really does save lives. There is a couple of ways in which it does it. Unintentional shootings are the ones that Sue just described where three-year olds get a hold of guns and kill themselves, kill their brothers, kill their mothers, grab guns from purses and cars and under beds and other places. And as we know, some of the other speakers have said kids are watching their parents. One of the studies that studied safe storage had parents in the room saying, you know, "*Where have you placed your guns,*" and all the parents said, you know, "*I hid them from my kids in various locations.*" And then the interview with the children was happening at the same time and the kids were saying, "*I know exactly where my parents' guns are,*" and these are kids that were under ten years old and really, to the very last one, they knew where the guns were. And in further studies they were shown that those kids not only

knew where the guns were, but close to half of the kids actually went and got the guns and held them like this woman had described in her nephew's case. So unintentional shootings by children who have easy access to guns and live with you and know where your guns are is a considerable problem.

The second problem is the intentional shooting that we've discussed here with suicides. And one point -- I don't want to repeat again, but one point I'd like to make is that suicides are very spontaneous. Ninety percent of people who survive suicides don't go on to commit suicide again, and it's the lethality and the easy access to guns. And frankly, people who try to commit suicide with guns are more than 95% successful in killing themselves. So those are the kinds of suicides that locking up guns would assist.

The third area that I'd like you to consider is when guns are stolen by people who break into houses, and I know that happens here in Suffolk County and in other places, those guns are immediately in the illegal gun chain and they are gone forever and will not be coming back to be used for any lawful purpose, they will be used for crimes. So that's the third way in which a safe storage law will be prevented.

(Timer Sounded)

And the other thing I'd like to point out is the only way a safe storage law would become public knowledge would be in the breach. So for people who are safe storage members of this community who have guns, I don't think they have anything to fear. This language of being able to have it in your possession, in your immediate possession and control allows you to do the things that you want to do, leaving it next to your night stand, etcetera. So I would urge you all to pass this bill and make our children in particular a lot safer. Thank you

P.O. GREGORY:

Thank you. Thank you for coming.

Applause

Wendy Turkington; and then on deck, Theresa Buhse.

MS. TURNKINGTON:

Yes, my name is Wendy Turkington, I'm speaking for myself, and I admit to confusion regarding the objections voiced to this bill.

Eighteen years ago I participated in a protest against a K-Mart in Riverhead that sold guns. The main objection that we were fighting was that K-Mart had profiled the communities where they had stores and decided it was okay to sell them in a lower to middle class Town of Riverhead but not in their middle to upper class towns of Bridgehampton and Huntington. During the protest, a woman who was an NRA educator, as a couple of people here said they were, asked if she could speak to me and I said, *"Of course. I'm always open to discussion. And may I ask you a question as well?"* She said sure I could. So I said, *"I have three children; 4, 13 and 16. Do you, in your role as an NRA educator, advise someone like myself to keep the guns and ammunition separate and always keep everything securely locked up."* Her answer was, *"Absolutely. That is absolutely what I teach."*

So when I read the article in Newsday and the objections to this proposed law, I went on-line to NRA website to see if anything had changed in 18 years and they had not. The NRA itself still teaches this in all their educational advice, to keep your weapons securely locked and to keep the ammunition and the guns separate. So this law seems to be a simple formalization of what the NRA itself says.

And as people before, there was another law mentioned, 1772, about restricting smoking further. There wasn't one person who spoke against that law, not one. And as somebody asked a question before about drownings and asked if we would be more accepting of more laws to prohibit drownings, there was a round of applause.

So in other words, regulations are absolutely seen as helping all of us to keep ourselves and our children as safe as absolutely possible and that's what this law is going to do. Are any of them perfect? No. However, as the Second Amendment, and I think we can all in this room be firm believers in the Second Amendment because it starts, the second and third words, *well regulated*. Okay? So right to bear arms is a right to be well regulated. Thank you.

Applause

P.O. GREGORY:

Thank you, Ma'am. Theresa Buhse, B-U-H-S-E. I'm sorry if I'm messing up your name. Okay. Anthony Panetta. Is that you, Mr. Panetta? Okay, and then Michael Stein.

MR. PANNETTI:

Hi. My name is Anthony Panetti, I've been a resident of Suffolk County for over 55 years. I'm a firearms owner and I have been for over 40 years and a member of the NRA. I don't know how much more I can say than everyone else has. Mr. Raab and the young lady there and a bunch of them out there, they will -- they had more to say and so much better to say than I would have to say, but I still have to say my piece.

I'm here today to defend my Second Amendment rights. I oppose this law. I store my guns safely and I have done so for over 40 years, but where I store my guns and how I secure my guns is my business, not the business of Suffolk County or any other agency. We have enough ridiculous laws and rules throughout our country as well as in Suffolk County and we definitely don't need anymore. I feel this is unconstitutional and it's unneeded if this law is passed. The people of Suffolk County would be subject to search of their homes for inspection to see if their guns are locked up according to this ridiculous law.

Secondly, we will have to increase the workforce of the police that will only raise the taxes for every homeowner in Suffolk County to enforce this law, and I honestly don't know how you're going to enforce this law. What are they going to do, knock on every door to ask the homeowners if they have guns and want to see if they're locked up? Or are they only going to visit the homes of legal, law-abiding handgun owners which the police already have record of?

I strongly oppose your interfering with my Second Amendment rights as well as everyone else's Second Amendment rights here in Suffolk County and in our nation. So with this said, I suggest that whoever came up with this bright idea, it would be best to tear it up and drop it in a waste basket. Thank you for your time.

Applause

P.O. GREGORY:

Thank you, sir. Mr. Stein? Okay. And then Clifford Pflieger.

MR. STEIN:

My name is Michael Stein. I am a life-long resident of Suffolk County. As was addressed at last Thursday's hearing, this bill is a violation of both our Second Amendment rights and our New York State Civil Rights Article 2, Section 4. From all appearances, this bill seems to have been put forth

not to represent the people of Suffolk but to promote a political campaign for Congress. In a County where the cost of living and taxes --

Applause

-- are so high that most families cannot survive without at least two incomes, some family members even working multiple jobs to make ends meet, all the while our representatives are taking their salaries and pensions from these families and making it their full-time job to figure out new and creative ways to violate their rights. These people are so busy making ends meet that they have no time to police their government; and in reality, they shouldn't have to. But these actions are actions taken against people behind their backs and those types of actions are the most reprehensible type of betrayal of the public trust. It's no wonder that Congress has a 14% approval rating. What our representatives themselves fail to see is that these actions are no longer escaping the notice of the American people.

This bill appears to be nothing but a waste of taxpayer money for personal political gain. In the words of Samuel Adams, *"If ever a time should come when vain and aspiring men shall possess the highest seats in government, our country will stand in need of its experienced Patriots to prevent its ruin. That time is now."* It has become increasingly apparent that all America is reaching this same conclusion. 2017 is a unique year for the State of New York. You see, every 20 years a referendum is put to vote by the State of New York residents as to whether or not to call a State Constitutional Convention. And while there are many things that Conservatives and Democrats may not agree on, there are some that can whole-heartedly find unity. I believe term limits is one of those. Another one would be ending Common Core, and institution of Initiative and Referendum.

Yes, I believe there may be some surprising results from New York State Constitutional Convention Referendum in 2017. Continued infringement of the rights of New York citizens such as the safe storage law do nothing but anger the citizenry. They do not make law-abiding citizens any safer. New York State did nothing to make citizens safe in a backwards attempt to provide an illusion of security, because that's all it is is an illusion of security.

Our Governor and State Legislator only succeeded in declaring some 950,000 State residents as felons. It would seem that a great many New Yorkers have heeded the sentiment of Thomas Jefferson when he said, *"If a law is unjust, a man is not only right to disobey it, he is obliged to do so."* This bill is nothing but an illusion, smoke and mirrors put forth in an attempt to put a checkmark on what might be an otherwise weak resume. We recognize that these actions are actions of vain and aspiring men and strongly urge you to reconsider this ill-advised course that runs in direct conflict with your Oaths of office.

Applause

P.O. GREGORY:

Thank you, Mr. Stein. Mr. Stein, I have a question for you.

MR. STEIN:

Yes, ma'am.

P.O. GREGORY:

Thank you for coming here today and making your contribution.

So I guess you're against the bill. It's a little obvious. So I see you took time out of your day. I'm sure you're a law-abiding, working gentleman. I remember you mentioned what you do at the committee meeting, I forget what it was. So to me this bill is very simple; it's about preventing access to those who are not licensed or should have access to a weapon. Would you agree that

young children or even people of age should not have access to potential harmful devices?

MR. STEIN:

What I agree to is that responsible gun owners already take these measures to keep their guns safe. And as many people have said, not everyone is responsible or a responsible gun owner. This law will not make irresponsible people lock up their guns, they will still be out.

Applause

Those are the irresponsible people.

P.O. GREGORY:

But this certainly puts a focus on it. Would you not agree that we should be more careful in access to -- or, you know, decisions that we make about having weapons accessible to those who shouldn't have access to it?

MR. STEIN:

I agree that on one hand some people may not -- should not have access to guns, but on the other hand you're also restricting people that need to have quick access to guns. So you may prevent a couple of deaths on one side, but you're going to cause deaths on the other side.

P.O. GREGORY:

So if a weapon is under your control and possession that's limiting your access?

MR. STEIN:

If a weapon is under my control or in my position?

P.O. GREGORY:

Yeah, because that's what the bill says.

MR. STEIN:

Yes, that's exactly what the bill says. But -- and again, regardless of what the bill says, it's an infringement of Constitutional Rights.

P.O. GREGORY:

Oh, okay.

MR. STEIN:

It's not your business to make that decision. It's a Constitutional right and --

Applause

-- a New York State Civil Right.

P.O. GREGORY:

Okay. So I'm going to make some assumptions. So you left your home today, I'm sure you have a very nice home. You left your home; did you lock your door?

UNKNOWN AUDIENCE MEMBER:

Don't answer, as your attorney.

(*Laughter*)

P.O. GREGORY:

I would presume yes.

MR. STEIN:

I did not lock my doors; my soon was at school and I left the back door unlocked.

P.O. GREGORY:

Okay. But generally when you leave your home people tend to lock their doors, right; you would say that's a safe presumption, right?

MR. STEIN:

Which would mean that my gun was also locked up.

P.O. GREGORY:

Okay. All right. So --

MR. STEIN:

If my house was locked, so are my firearms.

P.O. GREGORY:

Okay. So and you got here, you drove here today, I'm sure, or did you take public transportation?

MR. STEIN:

I drove.

P.O. GREGORY:

Okay. So when you left your vehicle, did you lock your vehicle?

MR. STEIN:

I did.

P.O. GREGORY:

Okay. So a lot of people today, you know, if you -- well, I won't ask you, but if I ask to access your phone, a lot of people put codes on their phone because they don't want their information or people to have access to their cell phones.

UNKNOWN AUDIENCE MEMBER:

But there's no laws for any of those things. They don't belong there.

P.O. GREGORY:

The point I'm trying to make is we take many measures to limit people's access to things that have -- don't have any degree of lethality that a weapon does, but yet when it comes to a weapon we tend to think, Well, we should just leave it out and there should be no safeguards put in place.

MR. STEIN:

You know --

UNKNOWN AUDIENCE MEMBER:

(Inaudible)

P.O. GREGORY:

I'm sorry, please.

MR. NOLAN:

You're out of order.

P.O. GREGORY:

Please, I'm talking to Mr. Stein.

MR. STEIN:

There has been a question that has been asked in the Presidential races and on one hand somebody asked to see President Obama's birth certificate, and then they wanted to know why that was any different than having Trump release his tax returns. The difference is that one is in the Constitution and the other one is not.

P.O. GREGORY:

That's your answer; okay.

LEG. TROTTA:

I have a question.

LEG. GREGORY:

All right, Legislator Trotta has a question for you.

LEG. TROTTA:

Is there a law that you have to lock your car?

MR. STEIN:

No.

LEG. TROTTA:

Is there a law that you have to lock your house?

MR. STEIN:

No.

LEG. TROTTA:

Is there a law -- what was the other thing you asked -- for your phone?

MR. STEIN:

No.

LEG. TROTTA:

You know, in a perfect world I sort of agree with this, but you know, at some point we have to just stop.

MR. STEIN:

We do. And again --

Applause

LEG. TROTTA:

And if this gentleman locks --

MR. STEIN:

The responsible gun owners will be locking their guns up already and the irresponsible ones will not be effected by this law in any way.

LEG. CILMI:

Mr. Chair?

P.O. GREGORY:

You done, Rob?

LEG. TROTТА:

What it really comes down to, if the law does pass and it saves one or two people; is it worth it?

UNKNOWN AUDIENCE MEMBER:

Yes.

MR. STEIN:

But if the law passes and one or two people die because of it --

LEG. TROTТА:

You're right, you're right. Or if someone -- you know, but using --

MR. STEIN:

-- who's held responsible for that?

LEG. TROTТА:

I don't know if I'm allowed to ask a question. I do have a question. What if there's no bullets for that kind of gun in the house? You know, so it's not -- you can't fire because there's no bullets, or it's broken apart into ten pieces and hidden. I don't know, is that covered in here?

MR. NOLAN:

It doesn't really address ammunition, it just says you have a gun, you have to safeguard it when it's not in your possession and control.

LEG. TROTТА:

It says -- so if you don't have bullets, it still has to be locked.

MR. NOLAN:

Yeah, it still has to be locked.

P.O. GREGORY:

Okay, I have two more people; Legislator Browning and then Legislator Cilmi.

LEG. BROWNING:

Hi. You know, I had a couple of questions, or maybe I'll just stick to the one. Okay, so let's say, you know, safe storage of a weapon in the home where you lock it up. Let's say I'm here or you're here and you receive a message that on social media your address is posted. And you -- now you're sitting at home -- sitting at work or you're away for the weekend and you find out that someone has posted your address and tells people to go to your home, and you show up at your home not knowing somebody's lingering around your property and -- what do you think would happen if I didn't -- if I had all my weapons safely stored under this law?

MR. STEIN:

When I got home, if somebody was lurking on the premises? Well, I would certainly have no idea that they were there.

LEG. BROWNING:

Correct. And again, when people are -- you know, when they kind of put out that message, you know, *Go to that home*, but you never know what lunatic might show up; right?

MR. STEIN:

That's true.

LEG. BROWNING:

So my question for you is --

MR. STEIN:

Which is why you should always have easy access to your weapon.

LEG. BROWNING:

Right. So the safe storage of this weapon, if they're on your property or in your backyard and you don't know it, just say you walk in your front yard, you leave your front door open, you don't know what could potentially happen. So I'm just curious what you think this law would do with the safe storage of a weapon. Because I have guns in my home. I have no issue using them if somebody breaks into my home, I have none at all, for my safety and my family's safety. So I'm just curious, what would this do to me if somebody was coming into my home? And what do you think I should do?

MR. STEIN:

If somebody was coming into your home, you would know where the guns were and would have quick and easy access to it to grab it and protect yourself if somebody was chasing you through your home. If somebody was chasing through your home and they were locked up in the safe, you would have no chance to do that.

LEG. BROWNING:

Okay. So you believe the safe storage would inhibit my ability to protect myself.

MR. STEIN:

I certainly do.

LEG. BROWNING:

Thank you.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI,

Thanks, Mr. Chairman. I wanted to share with you one of the concerns that I have and see if you have the same concern. In an earlier conversation with one of the speakers, this matter of *under control* and the definition of *under control* came up. And the response from our Counsel, when asked the question would a gun that's positioned in a night table next to my bed be defined as under the owner's control, and our Counsel said, "*I believe it is.*" But our Counsel is not going to be our Counsel forever and our Counsel is not going to defend you when you get summonsed for not having a gun under your control.

Applause

So I wonder if you share that same concern. Without a well-defined definition of *under control*, we really can't believe, you know, anything that's said here today.

MR. STEIN:

That's correct. It's very ambiguous, it doesn't specify what *under control* is. And I think in many of our experiences, when things are left, you know, ambiguous, they are frequently used against us as opportunity allows.

LEG. CILMI:

Thank you.

P.O. GREGORY:

Okay. All right, thank you. Mr. Pflieger, and then Pete Pappas.

MR. PFLEGER:

Legislators, Public Safety Chairman, Committee Members, my name is Cliff Pflieger. I'm a father of three children. I work and reside in the Port Jefferson community. And like everybody here, I am against gun violence. I'm here today to help represent law-abiding firearm owners and Federal firearm license holders.

I own and operate two respected, small businesses in Suffolk County, one being a security alarm installation company and the other being a Federal firearms business. The Legislative Intent of this Local Law states, "*A study showing that 70% of child shooting deaths could have been prevented if the firearm was secured.*" I ask you, of the 70% quoted, how many of those deaths were caused by illegally owned firearms? Of course nobody can answer those stats because nobody looks at the other side of the fence. In most cases, there are already plenty of laws unenforced. These firearms used in your very own statistics should have not been in the home in the first place. So once again, people who are illegal firearm criminals are causing, once again, more laws to be created against law-abiding citizens.

The same numbers can be said about children who show up to school with firearms. The firearm is already a felony situation between the parent, gang member and local law enforcement and you want to create a storage law. The proposed law intent also states that lawful guns would be less attractive to burglars and criminals if a locking device is on it. I would like to ask you, does that make any sense? My shotgun has a cable lock on it at home right now; it's less attractive to a thief? It doesn't make any sense. Did the crime of -- when did the crime of trespassing, breaking and entering, robbery and burglary become the burden of me as the homeowner?

Applause

Maybe the police response time would be better than 30 minutes if they weren't out catching dogs, doing funeral escorts and searching for scary clowns right now. Your office has already recently decided to charge alarm users for notifying the police in an effort to possibly stop a burglary. You are also now going to make homeowners criminals for making it more attractive for a thief to walk off with their belongings if a firearm was deemed not secure enough.

My second point. Your proposed law also states a person to be defined as a company, corporation or a firm. I'm representing as gun shops are already investigated by the Suffolk County Police, already investigated by the department of the ATF, handgun dealers are already required to have security systems and have their guns returned to a safe every evening. The way the law is currently proposed and so poorly written, the gun dealer, including all small firearm businesses -- Wal-Mart, Dick's, the new Field and Stream Store in Farmingdale -- would have to collect all their guns from the showroom floor every night and return them to a safe probably bigger than a bank vault. The

other option is to install a locking device in every one of these firearms. How are they going to effectively even demonstrate, show or have people use them or try to see if it's going to be a firearm right for them with this cumbersome lock on them? But the way the law is written, that's the way it is.

(Timer Sounded)

If I can be allowed another thirty seconds, please.

P.O. GREGORY:

Please wrap up.

MR. PFLEGER:

New York State already requires a locking device to be provided with every firearm sold or transferred. Please, do you really think making a new law here is going to save more lives than just making more effort to enforce the existing laws? Illegal firearms and gang killings make up most of these horrible statistics that you guys quote. Stop making someone else's tragedy a soap box for your own cause. Next time interview the thousands of people --

Applause

P.O. GREGORY:

Please wrap up.

MR. PFLEGER:

Please interview the thousands of people who have stopped a robbery, a burglary, rape, arson, etcetera, because their firearm was readily accessible.

P.O. GREGORY:

Please wrap up.

MR. PFLEGER:

Thank you. I have one more just quick statement.

P.O. GREGORY:

No, please wrap up.

MR. PFLEGER:

Thank you.

P.O. GREGORY:

I have 20 more people.

MR. PFLEGER:

I understand. Does anybody have a question maybe to let me elaborate?

P.O. GREGORY:

All right. Pete Pappas?

MR. PFLEGER:

Thank you.

Applause

P.O. GREGORY:

Then Harold Moskowitz.

MR. PAPPAS:

Good afternoon. Thank you for taking the time to hear me again. I'm on the Board of Directors of SAFE, Sportsmen's Association of Firearms Education; I'm also an NRA certified rifle, pistol, shotgun and personal protection in the home instructor, as well as a military rifle master instructor.

We've got several issues. We've told you several times now, the law you're proposing is unconstitutional, both under Federally and under State law. We've told you several times now, the law is illegal under New York State preemption. Ms. Fleming asked earlier, the case is Chwick v. Mulvey, C-H-W-I-C-K, v. Mulvey, Nassau County, 2010. That case took to task the County's attempt at passing a law under the purview of firearms which is the State's domain. The Federal lawyer thing that was Heller, that was also officially struck down, a safe storage provision in D.C.'s law, that was a Federal case.

Mr. Trotta brought up swimming pools. We don't even require locks around your swimming pool, you have to have a fence. People still drown in them, right? It doesn't do much good. People want to do something stupid, they're going to do something stupid. The proposed law does nothing to prevent anything, it only provides for a punishment after the fact.

We talk about children dying. So you're going to arrest somebody and charge them after a child has died? That's ridiculous. As someone else said last week, this is stupid, it really is. It doesn't do anything to prevent anything. We've got existing negligent laws on the books that would cover anything that this law would cover. If someone's going to leave the gun unlocked on the kitchen table today, they're going to do it tomorrow, law or no law. Stupid is stupid, you can't legislate stupid.

I can go on and on all day but I have a feeling, Mr. Gregory, you just don't want to hear it. Pools are -- drowning is six times higher than firearms; bicycles and tricycles are higher than firearms; suffocating and drowning is ten times higher; falls are 16, 17, 18 times higher; poisons are 50 times; motor vehicle accidents are 55 times more likely to kill you than a firearm.

Now, as far as whether it's under my direct control or not in your requirements, one thing I take to task is your redefinition of firearm. New York State doesn't call a flintlock rifle a firearm, your bill does. So you're telling me a flintlock hanging over the mantle has got to be locked up now, even though it's not likely to hurt anybody? I don't think anyone's going to agree with that. I want to say again to be responsible, withdraw this bill. It's ridiculous. Thank you.

P.O. GREGORY:

Thank you, sir.

Applause

Harold Moskowitz; and then Shoshana Hershkowitz.

MR. MOSKOWITZ:

Good afternoon. Is Resolution 1777 really a good idea for this County? Section 1 offers general observations referring to the nation in general, not specifically to our County. Since only County residents are to be burdened, endangered and potentially penalized by this bill, the residents are entitled to conclusive proof of necessity relevant to our County and covering a significant period of time, not merely a time snapshot. Has there been a crisis in fatalities resulting from unsecured,

legally registered firearms in our County? The Supreme Court has recognized that individuals have the right to self-defense in life-threatening situations; this bill undermines that right by requiring valuable time for unsecuring the defensive weapon.

What would the members of this Legislature say to a woman raped in her bedroom or to the family of a woman murdered by a former boyfriend who violated a protection order because these women did not have time to unsecure their firearms? When seconds count, the police will be there in minutes. Is this County, in its present dire financial condition, prepared for the legal expenses and settlements resulting from such situations? What about legal challenges from large gun rights organizations? Certainly County finances could be better used in helping our residents. And, if enacted, how would this law be enforced? What shall constitute probable cause for a search warrant? Are we to witness SCPD and Sheriffs Deputies executing potentially dangerous, warrantless searches in violation of the Fourth Amendment?

This bill is an example of government overreach into the private decision making of individuals in their own homes. The vast majority of legal, and I stress legal, gun owners already take steps to prevent theft, unauthorized use and access by children. So why is this bill being put forth at this time when there are significant causes of fatalities in our County which might better be addressed, such as fentanyl-laced heroin, distracted driving and gang-related murders with illegal guns.

Applause

This bill is unenforceable. And despite the boiler plate severability clause, it would cause more problems than it purports to solve, including lawsuits and legal challenges. At best, it is politically motivated legislation in an election year; at worst, it is an attempt to make legal, responsible firearm ownership more expensive and problematic. I urge this Legislature not to enact this bill into law. Thank you.

Applause

P.O. GREGORY:

Shoshana Hershkowitz, and then Frank Rose. Mr. Rose?

MS. HERSHKOWITZ:

Thank you. My name is Shoshana Hershkowitz, I am an educator, I have 18 years of experience both in public education and higher education at Stony Brook University. I'm a parent of young children. I'm not associated with any organization, I'm coming here because this is an important issue.

I just want to hit a few points that other people have already said. In the issue of suicide, I've taught teen-agers for many years and I think the saying that suicide is a permanent solution to a temporary state of mind is really apt and I think that's something that's been hit here. When you don't have access to a gun, you are less likely to commit suicide. And the statistic that I would cite is being a dual citizenship, both Israeli and American -- my parents were both veterans of the Israeli Wars -- when there was a suicide issue in the Israeli military, when they were going home on weekends, for many years they stopped bringing their guns home to deal with the issue of suicide, and the suicide rate dropped 40% in the time that they conducted this.

Additionally, as the parent of a young -- of two young children, I always ask before I go to anyone's house how that firearm is stored.

I have to say, *Do you have a gun? If so, how is it stored?* Because I don't want my child to be that

statistic that Sue Hornik was talking about. Because children are curious, children are impulsive, they don't see the bigger picture and it is our job as adults to safeguard them. This is something -- this is not just me talking, the American Academy of Pediatrics has said this. There are statistics, there is science behind this.

I also believe that with the Second Amendment right comes the responsibility. It is your job to safeguard that weapon if you choose to exercise your right to bear arms. This to me is just an absolute no-brainer. It should have bipartisan support, it should not be a partisan issue. And it does not cost you anything because the Suffolk County Police Department is handing out free locks. There are no questions here. The one thing I do want to say, I don't know where. Mr. Trotta went, but if we ever actually have some sort of swimming pool lock, I'll come back and I'll be right behind you, sir. So, thank you very much.

P.O. GREGORY:

Thank you. Mr. Rose, are you still here? Okay, Mr. Rose, and then Matt Catalia.

MR. ROSE:

I'm an avid hunter, I belong to the NRA, but I've got a couple of questions for this committee. When you people take oath, you put your hand on the Bible and you solemnly -- you know, you go to uphold the Constitution of the United States; what part of the Constitution don't you's know, or have forgotten? The Second Amendment, the Fourth Amendment? I urge you to read it, okay.

Now, when they take away the guns from the gang-bangers and the drug dealers, you know, maybe people start coming around thinking like the way you do because of the safety of the children in the house, okay, and all this other stuff. But as a responsible parent, I've always locked my guns up, okay. I raised four kids, I've got 16 grandchildren, knock on wood, okay, and the Lord has watched over us as far as that goes. It's up to the individual parent, the individual, you know, person that owns these guns to take responsibility. Okay? Like, you know, you put more laws on for what; to have that feel-good moment? It doesn't work, pal. That's my conclusion, that's all I have to say. Thank you.

Applause

P.O. GREGORY:

Thank you, Mr. Rose. Mr. Catalia? Okay, and then Ed Bogler?

MR. CATALIA:

My name is Matthew Catalia, I'm a Suffolk County resident and I oppose Resolution 1777 and I hope it's defeated. Thank you very much.

Applause

P.O. GREGORY:

Thank you, sir. I apologize, I didn't understand your writing. So Bosch?

MR. BOSCH:

Yes.

P.O. GREGORY:

I'm sorry, okay. I thought there were some Gs and Es in there (*laughter*).

MS. BAWKER:

Can I take his turn? Then you don't have to call me again.

P.O. GREGORY:

Did you go before?

MS. BAWKER:

No. My name's Carol Ann Bawker.

P.O. GREGORY:

Oh, you're next.

MS. BAWKER:

Can I go in place of him?

P.O. GREGORY:

Sure, yeah. If he gives up his spot. So then Bill Jurow is next.

MS. BAWKER:

Thank you. I was here last week and I spoke and I said that -- my name is Carol Ann Bawker and I'm from Ronkonkoma, not Lindenhurst. And I said that I represented all the grassroots organizations in Suffolk that I belong to; today I'm representing my citizenship and the Constitution. Okay?

It's been said -- there's so much that has been said here today that I can throw away because it's all been said. So I'm going to start off with D.C. vs. Heller; how many times does it have to be said? Since when does Suffolk County legislation usurp the Supreme Court of the United States of America?

Applause

I heard so many stats on how children die. Does anybody know -- here's another stat; hammers kill more than guns do. Okay? We can go on with stats forever and ever. Mental health, suicide, I have had three people in my life commit suicide, so I know what it feels like to be involved or to know people who took their own life that was so unhappy. One of them was by a gun, two was by hanging. It is my experience that when a person wants to kill themselves, they're going to do it by any means, nothing's going to stop them. Okay? One of them by hanging, they tried four different means. They were so dead serious they eventually did it. This bill is not about mental health and it's not about children, it's not about anything except for usurping our Constitutional rights and the protection of life and limb.

Applause

If I want to harm somebody or kill myself by firearm, I can go to my local plumbing supply place, buy some pipes, go on the Internet and they will tell me how to make a gun. I can use it to kill somebody, dismantle it and no one will know the difference. I owned a gun store in the 1960s, okay, and the Federal government came out with gun laws; the book was this thick. We do not need any more gun laws on the books.

Statistics? I will guarantee you, all these statistics about death with guns were taken from Detroit, Chicago and Baltimore. These places have the strictest gun laws in the nation and yet children are dying by the day. Something like 700 people have been shot just in Chicago since January, okay. I do not live in Chicago, I do not live in Detroit, I do not live in Baltimore; I live in Suffolk County.

(Timer Sounded)

This is where I reside. All -- another thing that was stated, all these counties in New York that have put these bills through, it is unconstitutional. And if the people in these counties had any type of -- I can't use the word, gumption, they would get lawyers and they would fight it because it is unconstitutional according to the Supreme Court D.C. vs. Heller. Thank you.

Applause

P.O. GREGORY:

Thank you. Mr. Jurow and then Stephen Ruth,

MR. JUROW:

Good day. My name is Bill Jurow, I'm an attorney. I'd like to ask.

Mr. Nolan, did you review this law and approve it for them as a Statute that could be passed and followed through law?

MR. NOLAN:

Yes.

MR. JUROW:

Good. I think under Judiciary Law, the Civil one, 487, you've committed malpractice.

MR. NOLAN:

Come get me.

MR. JUROW:

Pardon?

(*Laughter*)

Okay, let's go through some of the Statute. Because first of all, I ended my last conversation just by saying that education's the answer for our children, because all the talk about preemption is correct. The Federal law doesn't tell you how to take care of my children, the State law says how -- what age my children can use guns. It says under the Environmental Conservation Act very specifically, from age 12 up they can use guns in this state; that is the law. You can't pass a law that then says they have to be precluded from being around the guns. And there's nothing saying that there's anything unsafe about having a gun in my house. If you're going to insist that I have a safe, it's a tax against me for exercising my constitutional right. Is the County of Suffolk going to pay for a safe for every one of the people who owns guns in this County? I doubt it. But you can't pass a law that's asking me to pay to exercise my right.

Okay, let's go a little further. You've made a -- Mr. Gregory has been kind enough to ask a lot of good questions, some of which -- most of them sound like he was asking about a handgun. People have lots more than a handgun. Some people have dozens of rifles and shotguns; they don't fit in a small safe and you can't get immediate access. And if you need immediate access, the U.S. Supreme Court said he should have that gun loaded and ready to go. The other point I made last time is I'm in the unorganized militia; most men are. We have to be having our guns available and loaded and ready.

Your question about separating ammo from the gun the Statute makes moot because moot because this Statute is so -- I hate to use the word, I'll just say it's uneducated. Because the way it's written it does two things; it says that any part of any gun must be put in a safe mode. If I've got a

workshop or I've got a spare site, the thing's broken or any of those things, all that has to be locked up. I'm a criminal if I don't put all the tools and all the parts away? The Statute is insane from that perspective. There were a whole lot of other things in the Statute that are improper like that and you can't do that. You can't have laws that are not allowed.

One of the other great things, severability; it says that if any court says that part of this law is illegal or constitutional or wrong, it only applies to that one case. It is automatically resurrected; hallelujah, this is the new --

(Timer Sounded)

P.O. GREGORY:

Please wrap up.

MR. JUROW:

All right. I want to thank -- I incorporate everything I said the last time. I want you to think about how this is totally preempted by Federal law and how I raise my child. It's preempted by case law in the State. Again --

P.O. GREGORY:

Please wrap up.

MR. JUROW:

-- Joseph Colaiocovo, in the case of Joseph Colaiocovo v. Richard Dormer.

P.O. GREGORY:

Sir, please wrap up.

MR. JUROW:

It already clearly said you can't do -- they interpreted Heller for Suffolk County.

P.O. GREGORY:

Sir, your time's expired.

MR. JUROW:

I want to thank you so much for your time, all of you.

P.O. GREGORY:

Thank you.

Applause

Okay, Stephen Ruth, and then Sherman Kearns.

MR. RUTH JR:

Good evening, Ladies and Gentlemen. I think that rather than focusing on taking away more of our Constitutional rights, we should focus back on the Red Light Camera Program which is injuring way more kids with rear-end collisions and T-bone accidents than any gun violence ever did. People are slamming on their brakes, people are jamming on the gas. We have kids getting killed in front of cameras and none of their families have ever, ever seen a video. We have hit and runs with people paralyzed for life, having been hit and run right in front of cameras on Middle Country Road, and they've never been able to view the video of the person who came up to them, inspected them in the street after they hit them and then they took off, they were never able to see the video. Because it's so unconstitutional and none of you care, so why would you start acting like you care

about kids now?

Applause

Everyone sees right through you, everyone does. It's so disrespectful. We have so many kids getting killed from heroin and you act like you want to stop gun violence with kids getting killed with suicide from guns? Kids you don't hear about getting killed from guns, you hear about kids dying from heroin.

Applause

You really should be ashamed of yourselves, all of you guys. Not the Republican ones right over here because I know you guys aren't doing the wrong thing, you're trying to educate them as to what really should be done. But the heroin problem is what really needs to be addressed. And the kids getting injured from the rear-end collisions, because they're the ones in the back seat, the kids, they should be fought for, not the ones that may be exposed to a gun. Because let me tell you something, when I'm not home, my son should have the right to protect himself.

I'm a landlord, okay, and when I come home with rent money and I'm entering my house, the most vulnerable point is when I'm entering my house. If I see that someone's following me in, I have to be able to charge to my bedroom, or to the spot that I know my gun's located, and be able to grab that gun. Because I'm coming in with money and that's what they want for the heroin, which isn't really getting addressed. So if you want to make something illegal, let's talk about making syringes illegal for kids under a certain age. Do something right for the kids. Don't try and take their ability to protect themselves, because we live in a very violent community. Let's be honest, it's a huge epidemic. There's MS-13, there's kids coming up dead all the time now -- God rest their souls because they do deserve that respect -- but none of you guys even give them it. You don't give it to them. These kids deserve the right to protect themselves, and even if it's with their father's shotgun or with any means necessary, it's their constitutional right. So don't act like you're trying to protect kids, because it's not about protecting kids, it's not. And if anything, if you really wanted to protect kids, you would have gotten rid of the cameras because everyone's slamming on their brakes and kids are getting hurt and killed, and even kids are getting hit in the street and they're getting killed in the street and their families are never able to view a video. So stop. Release the videos of all the accidents involving injury and death if you really care.

Applause

P.O. GREGORY:

Mr. Kearns, and then Gary Reiber.

MR. KEARNS:

My name is Sherman Kearns. I've been a Suffolk County resident for 47 years. My first question is to the authors of this bill is what, if any, is your expertise in the safe storage of firearms? Do any of the people involved in writing this bill have any certificates or expertise in the safe storage of firearms?

P.O. GREGORY:

Is that a question that you want answered right now? You asked the question -- what was the question again; about certificates?

MR. KEARNS:

Specifically who wrote the bill, what expertise do they have in the handling of firearms.

P.O. GREGORY:

Well, it's not so much about an expertise in anything. I think if you recognize a problem, and as Legislators it's our responsibility, or some would take it as our responsibility to address an ongoing concern that's present. So that's what it comes from.

MR. KEARNS:

But wouldn't you think it would be good to get an expert's opinion?

Applause

P.O. GREGORY:

Certainly. I think it's important to get opinions from different sides, but I think the aspect that there are guns that are accessible to unlicensed people or unauthorized persons is obvious. So how do you make a -- you come up with the construct that makes those weapons less harmful to those individuals that shouldn't have access to those guns. So that's what this is about.

MR. KEARNS:

I'm saying --

P.O. GREGORY:

Because there are many things that as Legislators that we legislate, whether it's environmental laws or any other things none of us are experts on, but it's a responsibility that we take it upon ourselves to address it. So --

MR. KEARNS:

I respectfully disagree.

P.O. GREGORY:

Okay, and I understand that. Thank you.

MR. KEARNS:

My second question to the Legislature is are you prepared to take on the exhaustive legal battles that will be brought against it in the legal challenges from the NRA, the GOA, the New York State Rifle and Pistol Association, the Shooters Council on Political Education, and possibly many, many more paid for by the citizens of Suffolk County. Where is this money in the budget to legally defend this law?

P.O. GREGORY:

Well, I think, you know, it's our -- if this bill passes, I think it's -- certainly I won't be intimidated by any threat. I think that's part of the problem that we see, not only locally but throughout the country, because you have these special interest groups that threaten legal actions to intimidate people and, you know, I think it's our responsibility to do the right thing. And if they choose to do that then so be it, but I'm not going to be intimidated to do something I feel is in the best interest of all public safety, particularly our young children.

MR. KEARNS:

At any cost.

UNKNOWN AUDIENCE MEMBER:

You shouldn't be intimidating us.

P.O. GREGORY:

We have the County Attorney's Office, that's -- you know, that's -- there are other statutes, some statutes that have been passed that no legal action has been taken, but if they choose to do it in this instance that's fine, but I'm certainly not going to be intimidated because someone makes an idle threat.

MR. KEARNS:

You know this will be challenged, if it's passed.

P.O. GREGORY:

That's up to them. And your time's expired, so please wrap up.

MR. KEARNS:

All right. This bill is going to bring about as much gun safety as Obama Care lowered my health premiums. And that's it.

Applause

P.O. GREGORY:

Thank you. Mr. Reiber? Are you still here, sir?

UNKNOWN AUDIENCE MEMBER:

He left.

P.O. GREGORY:

Okay. John -- Mr. Cushman, I see you over there; and then Dr. Glen Paritsky.

MR. CUSHMAN:

I was hoping I'd get the chance to address this body before I had to say good evening, because it's not quite evening yet. Mr. Reiber is not here, also Mr. Glen Paritsky is not here. They were like me, we were here at 12:30, we were the first three to sign in because the others had to go to work. Me, I'm lucky; once you take off the day you lose the day, so you might as well stay till the bitter end. Besides, I wanted to hear what everybody had to say. Even though even if I was the first speaker I would have stayed, but now that I'm near the end I'm glad I stayed for all of it. I'll change a little bit of what I had to say last time.

My name is John Cushman, I'm the President and Founder of SAFE, Sportsmen's Association for Firearms Education. I'm also the Long Island Regional Director for the New York State Rifle & Pistol Association. I also happen to be an NRA certified instructor in rifle, pistol, shotgun, personal protection, home safety and range officer for the past 35 years. And I bring that up and I emphasize it because the thing that always seems to bother me when legislation is drafted, nobody ever calls on the people who know the most about firearms in before they write it. You called on us after the fact; it's like we're trying to play catch-up. Why didn't you call us in the first place if you really have a problem?

And what I raised during the committee hearings was there were no real studies done in Suffolk County to demonstrate that you have a clear problem of children or even unauthorized people legally of having access to firearms. Criminals yes, but that's a different story, you already have laws against criminals having access, criminals even touching a gun, even being in the same room with a gun. We also have laws of negligence for people who do stupid things like telling a five-year old, *Here's a sharp knife, go play with that for a couple of hours.* Anymore than we wouldn't do that, we wouldn't do the other.

I asked the question at the hearing, I'll ask it again now; there are numerous programs out there for safety, education. I will remind you the aim of the organization we created 24 years ago, Sportsmen's Association for Firearms Education. We needed approval from the New York State Board of Education to be able to use that word in our name because we had to demonstrate that we were going to be able to teach something. Safety with firearms is one of those things, and general education on the meaning of the Second Amendment was the other. They both were approved by the State of New York, so we use them in our name. Again I ask the question, why haven't you folks come to us? Eddie Eagle Program; gun safety program aimed at children, been around 30 years, 40 million plus children have gone through it and 23 states have adopted it as a safety program to teach the proper way of handling a firearm. Passing a law that would penalize, punish and otherwise hurt law-abiding citizens does not solve the problem of doing what you claim you want to do which is help keep people alive and safe. You do that by giving them the education they need. I'm asking again, let the Legislature be the first one that actually passed a mandated Eddie Eagle Gun Safety Program in the schools so that the kids will learn the proper thing.

Applause

(Timer Sounded)

P.O. GREGORY:

All right, thank you, Mr. Cushman.

MR. CUSHMAN:

My time is up. I appreciate it.

P.O. GREGORY:

Thank you. Oh, I'm sorry, Legislator Fleming has a question.

LEG. FLEMING:

Thank you, Mr. Cushman. You mentioned to me that you had some statistics to provide?

MR. CUSHMAN:

Another one, yes. And in addition to all of the cases you've already been cited, mainly because this goes -- I'm older and I've been around a little longer doing this. In 1974, the Attorney General for the State of New York was given a request by this County Legislature, it goes back a long way.

LEG. FLEMING:

Mr. Cushman, let me just interrupt you for a second because we just have so many people to hear from. You had said that you had some sites for me? Could you just forward them to me?

MR. CUSHMAN:

That's what I'm going to do right now, I'm doing it.

LEG. FLEMING:

Okay.

MR. CUSHMAN:

Louie Lefkowitz was the Attorney General for the State of New York.

At the request of this County Legislative body, they wanted to have a Local Law passed and he ruled that the firearms law has been preempted by the State of New York and that Suffolk County in particular and every County in general had no right to make any laws pertaining to firearms or their maintenance. And that was by the Attorney General, I think if you just contact their office, ask for the 1974 ruling, that would be the oldest one that I'm aware of, and you've already gotten the

citations for the newest ones.

LEG. FLEMING:

Thank you, sir.

LEG. ANKER:

DuWayne?

MR. CUSHMAN:

No other questions?

P.O. GREGORY:

Legislator Anker has a question.

MR. CUSHMAN:

Oh, okay.

LEG. ANKER:

Hi, John.

MR. CUSHMAN:

Hi.

LEG. ANKER:

I just wanted to thank you for a great class. I took the Women on Target class and I see some of my instructors here.

MR. CUSHMAN:

Yes.

LEG. ANKER:

And I just want to thank you. I think education is really the best way to go as far as understanding firearms. But thanks again.

Applause

MR. CUSHMAN:

I appreciate it. Thank you. The class is open to all of the women who want to go. Any other questions?

P.O. GREGORY:

Thank you, Mr. Cushman.

MR. CUSHMAN:

Thank you.

P.O. GREGORY:

I'm sorry, Shenee Johnson? Or Sheena Johnson?

MR. RICHBERG:

She left.

P.O. GREGORY:

No Shenee? Okay. Ed Olsen? Ed Olsen? No. Okay, that's all the cards that I have. Is there anyone that would like to speak that has not spoken? Okay.

UNKNOWN AUDIENCE MEMBER:

Are traffic lights going to be heard later or now?

P.O. GREGORY:

I'm sorry?

UNKNOWN AUDIENCE MEMBER:

Is the red light traffic law going to be heard?

P.O. GREGORY:

That was earlier. We had that already, right; Trotta's bill?

MR. NOLAN:

Yes.

P.O. GREGORY:

Okay.

MR. JUROW:

It showed two behind it.

P.O. GREGORY:

All right, so we don't have any more cards. I'll make a motion to recess -- I mean close.

(*Laughter*)

D.P.O. CALARCO:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Not Present: Legislator Spencer).

P.O. GREGORY:

All right, so that you folks understand. So the public hearing for which you just spoke on is closed. So the next action is to have the committee, which some of you have come to the Public Safety Committee, we'll review the legislation for an up or down vote. If it gets out of committee, then it comes back here for our next meeting, so just so you understand the process. All right? Okay. All right, so 1777 is closed.

(Public Hearing on) IR 1850-16 - Adopting Local Law No. -2016, A Local Law to amend Section A13-10 of the Suffolk County Administrative Code to authorize the use of property held by the Police Property Bureau in law enforcement operations (County Executive). I don't have any cards for this public hearing. Is there anyone that would like to speak? Please come forward. Okay. What are we doing?

D.P.O. CALARCO:

Motion to close.

P.O. GREGORY:

Motion to close by Legislator Calarco.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Not Present: Legislator Spencer).

P.O. GREGORY:

Okay, ***(Public Hearing on) IR 1851-16 - Adopting Local Law No. -2016, A Local Law to authorize the indemnification and defense of traffic prosecutors providing services at the Suffolk County Traffic and Parking Violations Agency (County Executive).***

MR. JUROW:

I'll object to that.

P.O. GREGORY:

(Laughter). Well, Mr. Murrow -- you're Murrow, right?

MR. JUROW:

Jurow.

P.O. GREGORY:

Jurow, I'm sorry. You're up, you have your card first.

MR. JUROW:

Having just tried one of those fine cases and the way I was treated by the courthouse on the issue starting with even jurisdiction; they refused to hear it, there was no discovery, it was extremely abusive. They stopped the trial in the middle of it and made me wait until the end because I was citing law. And low and behold, I actually objected to statements that they were trying to make, which under court rules I'm allowed to make. I don't think anybody in that system -- because it is an administrative hearing and it takes away property from people purely to make money when there are other laws deserves immunity. Government workers, I don't care where they are, here or anywhere else, do not deserve immunity for their acts.

Applause

They can do their job right or they can do their job not at all. And immunity should not be something granted just because you're doing that. Maybe a person who's saving lives when they pull over an ambulance to help you, they might deserve immunity, but everybody else, they damn well just better do their job and follow the law. That's why I told Mr. Nolan, I believe he was advising people incorrectly and I think he should be responsible for that. And I think if anybody decides to ever sue for a law that he suggests that you pass that's wrong and people are harmed, I think that civilly he has an obligation to do his job right. And I don't mean to pick on you in the moment, sir. It's just that I believe that all government employees should be responsible.

There are laws that say if you spend money improperly, you waste money, you're personally liable, whether it's for stamps, using your car, or maybe writing laws that are a complete waste of time after the law has been shown to you over and over again. This should have been ended before, and the gun matter should have been -- safes should have been ended after the first hearing when you were better educated that the law doesn't permit these things. You're wasting our taxpayer dollars and I think that -- again, please don't give anyone immunity if they're not going their job correctly. Thank you for your time.

P.O. GREGORY:

All right, thank you, sir. Oh, I'm sorry. Legislator McCaffrey has a question for you.

LEG. McCAFFREY:

You said you didn't have a very good experience at the Traffic Violations Bureau.

MR. JUROW:

Absolutely not.

LEG. McCAFFREY:

Okay.

LEG. CILMI:

That's unusual.

LEG. McCAFFREY:

It is --

MR. JUROW:

I walked in and said jurisdiction can exist for the simple reason the ticket does not include a town, city or state on it. The court could not have jurisdiction. Before I even walked up to the bench, they have pictures of a car with a license plate on it. I'm like, *"Excuse me. Would you please take that down?"* *"No."* *"Why aren't you taking it down? You're showing evidence for which no basis has ever been shown. I came to make a motion to dismiss or get permission for time for my client to make a motion,"* they said, *"No, you're on trial."* And I proceed -- and they refused. They had to bring in three guards because everybody's yelling over me, I'm trying to cite the law. I didn't get a chance to cite the law.

(Timer Sounded)

I did finally when they gave up and realized they were either going to have to hold me in contempt or put me in jail, and they let me go for 20 minutes and then they stopped and made me wait three hours or two hours, whatever it was, and I went another half hour and they still -- they even think they saw the video and they hadn't and then they said, *"We saw the video"*; they hadn't seen the video. They hadn't done anything. This was not mailed to me by somebody from Suffolk County for my client -- it was mailed to my client, rather, not me. And, you know, it has to be mailed from within the state, it was mailed by somebody else. There was no proof the equipment was right. The Statute says there has to be proof of all these things. All the affidavits put in, I asked for them in advance, they were not provided to me. I asked over a month in advance, they said, *"There are none. There will be none, you may not get any."*

LEG. McCAFFREY:

So is it your -- and, you know, you need to be careful. When they promise -- if they threaten to lock you up, there's a good chance they're going to. We have one judge here who's locked up 31 people that have appeared before him, sent them to jail for traffic violations.

MR. JUROW:

Well, it wasn't -- the ticket wasn't in my name.

LEG. McCAFFREY:

No, I understand that. But they will lock you up, whether it's for contempt of court or speeding or whatever it is.

MR. JUROW:

It's supposed to be an Administrative Court for people who -- if it's supposed to be a criminal act, you're supposed to get the right to go to a Criminal Court where you're entitled to an attorney and your rights are honored. There's no honoring of any rights in that courthouse, zero.

LEG. McCAFFREY:

That was my question to you, is do you feel that the procedures being followed in that Traffic Violations Bureau are in compliance with the State law that governs those types of courts?

MR. JUROW:

I don't think any of this has equal rights for anybody. This appeared to me that no matter how much I proved they had not met their basis, that all they were going to do was convict. If they don't have an address for a location, that alone should have ended the case and it should have been dismissed. I went through everything -- again, like I've done here before -- the Supreme court cases on down, you can't face anybody. Who served the papers? They had no answers for that. There was no evidence that the equipment; the Statute specifically says they have to -- that you can say it's a defense that the equipment was malfunctioning. Nobody testified otherwise. There were other parts of that Statute that say this is a defense; if you state them, they ignore that.

LEG. McCAFFREY:

Right. So without retrying the case, like I said --

MR. JUROW:

Right.

LEG. McCAFFREY:

-- I just want an answer. The question is do you feel as an attorney -- and I've got letters and testimony from other attorneys that feel very similar to the way that you do about the conduct within the TVB and the fact that it is not being run as it should be. And additionally, if we were to indemnify these people, we'd be extending ourselves because we're aware of the fact that it is not being conducted properly. Is that fair to say?

MR. JUROW:

That's extremely fair. And it's nice to hear someone in the Legislature think that out loud, that maybe this could be corrected.

LEG. McCAFFREY:

Thank you.

MR. JUROW:

Maybe it belongs back in a regular courthouse where discovery is allowed. You're still having -- otherwise you've got -- you're taking away money from any American citizen in this state or any other state. Before the government can take your money, they have to give a reason for it, it can't be a tax, and it has to be divided equally amongst all people. You know, it hasn't saved lives, that was said before, if, in fact, it's caused more damage to individuals with the short stop

accidents; the statistics are already out on that. I mean, and whether or not -- I even argued that the underlying affidavits to make sure the statute went into effect weren't there; nobody cared. You're right, I don't want to go into everything. You were kind enough to say that.

LEG. McCAFFREY:

But just one last thing; what was the end-up, the conclusion of that?

MR. JUROW:

Oh, as usual.

LEG. McCAFFREY:

Guilty as charged?

MR. JUROW:

You know, a \$50 fine and \$30 administrative fee.

LEG. McCAFFREY:

Okay.

MR. JUROW:

You know, and I think the statute says 25; I'm kind of curious about the extra \$5.

LEG. McCAFFREY:

It's for their trouble.

MR. JUROW:

(Laughter). Thank you for your time and I thank all of you. And I wish you a great evening. I thank you for your time, both this week and last week.

P.O. GREGORY:

Thank you, sir. Stephen Ruth.

MS. FREGO:

He's here.

P.O. GREGORY:

Oh, he's not here, Okay. *(Laughter)*.

D.P.O. CALARCO:

Oh, he's here, don't worry.

*(*Mr. Stephen Ruth Jr entered the auditorium*)*

LEG. BROWNING:

DuWayne, I want to make a motion to recess.

P.O. GREGORY:

Motion to -- well, Mr. Ruth has stepped in the room. He's entitled to his three minutes; don't want to be accused of not giving him due time.

MR. RUTH JR:

This is in regards to the -- good evening, Ladies and Gentlemen. This is in regards to the defense for the --

P.O. GREGORY:

Indemnification.

MR. RUTH JR:

Can you guys explain that for me, please?

MR. NOLAN:

No, he's here to testify.

P.O. GREGORY:

You're here -- just testify. It's about the TVB, it's about if you -- there are prosecutors, as I'm sure you're probably more familiar with than most of us. In exercise of your duties, you are pretty much held harmless in your actions in acting at the behest by the County. You cannot be personally liable.

MR. RUTH JR:

I think that's not good. I think that they should be liable. I read this week that 23 people had been remanded to jail from Paul Margiotta's traffic agency, and then Vincent DeMarco's office said that it was not 23 people, it was 33 people. And I think that there should be accountability as well as the fact that they should definitely -- if they're practicing law, well, then they should definitely be liable for their own fees if they're then prosecuted for it. So I think that that's bad. Don't support their defense, don't pay for their defense. I think that they should be liable for their mistakes, and especially if they're giving wrong figures. Vincent DeMarco's office said ten more people were remanded than Paul Margiotta's Office said, so there's a lack of a piece of the accountability and I think that they should not be basically exempt from prosecution. They should be held accountable. I'm going to be held accountable, right, for my actions, right? I'm going to be -- or at least that's what we'd hope, you'd hope, right? So I think that -- and I'm only trying to save some lives. I think that these people who are remanding either 23 or 33 people to jail, they should be held accountable, especially if those people are parents, they might be a single mother getting sent to jail for driving without a license or something like that. The wrong thing being said in traffic agency can get you locked up. And I know that I sometimes say the wrong thing, according to some people, and that could get me locked up, but if my son is an infant and he's home and he's not going to get fed because some prosecutor said, *Lock him up*; well, then whoever said that I should be locked up should be held accountable.

So definitely, please, do not give them indemnity or do not give them basically immunity from their actions; they should be held accountable, that way they're not reckless. Just like the shortening of yellow light being reckless and people dying? Well, that could happen if someone gets sent to jail and their mother is responsible to feed them or give them medication. So we really have to take this into consideration. Really, it's the truth. Honest to God, seriously, if a Mom says, *Well, Your Honor, I think you're wrong*, and he says, *Well, I think that you're in contempt and that regardless -- now take her, take her, she's got to go*. And then that -- she doesn't get to say, *But I have to give my baby, my infant medicine*; well, yeah, then this baby could really have a problem and there has to be accountability. So that's just what I feel. Thank you.

P.O. GREGORY:

I enjoyed watching you have a conversation with yourself, that was pretty interesting.

MR. RUTH JR:

What, this conversation?

P.O. GREGORY:

I'm only kidding, I'm only kidding.

MR. RUTH JR:

It's all right. Listen, I respect you. I'm sorry about the other day when I said that I thought that -- you know, sometimes I get out of control and I'm sorry.

P.O. GREGORY:

That's all right. I accept your apology. Thank you.

MR. RUTH JR:

Thank you. The same thing with you, Mrs. Browning.

P.O. GREGORY:

Okay. There's no one else -- there's no other cards filled out. Is there anyone else that would like to speak on this matter? Please come forward. Nope.

LEG. BROWNING:

I'd like to make a motion to recess. Before I do, Kevin, you had asked for some information. Have you received what you asked for?

LEG. McCAFFREY:

Yeah, I have. We just got it before this afternoon. What I asked for was the total amount of days or the amount of the people that had been sentenced to jail, and we're looking at it now and we've got -- you know, in some cases -- we looked at one, two, three, four, five, six, seven, ten Judges, or Hearing Officers, and they have sentenced people to jail. One stands out that has done that 31 times, another one nine, another one three, mostly it's just small. But you have one Hearing Officer that 31 times has sent people to jail. We're calculating; this is well over 500 days of incarceration that these Hearing Officers -- I mean, we have drug dealers out there that we're doing alternatives to incarceration. What about community service? You know what this has cost us? I can't imagine what we've got in in fines. It cannot be offset by probably 500 days in jail we're paying for for people with speeding tickets and, you know, driving without a license and -- I understand that's serious, but at the end of the day, jail? This is costing us a fortune. And I asked almost two months ago for this information and I finally got it delivered to me today, so I really haven't had a real chance to look at it, but we will at the end of the day when we look at this. But I'm truly concerned about some of the actions of these Hearing Officers here that are taking these actions, and I don't think we were even aware of the extent to what we thought that they may be doing this. And so I'd be really reluctant to support indemnification of what appears to be maybe -- I don't want to say abuse of power, but there's clearly people that are taking it above the line here, so.

Applause

LEG. BROWNING:

So --

P.O. GREGORY:

So --

LEG. BROWNING:

I made the motion to recess. And also, the conversation came up at the last CJCC meeting, the number of incarcerations. You know, there's a serious lack of communication sometimes, or providing information from the Traffic Court when Legislators are asking for it. I can't say that they have not always been cooperative on some issues, but I do think there are some serious problems. And to go ahead and close this and push it through, I don't think it's appropriate at this time.

George, I reached out to our Counsel. So I think at this point in time, we should be leaving it open, because I haven't seen what Kevin received. And we're going to be asked to vote on something that I think what information has been provided to Kevin, what CJCC has brought up will have an impact on our decision. So I think there are some serious problems. I've heard from many attorneys myself with issues at the Traffic Court, how they're being talked to, how they're being treated. In my opinion, Mr. Margiotta is not the appropriate person to be running this department.

Applause

No, I'm serious. I do believe that he should no longer be serving in that department and we should have someone else there. I'm very disappointed and displeased with what I hear in that court.

P.O. GREGORY:

But Kate, that won't be addressed through this bill.

LEG. BROWNING:

No, it won't. However, I think there is a lot more that needs to be looked into, things that I've been told. So I want to be sure that the decision we make and what I have heard from individuals and attorneys who go to this court and what they have heard and what they have seen on the part of Margiotta, I think it definitely has an impact on how we vote on this and what should be done with that traffic court.

P.O. GREGORY:

Yeah, but this is specifically addressing indemnification of --

LEG. BROWNING:

Indemnification of who?

P.O. GREGORY:

-- prosecutors only.

LEG. BROWNING:

Okay.

P.O. GREGORY:

The Hearing Officers, as Counsel as --

LEG. BROWNING:

Okay. I'm not going to get into it right now because I don't think it's the right place or time, but that's another conversation and that's why I'm asking that we recess it.

P.O. GREGORY:

Okay.

LEG. TROTТА:

Second.

P.O. GREGORY:

Second. Okay, so motion to recess by Legislator Browning. Second by Legislator Trotta. We have a motion --

D.P.O. CALARCO:

Motion to close.

P.O. GREGORY:

Motion to close by Legislator Calarco. I'll second the motion to close.

D.P.O. CALARCO:

On the motion.

P.O. GREGORY:

On the motion, Legislator Calarco.

D.P.O. CALARCO:

While I can appreciate the concerns that my colleagues have voiced about the operation at the Bureau and whether or not these Hearing Officers, and some particular Hearing Officers in specific, are acting appropriately, and even whether or not this County should be providing them with indemnification. We are not, at this point in time, debating the bill. This is the public hearing. This is the opportunity for the public to come and make comment. We heard some public comment, we had two speakers come, I don't see a clamoring at the doors of people coming and us not able to accommodate their desire to address us. We're going to still have plenty of time to debate this and hear it out; and, in fact, we won't even be back in committee again for almost a month and a half, so there's plenty of time for us to debate it. And quite honestly, especially for those of you who think maybe we shouldn't be doing this, if we're debating it and we decide that it needs to be changed and altered, then that's going to be the County Executive's problem to come back and have the public hearing reopened. But I don't see a reason to hold it up, a public hearing, and closing the public hearing just because we have questions that are part of the deliberative process that we have to go through in debating the bill in committee and whether or not it makes it to the floor for a vote.

LEG. BROWNING:

So what's the difference in holding it off for one cycle then? Because if, let's say --

D.P.O. CALARCO:

Because if this was your bill, Legislator Browning, and you asked the horse to close it so you can have the public hearing closed and have the debate on your bill --

LEG. BROWNING:

We'll not go there with my bills.

D.P.O. CALARCO:

-- I would respect your opinion for that.

LEG. BROWNING:

However, we as a body have the ability to make that decision. If it does need to be amended and we see the need to have it amended, then it's going to have to reopen a public hearing again anyway.

D.P.O. CALARCO:

I guess my point is I don't like to get into using procedure to debate policy. We could debate policy when the time comes for debating policy, and I think I've pretty much stuck to that throughout my four years here and I'll continue to stick to that.

LEG. McCAFFREY:

If I can just add something here, is that, you know, a lot of people are concerned about coming forward. There's only a few judges. I sent you a letter from a judge that says, you know what -- from a lawyer who says -- and this is someone who is the -- also, he's over almost 25 years he's been a Village Justice in Lindenhurst, and so he gives out justice as well as defense people. And he said, *You know what? Enough is enough, and I'm not going to be bullied here.* He's the one that sent that letter which I sent to all of you, and I think more people have to be given the opportunity to come forward and talk about this. We need to get more people to come to this hearing so we can really hear the truth about what's going on out there. That's why they're not clamoring, because they're afraid. They're afraid to stand up before these judges, before the TVB, and the same ones that are criticized are the ones that are going to be hearing their cases. So I think we need to -- by recessing this, we'll give an opportunity for more people to come forward and I think if we can get that word out there, we'll be better served and have an informed decision.

Applause

P.O. GREGORY:

Legislator Trotta.

LEG. TROTТА:

I concur, because I've had people, lawyers and other people from inside there afraid to talk to me -- excuse me, afraid to talk, not afraid to talk to me.

P.O. GREGORY:

That's probably just in the normal discourse (*Laughter*).

LEG. TROTТА:

But I am trying to convince them to come here and explain what's going on there, and I think that given the importance of this and our ability to see if something's going on there, we owe it to the public to do this.

MR. RUTH JR:

Hell yeah.

LEG. TROTТА:

Because, you know, this is just one time and if we give it another month or whatever it might be and these people come out and we can be more educated as to what's going on, it can only help us.

P.O. GREGORY:

Okay. Anybody else? All right, so we have a motion to recess and a motion to approve. Motion to recess -- I'm sorry, motion to close. Motion to recess goes first. Roll call.

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

LEG. BROWNING:

Yes.

LEG. TROTТА:

Yes.

LEG. KRUPSKI:

Yes.

LEG. FLEMING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

This is to recess? No.

LEG. ANKER:

(Not Present).

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

(Not Present).

D.P.O. CALARCO:

No.

P.O. GREGORY:

No.

LEG. ANKER:

Yes.

LEG. SPENCER:

(Not Present).

MR. RICHBERG:

Fourteen (Opposed: Legislators Hahn, Calarco & Gregory - Not Present: Legislator Spencer).

P.O. GREGORY:

Okay, yes to recess. Okay.

(Public Hearing on) IR 1852-16 - Adopting Local Law No. -2016, A Local Law amending Chapter 77 of the Suffolk County Code to clarify application of the Suffolk County Ethics Code to former County employees (County Executive). I don't have any cards for this public hearing. Is there anyone that would like to speak on it? Please come forward. Okay, seeing none, what do you guys want to do over there?
1852.

MR. NOLAN:

County Executive.

MS. HORST:

We ask that you close this one.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Not Present: Legislator Spencer).

P.O. GREGORY:

(Public Hearing on) IR 1853-16 - Adopting Local Law No. -2016, A Charter Law to ensure revenue replacement (County Executive). I don't have any cards on this Public Hearing. Anyone want to speak on it? Please come forward. Okay, no one?

MS. HORST:

We ask that you close this.

P.O. GREGORY:

Okay, motion to recess then. Only kidding.

(*Laughter*)

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

MR. RICHBERG:

Seventeen (Not Present: Legislator Spencer).

P.O. GREGORY:

(Public Hearing on) IR 1875-16 - Adopting Local Law No. -2016, A Local Law to improve the County Alarm Permitting Process (Hahn). I don't have any cards on this public hearing. Anyone want to speak on it? Please come forward.

LEG. HAHN:

Motion to close.

P.O. GREGORY:

Motion to close by Legislator Hahn. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Not Present: Legislator Spencer).

P.O. GREGORY:

Okay. I make a motion to set the date for the following Public Hearings, November 22nd, 2016, 2:30 PM, Rose Caracappa Auditorium, Hauppauge, New York: IR 1887, IR 1890, IR 1927, IR 1928.

LEG. FLEMING:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Not Present: Legislator Spencer).

P.O. GREGORY:

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

D.P.O. CALARCO:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Not Present: Legislator Spencer).

P.O. GREGORY:

Okay, **Tabled Resolutions**:

IR 1180-16 - Adopting Local Law No. -2016, A Local Law to prohibit the sale of Kratom in Suffolk County (Stern).

LEG. STERN:

Motion to table.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Not Present: Legislator Spencer).

P.O. GREGORY:

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

LEG. KENNEDY:

Motion to approve.

P.O. GREGORY:

Oh, motion to approve by Legislator Kennedy.

LEG. MURATORE:

Second.

P.O. GREGORY:

Second by Legislator Muratore. You got all the issues resolved, whatever they were?

LEG. KENNEDY:

They have a buyer.

P.O. GREGORY:

Oh, okay. Legislator Calarco?

D.P.O. CALARCO:

To Counsel; did this all get resolved within the appropriate timeframe?

MR. NOLAN:

Yeah, they're within the statutory timeframes.

D.P.O. CALARCO:

Okay. Thank you.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Not Present: Legislator Spencer).

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. FLEMING:

Motion.

P.O. GREGORY:

Motion by Legislator Fleming.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Not Present: Legislator Spencer).

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

P.O. GREGORY:

J.R. 1257A, bond resolution, same motion, same second. Roll call.

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

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

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. 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.

LEG. SPENCER:

(Not Present)

MR. RICHBERG:

Seventeen. I'm going to change mine to no.

MR. RICHBERG:

Sixteen. (Not Present: Legislator Spencer)

P.O. GREGORY:

Okay. I.R. 1476 - Establishing County --

MR. NOLAN:

Did you do --

P.O. GREGORY:

We just did it. ***I.R. 1476 - Establishing County policy to hire former County employees on preferred lists (Browning).***

LEG. BROWNING:

I will make a motion to table one more cycle. Katie, before you leave, if you would speak with Jon Schneider. I know we've had some ongoing conversation, but lately not too much.

MS. HORST:

Okay.

LEG. BROWNING:

So I'm going to give it one more cycle.

MS. HORST:

Understood.

LEG. BROWNING:

Okay. Thank you.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Not Present: Legislator Spencer)

P.O. GREGORY:

I.R. 1493 - A Local Law to improve Alarm System -- actually, let me pass over this for now. There is -- Katie, I see Dr. Tomarken. I don't have the bill number. I know he has to leave.

MS. HORST:

It's in your red folder.

P.O. GREGORY:

Oh, okay.

LEG. BROWNING:

DuWayne, it's a CN. I was going to ask you the same.

MS. HORST:

Just Dr. Tomarken has to be out of here by 6 o'clock, so.

P.O. GREGORY:

Yeah. Yeah, I saw that, and I figured we may go a little long on -- all right. Is that 1942?

LEG. BROWNING:

1943.

P.O. GREGORY:

Oh, 1943, okay. In your red folders, *I.R. 1943 - Authorizing Suffolk County to enter into an agreement with Suffolk County Water Authority (SCWA) and amending the 2016 Operating Budget and transferring funds to provide funding for payment of services to provide a safe supply of drinking water to residents in the vicinity of the Suffolk County Firematics Training Center in Yaphank (County Executive).*

LEG. HAHN:

Second.

LEG. BROWNING:

I'll make a motion to -- oh, motion to take it out of order.

P.O. GREGORY:

Ah, yes, motion to take it out of order by Legislator Browning, second by Legislator Hahn to take out of order. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Not Present: Legislator Krupski)

P.O. GREGORY:

Motion by Legislator Browning, second by Legislator Hahn to approve. Anyone on the motion?

LEG. TROTТА:

Yeah, what is this?

LEG. CILMI:

Can somebody just explain this, please?

P.O. GREGORY:

Do we have anyone here --

LEG. BROWNING:

Yes.

P.O. GREGORY:

-- that could explain? Okay. Dr. Tomarken.

LEG. BROWNING:

We have a duty to do this, that's all I'll tell you.

P.O. GREGORY:

Are you all right, Doctor?

DR. TOMARKEN:

I'm fine, thanks.

P.O. GREGORY:

Okay. Thank you.

DR. TOMARKEN:

Thank you for the opportunity to present this issue to you. The bill is, as the Presiding Officer described, to allow us to make an agreement with Suffolk County Water Authority to provide safe public water to people who have private water that has been deemed to be contaminated. So let me give you some background.

The substances we're looking at is PFOS and PFOA, and they are part of a class of chemicals known as perfluorinated compounds. They have been used in a number of industrial and commercial products, such as fire fighting foam, as well as coatings that repel water, oil, stains and grease. They have been used in textiles, food packaging, and nonstick cookware, otherwise known as Teflon, though many major manufacturers in the United States have agreed to voluntarily reduce the content of PFCs in their product. There are currently no chemical specific Federal or New York State drinking water standards for PFOS or PFOA. However, they are both regulated as unspecified organic contaminants by the New York State Department of Health at a level of 50 parts per billion.

In May of this year, the U.S. EPA developed a health advisory for PFOS and PFOA. Health advisories are nonenforceable, nonregulatory levels in drinking water that are developed by the U.S. EPA to provide information on contaminants that may be found in drinking water. They provide information on potential health risks from exposure to a chemical. In addition, health advisories provide information on appropriate actions that could be taken when chemicals are detected in drinking water.

The drinking water health advisory level for PFOS and PFOA is 0.07 parts per billion, which is the same as 70 parts per trillion. So when the EPA came out with this new health advisory level, our staff looked at areas that were known to have used the foam in fire fighting, and that was the Suffolk County Fire Academy Training Center. So since the 1970s, foam has been used periodically for very specific fires, usually chemical fires. It's been unregulated and it has been generally just used for training and occasionally in a fire, and then it has been basically absorbed into the ground.

And so when we found that this new level and new concern by the EPA was issued, we went and looked at -- did a private well survey of private wells in the area around the Fire Academy, and we found and detected 18 private wells. We sampled 14 of them. Twelve had detections of these substances. And the best solution for these people is to hook them up to public water systems, which is the Suffolk County Water Authority. So there are 18 homes that we want to make the offer to, to protect their water supply, and that would require us funding this project.

P.O. GREGORY:

Okay. So if I understand --

LEG. KRUPSKI:

Mr. Presiding Officer, can I interrupt?

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

I'd just -- thank you. I'd just like to state my recusal under 1943, and will be filing the appropriate paperwork with your office and with the Clerk of the Legislature.

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

So just a ten-second summation of what you just stated. Because of our use and practices at the Fire Academy, there is new guidelines or the EPA guidelines that some of the substances that are used in the products that we used can be harmful to the water. You did a survey, you found presence of that, and now we feel a -- we feel an obligation and duty to correct the situation, and that's why we're hear?

DR. TOMARKEN:

Yes.

P.O. GREGORY:

Okay. All right, great.

LEG. CILMI:

Yes. So can I -- so thank you for that explanation, Doctor. This bill appropriates 360-odd thousand dollars for that purpose.

DR. TOMARKEN:

Yes.

LEG. CILMI:

How are we to be sure, or are we sure that our commitment to this ends here?

DR. TOMARKEN:

Well, this is a project because we are responsible for it. If at some time in the future we found that the County had done this kind of situation and was responsible, then this may come back in a different format, so -- but this is the only one at this point that we know that we are responsible for.

LEG. CILMI:

Well, no, no, no. I mean, if we're saying we're responsible for some contamination that appears in these certain wells, and presumably these folks have been utilizing these wells, how do we know that our financial obligation, and I would say it's an obligation, I would agree with that, to these residents ends here with this \$362,000?

DR. TOMARKEN:

Sir, are asking if there's other financial obligations?

LEG. CILMI:

I'm asking -- I guess I'm asking two questions, really, imbedded in that, in that general question. One is -- one is might there be additional costs associated with the problem itself? In other words, what is this 300 -- let me rephrase. What is this \$362,000 actually going to do?

DR. TOMARKEN:

It's going to allow Suffolk County Water Authority, through its contractor, to actually take a line from their main water supply to every individual household. That will put that line that will take public water into the house.

LEG. CILMI:

Okay. So -- all right, I understand now. So it will allow them, then, to -- it will allow the residents to make use of public water as opposed to their own wells, and we're paying for it because the -- their inability to use those wells was created by our contamination?

DR. TOMARKEN:

Correct.

LEG. CILMI:

Right? Okay. Now what about potential liability?

DR. TOMARKEN:

That you'd have to address to a legal person.

LEG. CILMI:

Okay.

DR. TOMARKEN:

I can't address that.

LEG. CILMI:

Here comes Bob Braun.

MR. BRAUN:

If you'd like.

LEG. CILMI:

May I? Through the Chair, if I may. Were you listening, Bob, to --

MR. BRAUN:

Yes, I was Legislator, thank you. Whatever situation may have already developed we may or may not ever have to deal with in the future.

LEG. CILMI:

Right.

MR. BRAUN:

But the purpose, as I understand it, of this bill is to stop it here, so that we don't have to worry about something developing by the continued exposure --

LEG. CILMI:

Right.

MR. BRAUN:

-- of these residents to this substance.

LEG. CILMI:

Right. Okay. So this is the -- this is the remedy from here forward, so that we can protect them against the contamination that exists in their wells. Now I guess it -- that contamination renders those wells basically useless, at least from a potable drinking water point of view?

DR. TOMARKEN:

Correct.

LEG. CILMI:

So I'm going to stop here, because I could start asking questions that might not be good questions to ask. So thank you.

MR. BRAUN:

My pleasure.

P.O. GREGORY:

Legislator Fleming.

LEG. FLEMING:

Thank you, Mr. Presiding Officer. Thank you all for being here. So I see in the agreement there are 22 homes identified, of which four of them are already on the Water Authority. So are these -- did you make the determination that these should be included in the cohort based on proximity or based on actual testing of the water supply?

MR. DAWYDIAK:

Legislator Fleming, Walter Dawydiak, Director of Environmental Quality for the Suffolk County Health Department.

LEG. FLEMING:

Good evening, Walt.

MR. DAWYDIAK:

We followed our standard private wells survey protocol, which is to look at the direction of groundwater flow and identify at-risk receptors down-gradient. We're sort of fortunate here in that you've got the Carmans River ending the potential flow path. So on the other side of Carmans, the water will be flowing the other way. So we picked up the private wells that are essentially between Firematics and the Carmans in the direction of groundwater flow. That's not to say that there might not be one or two more in the future that might pop up if groundwater flow direction varies a little. We're continuing with our groundwater investigations, but this represents the substantial entirety of the high risk private wells down-gradient of the Firematics facility.

LEG. FLEMING:

So it's the location of the wells, as opposed to individual testing of the individual wells?

MR. DAWYDIAK:

Correct.

LEG. FLEMING:

Thank you. And to what extent is this -- well, let me back that up for a second. The plume or the

contamination you say is going to be ended at the Carmans?

MR. DAWYDIAK:

The Carmans represents, say, shallow stream, which will divide groundwater flow. So on the other side of the Carmans, the groundwater is flowing west to east -- I'm sorry, east to west. The groundwater investigation that we have begun is ongoing. It's in its early stages, and we're coordinating it with the Department of Environmental Conservation. The first step is to look up and down-gradient and determine what, if any, levels are present, and where and in what direction it's migrating, and we'll take it from there with DEC.

LEG. FLEMING:

So if the groundwater is migrating toward the Carmans River and meets and is stopped by the Carmans River, and that plume has any kind of movement, I would think, and it's only a commonsense notion, that then it would begin to move along the banks of the river; is that correct?

MR. DAWYDIAK:

There is some component of groundwater discharge into the Carmans.

LEG. FLEMING:

So -- and what are the plans for either that for it moving? Is it north and south? If it hits the Carmans, and the plume has motion, it's moving through groundwater, won't it begin to spread? Or is there a possibility -- and, by the way, I don't mean to alarm anyone to say that this is a plume like the Speonk plume, or the contamination is -- I understand this is almost an abundance of caution with regard to what the EPA has identified as a substant -- an emergent threat, right? But, still, I think it's very important to understand the movement of it. And to the extent that you've studied it, where is it going? Is it -- will it continue to move, other than down-gradient, if it meets an obstruction like the Carmans River?

MR. DAWYDIAK:

The ultimate transport and fate of this is a question that we've begun discussing with DEC, as well as potential surface water issues. Our primary objective right now is to remove the primary exposure pathway that could affect human health, which is drinking water.

LEG. FLEMING:

Okay, sure, but human health could be affected if it's moving in other directions as well. So I just want to ask, in terms of is there a -- is there a protocol being developed by either yourselves or the DEC to do some ongoing monitoring of this, other than just the areas that are down-gradient of the testing site?

MR. DAWYDIAK:

Correct, absolutely. The first step in this is to determine whether Firematics is indeed the source, to look up-gradient and down-gradient, pin down concentrations, depths and directions of groundwater flow. From there, we'll talk about a phase groundwater approach moving down-gradient as needed, potentially toward the river and beyond.

LEG. FLEMING:

Got it. So when you say you'll talk about that, is this going to be a protocol that's being developed? And who's taking the lead, is it DEC or Department of Health Services?

MR. DAWYDIAK:

As of right now, this is a voluntary cooperative approach, wherein the Health Department was proactive in doing this private well survey before there was any DEC direction or requirement to do so. Similarly, our groundwater investigation is of our own accord, but it's being closely coordinated

with DEC. DEC is essentially treating every area of foam discharge as a potential Superfund site with a potentially responsible party, and our objective is to fix this as expeditiously and efficiently as possible.

LEG. FLEMING:

I appreciate the thoroughness of your answers, Mr. Dawydiak. My question is who's taking the lead?

MR. DAWYDIAK:

Right now, Suffolk County Health Department is doing this of our own accord, coordinating with DEC and DOH.

LEG. FLEMING:

So you'll be setting a protocol going forward for monitoring, other than in these 22 private homes that you've identified?

MR. DAWYDIAK:

As of now, we're making the proposals and moving forward with input from DEC and DOH. I can't guarantee you what will happen down the road.

LEG. FLEMING:

Well, it's important to us, not that you guarantee, but that we understand that the Health Department is moving forward with a set protocol that we have confidence in as being able to monitor where this potential contamination is moving and to what extent it may be threatening public health in other than these 22 individual private homes.

MR. DAWYDIAK:

This is and will continue to be a high priority for us and we will carry the torch forward.

LEG. FLEMING:

And are you going to be setting a protocol? And if so, who's taking the lead?

DR. TOMARKEN:

The protocol would have to be developed in conjunction with DEC, because these sites are potentially throughout the whole County and probably other sites in Long Island. So I can't say to you today that we will come up with our protocol. It will -- we will work with DEC, and a protocol, I expect, will come out, whether it's -- you know, how it's massaged and who's doing what is yet to be determined, but we're working closely with the DEC on it.

LEG. FLEMING:

I appreciate the difficulty of setting that, but, you know, just watching different levels of government interacting, especially when you're talking about serious public health concerns, I find it's always helpful to have a responsible entity and, you know, to understand who is taking the lead on something that could involve complicated protocols, monitoring, funding, etcetera. So I'd like to see either one or the other.

And just along those lines, in what ways is this situation similar, in what ways is it different from the Gabreski situation, where it has been declared a Superfund site, and we do have funding from New York State?

MR. DAWYDIAK:

The Gabreski site is not at issue today, and I'd rather not complicate the regulatory background of this too much, other than to say we received notice, as the owner of the airport. The DEC did indeed formally classify Gabreski as a potential Superfund site. Subsequently, it was elevated to an

actual Class II Superfund site with imminent risk to the public.

Your statement about DEC providing funding, I'm not sure that that's accurate as of it yet. It's my understanding that Air National Guard has accepted a level of responsibility, and there's a negotiation on their part to mitigate the situation.

LEG. FLEMING:

Okay. I appreciate that you'd rather not complicate it. I think my questions are good questions and they need to be answered. The question I have is in what way is this situation different from a situation at Gabreski, which has been declared a Superfund site?

MR. DAWYDIAK:

You're dealing with the same source, the same type of activity, the same chemical contaminant. I don't know if that answers your question.

LEG. FLEMING:

No. The question I have, Walt, is why is -- why is Gabreski a Superfund site and this not a Superfund site?

MR. DAWYDIAK:

Simply because DEC has not chosen to declare it as a Superfund site. They could do that at any time.

LEG. FLEMING:

And have we made that application?

MR. DAWYDIAK:

One doesn't normally apply to make oneself a Superfund site.

LEG. FLEMING:

Tell me how Gabreski came to be a Superfund site?

DR. TOMARKEN:

We've provided them the information and it's their decision whether or not to make it a Superfund site, and we're in weekly calls with them, so.

LEG. FLEMING:

I think it's -- it would be beneficial to pursue that, just as it was in Gabreski, and you were -- and we were all successful in getting that outcome.

And then my last question -- I'm sorry to take so much time -- is could you tell me the timing not only on this? How quickly are we going to get these 18 homes, you know, the public water? And on Gabreski as well, if you could tell me what the timing is on that.

DR. TOMARKEN:

The main has been -- they've been working on the main extension already, and it's expected that by the end of November, all these homes should be on.

LEG. FLEMING:

Is that here? Is that here, Dr. Tomarken, or at Gabreski? This is end of November?

DR. TOMARKEN:

Here, this -- for this property.

LEG. FLEMING:

That's great. And what about Gabreski?

DR. TOMARKEN:

That's still in negotiation with the Air National Guard and the Department of Defense, DEC and us.

LEG. FLEMING:

That's -- and, see, that's kind of what I wanted to ask. So is it the fact that being declared a Superfund site, which does open up some funding possibilities, actually slow the process of getting these folks public water? Are they still on bottled water in Gabreski?

DR. TOMARKEN:

Yes, they're still on bottled water. It's a complicated question. I'd say it could, but, you see, there's more players in Gabreski than there are at Yaphank. And they -- we're willing to put anybody, everybody on public order. I'm not sure the Air National Guard has made that decision. They may just want to put people who have high levels. You know, so there's other issues that have come up at Gabreski that aren't relevant to Yaphank, to this property.

LEG. FLEMING:

Okay. I'd like to follow up with you on the Gabreski, but I understand that's not on the agenda. Thank you for your answer.

MR. DAWYDIAK:

Legislator Fleming, if I could just clarify. The way Superfund works, it's not a free pot of money. The potentially responsible party is always pursued for payment, in this case Air National Guard, for Superfund, so --

LEG. FLEMING:

I'm absolutely clear on that.

MR. DAWYDIAK:

DEC would only step in if there was an inability or an unwillingness on the part of ANG to pay.

LEG. FLEMING:

I certainly understand that, but it's certainly -- that does not mean that it's not a good thing to pursue, particularly if this is going to cost the taxpayers money. Thank you.

P.O. GREGORY:

Okay. Legislator Browning.

LEG. BROWNING:

You did tell me Gabreski is on public water, right? The Air National Guard is on public water? Just a personal question.

MR. DAWYDIAK:

The airport itself, correct.

LEG. BROWNING:

Oh, okay. But I just want to say thank you, because when the Westhampton issue came up, you guys reacted very quickly. And because of your reaction and being proactive, the residents on Yaphank Avenue are getting the water a lot quicker than I would have expected. So I just want to say thank you. I've seen the pipes, the main pipe has been done. And so with passing this, we'll be

looking forward to the residents getting hooked up. So, again, thank you for your quick action.

P.O. GREGORY:

Legislator Barraga.

LEG. BARRAGA:

Good afternoon. I'm looking at a photo here, and there are many homes in the photo, and you're saying that the cleanup, or at least the hookup with Suffolk County Water Authority is limited to 18 or 22 homes?

DR. TOMARKEN:

Yes, 18.

LEG. BARRAGA:

How is that determined? I mean, was there some sort of a survey or an analysis of the plume to make the determination that these 18 homes are included within the plume and no others?

MR. DAWYDIAK:

Correct. Identification of direction of groundwater flows, or the potential impact, coupled with the review of the customer database of the Water Authority about who's already connected. Whoever is left, our sanitarians go out and verify that they do have a private well. There's other outreach made as well, phone calls and mailings.

LEG. BARRAGA:

So are you absolutely sure that it's limited to, say, 22 homes in this particular case and no other homes?

MR. DAWYDIAK:

We believe that we've captured the substantial entirety of the down-gradient private wells of Firematics. That's not to say --

LEG. BARRAGA:

What happens in a situation where other homeowners in the immediate area start questioning and want to be tested to see if this condition exists below them?

MR. DAWYDIAK:

They have public water supply, which is independently tested.

LEG. BARRAGA:

To go one step further, it's a plume, right, this PFOS and PFOA? Who's going to clean up the plume? It's one thing to me to be hooked up to public water, but if I have a toxic plume under my home, who's responsible for picking up the dollars associated with the cleanup?

DR. TOMARKEN:

At this point, we don't have an answer to that, but -- because our first priority was to get people off.

LEG. BARRAGA:

I understand. No, I'm not disagreeing.

DR. TOMARKEN:

But those are issues that we need -- that need --

LEG. BARRAGA:

All I'm saying is that there's potential here for tremendous costs associated with this --

DR. TOMARKEN:

Right.

LEG. BARRAGA:

-- unless you have someone coming in, another level of government, or another agency that's willing to pick up the tab. I just went through this with a manufacturing gas plant in Bay Shore, with PSEG and the predecessors, and the cost factor wound up being -- and they attacked the plume. It ran about maybe three-quarters of a mile, and so far they've spent \$160 million to try to clean up this one plume. I'm looking at this and I'm saying I can see this developing into something more than just hooking up a few homes to public water, because I can see those residents possibly coming down and saying, "Look, I want a complete analysis, I have children." You know, if this is a plume and it's toxic, who is going to come in here and do the proper testing and who's going to pick up the cost?

DR. TOMARKEN:

I think we have to determine the extent of this substance, what are the health risks, and advise people who are on private wells. And there may be an occasional well that we're not aware of, but we're doing a secondary survey going farther down south to make sure that we've covered everybody that we can physically find.

LEG. BARRAGA:

Because, right now, as I'm listening to you, we certainly have a financial obligation in the County, predicated on what has happened, to pick up the cost associated with the hookup. I don't know how that differs if we wind up going down the road to clean up some sort of a plume. I think that financial obligation would still continue to remain with the County, unless some entity came in and wanted to declare some sort of financial assistance.

MS. JUCHATZ:

Yeah. I guess -- you know, I think that's a good question. And we're really in the beginning stages of doing this investigation, and this is, you know, really the first, first step to tackle the most immediate exposure pathway and most immediate risk, which is drinking water.

These contaminants are, as was mentioned, very new and emerging contaminants. They were just listed as hazardous substances, you know, just this past spring. The EPA drinking water health advisory was just reduced. So we're all just grappling with this new emerging contaminant, and this is really -- we're doing a very proactive, very, you know, preemptive step here. The next step is to do a groundwater investigation, and then we'll have a better answer, I guess, to figure out how far this goes, does it end at the Carmans River, to address Legislator Fleming's question. Right now, those are big unknowns, because we're coming to you at the very beginning, very early stages, to try to get this done.

One of the differences between this and Bay Shore MGP, which I also worked very closely on, is that the main exposure pathway here with these contaminants is limited to direct exposure. In this case, the way people would be directly exposed to is from drinking water. It's not -- these chemicals are not volatile, so they don't come from the groundwater into indoor air spaces. We were concerned about that in Bay Shore, so there was quite an effort to do soil vapor intrusion sampling. So it really is at this point the groundwater direct pathway drinking that we're concerned about. But we'll continue to evaluate and conduct a groundwater -- more groundwater monitoring to just see, you know, how extensive this is and where it goes, but it's too early at this point to be able to answer all those questions, I think.

LEG. BARRAGA:

Thank you.

P.O. GREGORY:

Okay. So we have a motion and a second to approve I.R. 1943. Could I have all Legislators to the horseshoe?

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

MS. ELLIS:

Seventeen. (Not Present: Legislator Krupski)

P.O. GREGORY:

Okay. All right. I.R. 1943 passes. All right. Now back to the agenda, Tabled Resolutions.

TABLED RESOLUTIONS

I.R. 1493 - Adopting a Local Law to improve Alarm System Registration requirements (Browning).

LEG. BROWNING:

Okay. Well, I know we have a couple more bills. You know what, I'm going to make a motion to approve. I think everybody received my -- I sent some comparisons. There are three bills, and I think you already know what exists. I know that the Chief has come and not supported this. I think that what I've done is -- okay, I understand the Police Department requiring the registration of an alarm. However, the reregistration I don't believe changes anything as far as the alarms are concerned and how many that we get. I don't believe to date -- I have not received -- I know that there's -- the Chief has said that the alarm calls, false alarms have gone down, and I have asked -- and attribute that to what? How do you know? They've gone down, but for what reason have they gone down? Because people cancelled? Because people have better systems? We don't have the facts.

So, you know, there are three competing bills. I say just up or down, let's go. And I certainly -- Legislator Trotta, I am going to be more than happy to support yours, if yours gets through, too.

LEG. TROTTA:

I'm supporting yours. I second it.

P.O. GREGORY:

Okay. Legislator Cilmi.

LEG. CILMI:

I just wanted to indicate my support for Legislator Browning's bill, but with the caveat that it doesn't preclude us from going even further. And I think this is a step in the right direction, and, hopefully, with the bill that Legislator Trotta and I have sponsored, it will be another step in the right direction. I continue to believe that the registration fee is basically a tax and is unnecessary. I understand, you know, the desire to fine people who have excessive numbers of false alarms, but there's absolutely no value added to the consumer, to our residents in charging them a registration fee. So I continue to support the concept of having no registration fees for alarms. But I'll support Legislator Browning's bill for today, because it gets us closer to where I think we should be.

P.O. GREGORY:

Okay. Anyone else? You're all talked out? Legislator Krupski?

LEG. KRUPSKI:

No. Just to be clear, this is 1493 we're voting on here?

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

Okay. There are two more, but I'll say what I have to say on this one. I can reserve -- certainly, I'm not going to repeat on the other two. And I do represent two towns.

LEG. HAHN:

But the other two are not up tonight. We had the public hearings. Sorry about that.

LEG. KRUPSKI:

Oh, they'll remember it, don't worry.

LEG. HAHN:

So you won't talk next time? No, I'm just kidding.

*(*Laughter*)*

LEG. KRUPSKI:

I do represent two towns that have permit fees and renewal permits. One in Riverhead was passed in 2001 -- 2011, one in Southold was passed in 1993. You know, they've been effective in doing what they were supposed to do, which is reducing the amount of false alarms. And it's a -- I think it's a tremendous amount of resource.

I think Chief Cameron was very clear on the whole purpose of this, which was to allocate and reallocate properly police resources. And when you have 96,000 false alarms in Suffolk County, that's a lot of manpower, and you really need to use that wisely and not be chasing a false alarm around. So I can't support this.

P.O. GREGORY:

Yeah, Legislator --

LEG. BROWNING:

Me?

P.O. GREGORY:

Yeah, you were first, and then Trotta.

LEG. BROWNING:

Okay. Again, if we didn't even implement this so-called program with a registration, and we were just to decide go ahead and fine people, I think that would be -- honestly, I do think that would be sufficient. In my conversation with the Police Department, they feel the need to make sure that they know who these alarms are, where they are. And talk to any police officer, and he'll get a phone call or he'll get the message an alarm went off, and he will be able to tell you, "I guarantee you, it's a false alarm." They know the false alarms, they know the habitual ones.

So the fine is to me more than sufficient. But the program that the Police Department has, asking

people to register so they know who's got the alarm, I think that's fine. But to continue to ask people to pay over and over and over again, that is just taxing them for something that they currently own. They're trying to protect their homes and they're going that extra step to protect their homes.

I know that there are conflicting arguments about it, but when I got the phone calls, as many of you did, when this bill -- when this came into place in December. The biggest argument was, "Why do I have to pay for registration?" If somebody is a habitual problem with false alarms, then let them pay fines, but they do not agree with registration.

And so I think that -- I know I've sent to all of you comparisons. Kara has a bill, I have a bill, and Rob has a bill. I think mine is the compromise between the two. And so I think it's fair, it's not unreasonable. And to be honest with you, I looked at what do we do if we do take away the fine. We're going to have to pay people back. Anyone who paid this year is going to have to be refunded. That was my concern. We can't afford to do that. But I do appreciate that the P.D. wants people to register, and they know these alarms, where they are.

So, again, you all are going to have to make a choice, one out of three. So let the vote -- let the vote go.

P.O. GREGORY:

Okay. Legislator Trotta.

LEG. TROTТА:

Yeah, I just -- I didn't hear Legislator Krupski. You weren't supporting it because you want to charge the people every year?

LEG. KRUPSKI:

So, yeah, where I come from, there's a registration fee and then there's a renewal fee every year. That's been in place for -- you know, literally, for decades, and it's been effective. And I was -- don't forget, I was a Police Commissioner for seven years, and, you know, you're trying to manage this, such a valuable resource for public safety, and part of managing that is allocating where you're going to send your officers and what they're going to do. And if you're -- if you're going to try to manage their time properly, you're looking at these false alarms as a huge waste of their time.

LEG. TROTТА:

So -- but you're equating managing the false alarm with charging someone a registration fee. I am all for if the alarm goes off three, four, five times, and it's a false alarm, fining them. But to continually tax the people over and over again -- they're already paying for central station. And I got to tell you, I know personally probably 100 people that have cancelled, at my recommendation, don't call the police, just have them call the neighbor and call you.

LEG. KRUPSKI:

Well, I don't know about that. All I know is that there's a system --

LEG. TROTТА:

Well, I've answered a lot of alarms in my time as a cop and 99.9% of them were false alarms, but it also gets you out in the community, okay? And I can also tell you that some people are under the guise that, you know, the sector car can be doing gang -- you know, stopping gang violence. That's a fallacy, because that doesn't happen, because it's a very technical thing that certain cops do. They might be able to gain some intelligence during it, but the fact that they're going to an alarm is not affecting their ability to gain anything to do with gangs or anything else.

LEG. KRUPSKI:

No, no, I didn't say anything about gangs.

LEG. TROTТА:

And if you -- it's less than a half a call per car per tour per day. So while it sounds like a big number, it's not a big number.

LEG. KRUPSKI:

Well, actually, I think it's -- I think it's actually a big -- I disagree, I think it is a big number and --

LEG. TROTТА:

Oh, you're going to reduce it. You're going to greatly reduce it by this. Not a doubt in my mind that people are going to be more responsible. You know, I wasn't for a fee and I'm willing to compromise, you know, just to do the one-shot thing. If they want to update it and if you're required every year to check in or emails any changes that might be, I'm okay with that. But we can't continually charge everyone in Suffolk County a tax for every little thing, the car registrations, the -- whatever it is, we've got to stop. And this is what's killing people, and it's killing the alarm companies, it's killing business. I mean, you heard the people say here they're not against fining the people for a bad alarm. So I think this is a good compromise. It's about compromise. This is a fair compromise.

LEG. KRUPSKI:

In my experience, I mean, five of the ten towns have this and have had it for years. It's working well. You don't see -- you don't see anyone revisiting this because it doesn't work.

LEG. TROTТА:

Because it's collecting revenue. You know, a lot of towns -- Nassau County froze the salaries. Should we do that here? You know, thousands of things go on in different counties. Just because someone does it in another county doesn't mean we should do it here. We do all kinds of taxes and fees that you probably don't do out there.

So I think that if they pay to register once, and maybe require to update every two years so that the information is fresh. You know, I don't think that we should be burdening the taxpayer. If the guy's alarm's going off, I don't have a problem with charging him. And, you know, coming from someone who's trying to get people to stay here, this is driving people away.

LEG. KRUPSKI:

Well, this is only for people who have alarms, this isn't for everybody.

LEG. TROTТА:

It's a lot of people.

LEG. KRUPSKI:

Well, yeah, but -- I don't know the number, but it's only for people that actually have alarms.

LEG. TROTТА:

You're right, but so it's just another thing, something else to pile on. Are we going to charge people \$300 to -- you know, for a mortgage coming up? You know, you have to say stop at some point. And this is making them register, we're going to charge them. And if their alarm goes off -- you know, think about the poor guy whose alarm never went off. Now we're going to bang him 50 bucks a year, or whatever it is, then he's got to think about writing a check. If he doesn't write a check and he forgets about it, and then he gets -- his alarm goes off and he didn't register, now it's \$200. We've got to make people's lives easier here, not harder.

P.O. GREGORY:

Legislator Hahn.

LEG. HAHN:

I would just ask that folks, you know, consider, and I'm -- this is going to sound funny, but actually my bill was the compromise bill. You know, we're talking about a compromise between what exists now and Kate's bill. Trotta's bill is, you know, completely on the side over there, but my bill --

*(*Laughter*)*

That's to like eliminate it all together.

LEG. TROTTA:

You can call mine the "Taxpayers' Bill".

LEG. HAHN:

So there's certainly, you know, the -- and I do want to speak to Legislator Trotta's talk about patrol. You know, I don't know what you were doing when you were a police officer, but patrol --

LEG. TROTTA:

You want to know what I was doing? I led the County in arrests for two years. I was Cop of the Year, Detective of the Year.

LEG. HAHN:

I'm glad to hear that. However --

LEG. TROTTA:

So I think I know about it.

LEG. HAHN:

However, I hope, I hope that our Police Department, and I do believe under its current administration, we are at a place where patrol is strategic. Patrol should not be completely responsive, and especially responsive to where people don't know how to operate their alarms. Patrols should not be "I'm going to patrol today wherever a false alarm guides me." Patrols should be where we need our officers. And when 20% of our calls are for false alarm calls, we are wasting our time. That is incredibly inefficient.

And I've said it once and I've said it 100 times it feels like, I applaud our Chief of Police for taking the time to find a way to find 20% efficiency, or maybe slightly less, because there's no way we're going to eliminate 100% of our false alarms. But thank you to Chief Cameron, because this clearly is working. There are fewer false alarms. We are freeing up our Police Officers to handle crime in our neighborhoods where we need them to be. And it doesn't matter why a false alarm is, now there are less false alarms. There are less false alarms. By definition, a false alarm is not where a police officer should be.

So, you know, so I really -- I really feel like we made a compromise between Kate's bill and the existing -- you know, the existing program, which is working. And, clearly, there were folks who were having a problem with what exists, and, you know, we met in the middle here. And 96,000, or 99% of false alarm calls being -- alarm calls being false, there is something wrong with that industry, and it operates on the back of our Police Department and our taxpayers. And if only 11% have alarms and everyone else doesn't, and 20% of our calls are going to those alarms, that is a real problem for our taxpayers who pay the Police District taxes, and our departments have to go

out on these false alarm calls.

And I am protecting the taxpayer by supporting this alarm -- this alarm program, and everyone else who has done is doing that. And we're supporting public safety, and it's -- this industry should not be operating on the backs of our -- of our Police Department. And there -- this, clearly, he researched what works around the nation, and he came to us with this, with statistics and data. And I applaud you, and I thank you for working with us on a compromise. And I just hope folks will let us get to a place where we can debate that bill. Thank you.

P.O. GREGORY:
Legislator Trotta.

LEG. TROTТА:

I don't know how you think charging someone a fee changes the false alarms. If they have false alarms, they're going to be charged. So we just charge someone money so that we can charge them money if they have a false alarm. It makes no logical -- there's no logical sense there. Because if you're charging someone and you're charging them for these false alarms, what's the difference if you don't charge them, if you charge them for the false alarm? You just want to take money out of their pockets. They're already paying every single month.

LEG. HAHN:

So through the Presiding Officer, if I could respond to that.

LEG. TROTТА:

In terms of what I was doing, I was protecting the area where you lived, okay?

LEG. HAHN:

Oh, thank you, Rob.

LEG. TROTТА:

Your exact sector. And I think I know better than you what the cops will be doing when they're not doing the alarms, okay, because I spent 25 years doing that and I know exactly what they do.

LEG. HAHN:

And you know what you did, that's right.

LEG. TROTТА:

And I think that --

LEG. HAHN:

So, however, the Chief of Police -- and thank you, Presiding Officer, for letting me respond to his question. Our Chief researched national programs and -- oh, you nodded yes when I asked if I could respond?

P.O. GREGORY:

Okay.

LEG. HAHN:

You nodded yes when I asked if I could respond. He researched what works, and the programs that worked were the ones that charged the registration fee.

LEG. TROTТА:

His job is to raise money for this County, that's what he has to do.

LEG. HAHN:

That is not -- no. The Police Department -- he operates the Police Department.

LEG. TROTTA:

Do you think that he wants to charge people?

LEG. HAHN:

Anyways.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

Just to address some of this conversation, the thing that the Chief didn't tell us, though, is why the alarms have gone down.

LEG. HAHN:

It doesn't matter.

LEG. CILMI:

It does matter. It matters if people all of a sudden cancel their central station monitoring and don't have their homes protected any longer. That matters.

LEG. HAHN:

And they stop having false alarms.

LEG. CILMI:

But their houses are less safe.

LEG. HAHN:

According to --

LEG. CILMI:

They're less safe.

LEG. HAHN:

-- Legislator Trotta, 99% of alarms are false, 99.999%, according to him.

LEG. CILMI:

So charge people for false alarms and don't charge everybody else. We don't know why alarm -- why the number of false alarms. If we even believe those numbers, we don't know why those false alarms have gone down. It may be because people have just cancelled their central station monitoring, and in that case, people are less safe, and I don't like that people are less safe. And I don't like that we're charging people money to register, quote, unquote, register their alarms. There's no reason to register their alarms, no reason whatsoever. You want to charge them for false alarms --

LEG. HAHN:

Maybe no reason to have a central station.

LEG. CILMI:

You want to charge them for false alarms --

LEG. HAHN:

You got videos --

LEG. CILMI:

-- fine.

LEG. HAHN:

-- and they come to your --

P.O. GREGORY:

One at a time.

LEG. CILMI:

If you want to charge them for false alarms, that's fine. If they have repetitive false alarms, fine, I have no problem. We could have the argument about whether or not 90,000 false alarms is a lot of false alarms. In the aggregate, it sounds like a lot. When you look at it per shift, it doesn't sound like a lot. Regardless, regardless, that's immaterial. What's material is the registration fee. The only way that registration fee diminishes the number of false alarms is by forcing people who can't afford it to cancel their central station monitoring. That's all it does. It doesn't get people to fix their alarm systems, it doesn't do anything else. It doesn't get the alarm companies -- you said -- you said the industry is operating on the backs of our taxpayers. The industry is still operating on the backs of our taxpayers. We're taxing our taxpayers here, not the industry.

I don't know. I just -- I really don't see the logic. I don't see the logic in charging a registration fee to diminish the number of false alarms. I understand penalizing people for false alarms will diminish the number of false alarms, I agree with that completely. But charging a registration fee is nothing more than a revenue-generating concept. And if you say that the same program has diminished false alarms, show me a program in the rest of the country that just has a registration fee where alarms have been diminished and then I'll believe you. But I'll tell you that it's probably because people have cancelled their central station monitoring.

P.O. GREGORY:

Dr. Lipp, can you add any insight? I know you've been kind of --

MR. LIPP:

Yeah, sure. There's a budgetary issue that you need to take into consideration, also. The 2017 recommended budget includes 5 million for fire alarm revenues. This would -- the estimated fiscal impact would be a loss of 3.85 million. And, therefore, at this point, there would be a disconnect between the 2017 budget and this resolution if you pass it without any offset.

P.O. GREGORY:

Offset between '17.

MR. LIPP:

Correct. So when this -- when this bill was first proposed, there was no 2017 recommended budget out. So what it did was it presupposed that the 2017 budget would take it into consideration. But since it's out already and it hasn't, to my knowledge, that's a problem.

P.O. GREGORY:

Okay. I have Legislator D'Amaro next on the list, but Legislator Barraga wants to ask Dr. Lipp a question.

LEG. BARRAGA:

Just a quick question. 2016, what was the amount appropriated from this original piece of legislation? I seem to recall a figure of 7.2 million.

MR. LIPP:

Right. So there's 7 1/2 million in the 2016 adopted budget, although that includes a small amount from other items, and then the estimate that's in the recommended budget for 2016 is 3.78 million.

LEG. BARRAGA:

Do you have any idea how much we actually have generated in 2016, even though it was budgeted for 7.2?

MR. LIPP:

I could get back to you. I don't have that at my fingertips.

LEG. BARRAGA:

My sense was that we wind up generating a lot less revenue than we anticipated.

MR. LIPP:

Right. So that's a good question. Actually, what you need to take into consideration is the following, okay: So the 2017 recommended budget includes 5 million. Let's say we all thought that that was a bad number and we wanted to lower it, and perhaps this is one example of lowering it, we would have to come up with an offset to actually lower it, though. So what counts is what's in the budget, even if it's inflated.

LEG. BARRAGA:

So the 5 million is predicated on the original legislation that we passed?

MR. LIPP:

As far as I know, unless the County Executive staff could add something.

LEG. BARRAGA:

The revenue generated, because there would be no permit fee, it would be a lot less. That's why I'd like to get an idea of what the handle is here.

MR. LIPP:

So we do -- they do a Fiscal Impact Statement that said our projected loss for 2017 was 3.85 million associated with this bill.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Through the Chair, I'd like to ask the sponsor, Kate, Legislator Browning, a question. So for residential, there's no -- there's no fee to register.

LEG. TROTТА:

No, to renew, to renew.

LEG. BROWNING:

There's a registration, one-time registration per resident.

LEG. D'AMARO:

Oh, the one time. I'm sorry. Right, one time.

LEG. BROWNING:

No reregistration.

LEG. D'AMARO:

No reregistration. So I'm trying to understand. If you -- if you did not register, even though it's free, and you have a first false alarm, you'll be charged \$100, unless within 30 days you register.

LEG. BROWNING:

Okay. If you are not registered, there's a one-time registration. And if you're not registered --

LEG. D'AMARO:

Right.

LEG. BROWNING:

-- you have a false alarm --

LEG. D'AMARO:

Right.

LEG. BROWNING:

-- you have 30 days to register or you pay the fine.

LEG. D'AMARO:

Right. So even if --

LEG. BROWNING:

And that would be a first time, one time only.

LEG. D'AMARO:

Right. So you, in effect, lose your first free false alarm, unless you register within 30 days.

LEG. BROWNING:

If you register within 30 days, you will not have to pay that fine.

LEG. D'AMARO:

Now --

LEG. BROWNING:

And I think that's what the Police Department wants, is to get more people registered. And there's a lot of people, constituents of mine who said, "I have an alarm at home and I have a business. I'll do my business, but I'm not doing my home."

LEG. D'AMARO:

Okay. So I understand that. Now there's no fee for renewal for residential.

LEG. BROWNING:

Correct.

LEG. D'AMARO:

How often do you have to renew your permit?

LEG. BROWNING:

No. You will reregister -- you are -- they do -- it does say that you register every year. However, there is no fee to reregister.

LEG. D'AMARO:

So you're registering every year.

LEG. BROWNING:

Right.

LEG. D'AMARO:

So if I register on year one, but then fail to register on year two, and I get that first false alarm, it's the \$100 with the 30-day grace period?

LEG. BROWNING:

No, you wouldn't get the alarm fine, because there is no -- there is no required registration fee. It's a one-time registration.

LEG. D'AMARO:

Oh, it's a one-time registration.

LEG. BROWNING:

Yeah.

LEG. D'AMARO:

So is it that -- is it that there's no renewal for residential, or there's no renewal fee?

LEG. BROWNING:

No renewal for residential, but for commercial or nonresidential, there is a renewal of \$50.

LEG. D'AMARO:

All right. So if I know a home and I registered initially, in my second year, I don't have to send anything else in?

LEG. BROWNING:

I don't believe we -- we did require that they would reregister, correct, George? I didn't open it up.

MR. NOLAN:

We kept it that they are required to reregister. A residential homeowner needs to register every year, because the Police Department wanted that. Even if we lost the fee for the reregistration, the Department still wanted them to register every year if there was any change in the information.

LEG. D'AMARO:

Right. And if I fail to reregister in year two, and then there's a false alarm, do I get the \$100 fine with the 30-day grace in year two?

MR. NOLAN:

I think if you failed to reregister, then you're not properly -- you're not properly permitted at that point.

LEG. D'AMARO:

Right.

MR. NOLAN:

So then you would be subject to penalties.

LEG. D'AMARO:

Go back to that, okay. So my question is why the \$50 fee for nonresidential?

LEG. BROWNING:

Oh, the nonresidential?

LEG. D'AMARO:

Yeah. In other words, if -- I understand the Police Department wants the reregister or the renewals, maybe to keep information up to date, or for whatever reason. Why have the \$50 fee for non -- you know nonresidential?

LEG. BROWNING:

This is something that we sat with the industry. We -- the central station, the alarm company owners, we had multiple conversations and meetings with them. There was a thought to not require them to reregister, but there was a feeling that many of these nonresidential businesses, a lot of them turn over a lot, too. So we kind of felt the need to probably keep them reregistered, and we just -- and we see the majority of them being the problems, the businesses.

LEG. D'AMARO:

No, but I'm only talking about the fee.

LEG. BROWNING:

Right.

LEG. D'AMARO:

Everyone has to reregister every year.

LEG. BROWNING:

Right.

LEG. D'AMARO:

But if you're nonresidential, you get hit with a \$50 fee every year. So what I'm asking is --

LEG. BROWNING:

Oh, right, right.

LEG. D'AMARO:

-- what's the purpose of that fee?

LEG. BROWNING:

Well, we felt that there was a need for them to do that, because that seems to be where the biggest problem is, is the commercial or nonresident. And the other thing is, is that when you're a business, it's a business expense, and the reregistration is a business expense also. So, you know, a business can write it off where a resident can't.

LEG. D'AMARO:

So is it -- by charging the \$50 annual renewal fee to nonresidential buildings, is that saying that there is a cost to reregistering, but we just choose not to impose it on a residential customer, residential resident?

LEG. BROWNING:

Say that again, I'm sorry.

LEG. D'AMARO:

Sure. You're charging businesses \$50 to reregister.

LEG. BROWNING:

Reregister.

LEG. D'AMARO:

Is that because there's a cost associated with reregistering, a cost to the County?

LEG. BROWNING:

No, I don't believe it is. I believe that in many of the conversations, it seems that the nonresidential is where the biggest problem is with the false alarms.

LEG. D'AMARO:

Right. But what does that have to do with charging the \$50 renewal fee? I'm just trying to understand why --

LEG. BROWNING:

Right. And when we --

LEG. D'AMARO:

Is it only because business can afford to --

LEG. BROWNING:

Right. When we met with the industry, they understood that, you know, it's not something that we really wanted to do, but they did kind of look at it and they said, well, you know, as a business, they can -- it is a business expense, so they can write it off as a business expense, where a resident cannot.

LEG. D'AMARO:

I understand that. But I'm just trying to understand whether or not the reason why you left the \$50 fee for nonresidential is because when you register every year, there is an administrative cost to doing that to the County and this helps to compensate for it.

LEG. BROWNING:

Well, I think the Chief could probably tell you what the administrative cost is to register, or to get people to register or reregister. I don't think that -- once they get everybody registered, I really don't think that that administrative cost is going to be that difficult. One of the problems that I've heard on the nonresidents is when a business alarm goes off, there's a lot of issues with who to contact. And alternative people, you know, if you're -- if it's your business, they can call you, but you may not have provided them with additional information on who else to call. So it seems I -- you know, the way I saw it and the way I understood it was the businesses are sometimes a little bit more complicated, because sometimes that changes, too. The businesses, they change owners, they change employees, they change managers. You know, you look at any retail place, how much of a turnover you can have, that they would have to continue to make sure they update that. Am I -- am I clear enough for you?

LEG. D'AMARO:

Well, it seems to me what you're saying is that the commercial renewals maybe require more

attention in a sense because of more turnover or changeover, and because of that, there's a fee associated with it, whereas residential may be somewhat more stable, it's the same information every year; is that what you're saying?

LEG. BROWNING:

And again -- yeah. And again, you know, with the -- when we met with the industry, it was a compromise with them, that it was something that, yeah, they said they weren't entirely happy about it, but they thought it was a good compromise, because the registration and the reregistration didn't change. There was the registration -- the reregistration for the businesses or for the nonresidential was higher than what my bill says, so they felt it was a good compromise.

LEG. D'AMARO:

Okay. So you feel that if I'm -- a residential homeowner in Suffolk County has an alarm, if they have repeated false alarms, at some point you're going to pay, right? But when we take your registration information, you're never going to have to pay for that. And even if -- and if you get a false alarm the first time, we'll still give you a 30-day grace period?

LEG. BROWNING:

Right. You're going to get a 30-day grace period if you've never -- if you've never registered. So you'll have a choice between paying the fine or registering, which I think is what the Police Department wants more than anything, is to have them registered.

LEG. D'AMARO:

Well, there's no incentive to register, though, until you get your first alarm, false alarm.

LEG. BROWNING:

Well, I can tell you that there's residents in my district who have called and said, "I have an alarm system, I've never had a false alarm, I'll take my chances," and they're not registering anyway. So, you know, there is no perfect way to do this. But, in my opinion, to ask people to continue to pay for something, especially the ones who told me, "I've had an alarm for 5, 10, years, you know, and I've never had a false alarm, so now every year you're going to make me pay \$50. You're taxing me." That's what they're telling me. But they understand the fine structure and saying it's okay, you know. So those people who have continuous false alarms, make them pay. "They're the ones that are putting the burden on the Police Department, not me, who's had an alarm for ten years and have never had a false alarm. But now you're making me pay for something that I'm just" -- "I've decided to get to protect myself and my family." They felt that need.

LEG. D'AMARO:

I don't disagree with you.

LEG. BROWNING:

Yeah. I mean, I can tell you, when my husband got deployed, that's when I got my alarm, was for his deployment. My son was deployed, they got an alarm, you know. So they felt that need because they were leaving their families at home without them. So there are many single moms that maybe have an alarm system. You know, we're going to punish them because they got an alarm to protect themselves? I think that's unfair.

LEG. D'AMARO:

Yeah. Unrelated point, but I voted again the 5 cents on the plastic bags, because I don't think it's appropriate to keep asking residents to pay for things that, in my mind, it wasn't going to be that effective anyway, but it's just paying more. The solution to everything is just pay more all the time, and all of these different fees and expenses really begin to add up. And I don't -- I asked the Chief when he was here to testify at one point and I said, "Explain to me how paying \$50 as a residential

homeowner is going to make me more safe or have less false alarms," and I don't see the connection at all.

LEG. BROWNING:

No, it's not.

LEG. D'AMARO:

So -- and, by the way, when you respond to a false alarm at a residence, they're going to respond whether you're registered or not, so I don't see how it facilitates response time or anything like that. So I'm really perplexed as to having any upfront fee. I mean, if they want to keep a database of people who have alarms, that's great, but, you know, again, I was against paying a nickel a bag at the grocery store, and I'm really not going to say that I could support imposing yet another charge on residents for something that I don't see can be justified, I just don't see it.

LEG. BROWNING:

And we do have -- and, Lou, the reason I put this bill in is because people were not happy with -- many of us who voted for, you know, the County Exec's initial --

LEG. D'AMARO:

Right. Well, let me --

LEG. BROWNING:

-- proposal, this is the lesser. It's less harmful. And, again, I would ask the Chief, who came with the registration costs, who came up with the fine structure -- I don't think it was the Police Department. Certainly, they'll want a program and they want to be able to have people pay that fine to try and reduce the number of false alarms and make people more --

LEG. D'AMARO:

Right.

LEG. BROWNING:

-- responsive, but I don't believe a registration is changing that. I think the fine is going to make people more responsible --

LEG. D'AMARO:

Right.

LEG. BROWNING:

-- but not necessarily the registration.

LEG. D'AMARO:

Well, and in the interest of full disclosure, I did support the original bill that imposed the fee. But after thinking it through, and especially after interacting with my constituents and listening to the arguments, I think they've made a valid point. I think that it's really time to, you know, hear people about all of these different fees that are being imposed. And I know that we're in very difficult time with our budget coming up next year, and I understand all of that, and, you know, I'm not saying that I have every solution and every answer, but, you know, something -- something has to give, and we'll go through a budget process to try and figure out what's going to give. But I don't think out of the gate that we should just continually impose these fees on residents, I just don't think it's appropriate. So I'm going to support your bill.

LEG. BROWNING:

Okay. Thank you.

P.O. GREGORY:

And I agree with you, Lou. I think -- you know, I supported the original bill as well. I heard the arguments loud and clear from the Chief that this is a big concern. And even in my experience with doing ride-alongs with some of the officers in my district, responding to false alarms, so I know it's a really problem and it's an existing problem. But, you know, forcing upon residents, who are simply trying to protect themselves, an additional fee for a service that they already paid for them -- paid for their security I think is just a bit too much.

And I think, you know, if we're concerned about, you know, who the problems are, where the problems exist, we should encourage them to register, and I think the lower the fee or no fee at all would do that. And if there are persistent problems, then you hit those people who are the persistent problems, because they're obviously not addressing the concerns.

I do -- I don't buy into the argument that, well, they're somehow exercising additional services. They're taxpayers, just like everyone else. And because you have a false alarm, you should have to pay more for a service that you already pay for? So if you follow that argument to its logical conclusion would mean that a taxpayer that pays their tax bill and never has a police officer respond to their home, they should get a rebate, right? If you don't use it, you should get a rebate, because if you're using it, you got to pay more. I mean, that's -- you know, that's what I -- you know, makes sense to me.

So I know it's an obvious, at this point, issue in our budget, and that presents an additional challenge, but I think -- you know, I don't think this bill is perfect. I think, you know, I don't -- I think it probably should be the third alarm instead of the fourth. But I do believe that the closer we get to reducing those initial registration fees, I think the -- actually be addressing the intent. Well, not necessarily the intent, but I think certainly what I think should be the right thing. So I'm going to support it, too.

And I gave Kate my support last month, and I only tabled -- I supported the tabling, because I was under the impression that we would look at some offsets, and that conversation didn't have -- didn't happen to the liking that I would have liked to. So I'm sticking to my commitment to you and to my constituents who are against this. So I'm going to be supporting your bill. Legislator Calarco.

D.P.O. CALARCO:

Thank you. And I can appreciate the concerns. I think Legislator Browning has really tried to come with a fair compromise. I think I, you know, said this at the last time when we tabled this last cycle, and I was looking to table to try to come up with a little bit of a further compromise. At the end of the day, the Chief of our Department has come here repetitively, and I think he may even still be here now, to say that he very much believes that this version of the bill will make the program ineffective. And I think that the crux of that is the provision that says if you do not get registered and you get a false alarm, that then you can retroactively register and not pay a fine, which basically says don't registers until you get a false alarm. So, in effect, it is undermining the program.

And he has said that the program has been very effective already this year, and that we have seen over a 30% reduction in alarms. And, you know what, someone from the industry was here during one of the public hearings and he said, "We're getting" -- "We're getting alarms under control. We're finding ways of reducing the alarms. We haven't gotten anywhere near as many false alarms." And when I said, "Well, how come that is? Like how is that that we're doing that magically now? Is it because now suddenly we realize that if you don't get the situation under control, you're going to be paying penalties?" And he said, "No, no, no, that's not why. We just decided all of a sudden we're going to do this, we're going to implement protocols to reduce the number of false alarms that our consumers, our customers are experiencing." And I just think that's, you know, a

bogus argument.

And at the end of the day, we have two alternative versions, one of which the Department supports in Legislator Hahn's bill, which effectively cuts that registration fee in half, because instead of it being a \$50 annual registration fee, it's a \$50 biannual registration fee, that's \$25 a year. That's not exactly that onerous. For senior citizens, it's a \$25 fee, which is 12.50 a year, and it's a very reasonable rate. It's an amount that allows P.D. to cover their administrative costs. And, quite honestly, the Chief has said here time and time again they felt if you don't have skin in the game, so to speak, you're not going to really care.

So it continues to -- you know, this alternative version is one that the Police Department gets behind, it's one that still implements the major provisions of the law in terms of trying to reduce the false alarms. And, quite honestly, it's still the least onerous of any of the types of programs that are implemented in any of the other towns, for the towns in Nassau County including. For the towns on the East End that don't have a registration fee, you also get fined on the first alarm, you don't get any freebies. You don't get two free passes, or three free passes, or four free passes, you get it on the first offense. And for some of those towns, you don't get a reset either. It keeps adding up every year, year in and year out, and three years into the program, you get a third alarm, you're going to get dinged pretty good.

So I think we have a really fair compromise in Legislator Hahn's resolution that allows the program to continue to be effective. In this case, I have to take the recommendations of our Chief of Department. And it's something where I know he is 100% behind this bill, not because of revenue, but because he thinks it's the right thing to do from a policing perspective, and I have to respect his opinion on that.

P.O. GREGORY:

So if I may, and I -- you know I respect you. And, you know, in most situations, I understand why we do an administrative fee. Just recently, literally a week-and-a-half ago, 11 days ago, I lost my Social Security card. I won't go into why or who lost it, it wasn't me it was my wife. I guess I went there.

*(*Laughter*)*

So I had to -- you know, this is probably the most single, most important document that individuals have, if you have one. I certainly think it's the most important. So I went down to the Social Security Office, you know, I sat in line, waited until they called my number. It was probably like a half hour process. I sat down with a young man who was like 25 years old. You know, I had my birth certificate and all this other stuff, and they do it -- you know, he did something on the computer. He says, "Well, you have your" -- I'm getting out my wallet. He says, "Well, you'll have your card in 7 to 10 days." They sent it down to, I think, North Carolina, or somewhere, and it came in the mail. I paid nothing to get my Social Security card. And here it is in the office in West Babylon, it goes out of state, and they process it there and they send it to my home. It was in the mail, and then nothing for probably the most important document that any of us could have. But, yet, for an alarm, we were asking people to pay \$50, \$100. Probably the clerk is doing less work to put their name in the registry than to process Social Security, because they had to check -- they actually looked, because my birthdate was wrong, so they had me down -- I was born in 1969, they had me down as 1968. So I had to leave, come back, get more additional -- so they put more effort into this process than they probably would to process this false alarm, and I had to pay nothing.

You know, I just -- I don't understand. I mean, people are trying to protect themselves, and we're going to bang them and bang them for a fee, and we're increasing administrative fees without even showing any increase in effort. I mean, here, you know, this is -- to me, it's just that simple. We

can't look at it in the single context of it's a budget item. We have to maintain the budget, you know, the monies in the budget. You know, this -- we should be encouraging people to register and not discouraging them because of this fee.

D.P.O. CALARCO:

We hired staff to implement the program. I mean, there is a budgetary impact that we have incurred to put this program in place. And now we want to -- we're not going to cover that cost at a time when we're facing fiscal distress? And, honestly, I don't think this -- I'm not seeing this as a budget issue. And if, you know, we want to do away with the whole program because we think it's just a money grab, then why don't we just vote on Legislator Trotta's bill instead of this one that's before us in a program that's not really going to effectuate what the Police Department is looking to do? Let's just pull it.

LEG. D'AMARO:

Well, can I follow up on that? Would it make sense, then, to hold off on any vote until we get all three bills pending before us?

D.P.O. CALARCO:

I'd be open to that. I thought that's what we were doing before.

LEG. TROTТА:

Well, if I may, I would be willing -- I mean, based upon we've already collected this money, I think this is a compromise. And to Legislator Calarco, who says the 30% decrease, whatever the reason is, it's a 30% decrease whether they dump the alarms or didn't have any police response anymore, which I suspect is what happened, it's disingenuous for you to say it's not a -- it's all about money. It's everything about money. Everything we do here is about money. It's about \$7 million, it's about getting involved in contracts we can't afford to pay, and doing whatever we possibly can to get the money, and it's wrong. Once you're registered, you're registered. There's no fee. There should be no fee to update your information six months, or two months, or three months, or a year away. It's ridiculous. And to sit here and say it's not about money, it's all about money. Everything we do here is about money.

You know, it's not -- because they're paying, is it going to -- it's not going to be more people if they're not paying. Is it going to make a difference? Once they register -- and, by the way, most complaints I got, they had no idea they had to register. They got some cheesy thing in the mail that they didn't even -- you looked at, you didn't even know what it was and they threw it in the garbage.

D.P.O. CALARCO:

So let's follow the Southampton model, or one of the East End towns where you don't have a registration fee. But you get a false alarm, the very first one, you pay a fine.

LEG. TROTТА:

We're paying the highest taxes in the country, and this -- we deserve to get something for free. I mean, it's ridiculous. You're forcing people to leave here. I mean, you equated this to Nassau County. Nassau County froze their -- every employees' salary for three years and they're still broke. So this is what you equate it to? Let's freeze all salaries and we'll charge \$100 to register.

D.P.O. CALARCO:

I'm not. I'm not equating this to Nassau County. Every other Police District on this Island has this program. This program is in effect in Police Districts all across the country. The Department of Justice recommends having these programs in order to deal with and reduce false alarms in the Police Department.

LEG. TROTTA:

And we don't need to pay every year toward this.

D.P.O. CALARCO:

This is not some sort of brand new idea we have concocted to raise revenue.

LEG. TROTTA:

We don't need to charge people every year.

D.P.O. CALARCO:

This is an idea that every -- that is recommended by the law -- top law enforcement across the country.

LEG. TROTTA:

Collecting money is not a necessary thing to do in this case. It's ridiculous. All we're doing is killing people who want to have alarms, and they're paying every month anyway.

P.O. GREGORY:

Legislator Spencer has been waiting very patiently.

LEG. SPENCER:

I believe that we can address this problem. And if we're truly addressing the false alarms, then the emphasis of the program should be charging fees on the people that are incurring false alarms, and that's -- my big concern is that charging a registration fee, we charge everyone, and I can support that. My biggest difficulty is that where we have to charge the reregistration fee, where you could have a senior or someone who is a single parent who's most in need of security, that never gets a false alarm, and all of a sudden they have to pay this fee over and over again, and I think that that becomes more of a revenue issue.

And I disagree with the argument, that you can still address the problem of false alarms, and that's what I believe the Chief is trying to do. And I believe that you can look at programs across the country, but it doesn't necessarily mean that that reregistration fee is the component that makes it work. We've already seen them go down. That's where my struggle is. You know, it's not the amount.

I can pay the fee, most of us can, but it's those who are really the most concerned, who need the alarms the most, who may be seniors and things like that, and then having them reregister. If you want to charge once, there's an administrative fee behind that, if you want to pay for the employees with the fees you're getting for the false alarm. But I'm really struggling with the reregistration fees, and that's what -- that's what makes this hard for me.

The Chief has been here, he spent his whole day here. And I'd just like to ask if he would come up, because I do think that -- if I may, through the Chair, briefly. Thank you.

Thank you. Thank you, Chief, for being here. And I have to go back originally when I didn't like the original bill, but you impressed upon me the need, and I still support the need for this program. And I don't know if you have any additional information, but I can see how you've modeled this off of what they've done across the country. But where I have the disconnect, you know, I can understand getting everyone in the program, charging them. And I could understand penalizing those who wait until the last minute and then they register, but what I don't understand is how they the reregistration fee in any way enhances this program. And I don't know if you have any thoughts about that. Maybe you don't, but I did want to hear from you.

CHIEF CAMERON:

Thank you, sir. As I mentioned, and I think many of you just discussed, this is not a novel program. It's a program that's widespread all across the country in most municipalities. In fact, we're one of the last to adopt it. We did extensive research, as Legislator Hahn spoke about, and the common elements among the successful programs is a registration fee that's recurring, whether it's annual or biannual, escalating fines and two allowable false alarms.

And the validity of the registration fee became apparent to me when in April and May we were only accepting registrations and we saw an immediate 22% reduction in April of residential false alarms, and then in May, a 33% reduction, and that was only with people paying their registration fees. No fines were being assessed. And I know many people are concerned about people cancelling their alarms and being less safe, but during year-to-date, we've seen a 14% reduction in residential burglaries, during this period where people -- there's a concern that people are cancelling their alarm systems.

Other municipalities that had this law for decades still have central station service in business. Since we've initiated the program, we've responded to over 11,000 less false alarms. That's, in my estimation, approximately 5,000 hours of freed up response time for our Police Department.

And I do somewhat disagree that uniformed Police Officers can have an impact on gang violence. I do believe they suppress gang violence. And, Legislator Spencer, you can attest to the fact that we've put some additional uniform Police Officers from our Highway Patrol in Huntington and we've had a significant reduction in crime there. So they may not actually eliminate the gang problem, but I do believe they suppress gang violence until our gang specialists can completely eliminate the problem, so I do believe that.

We are continuing to see reductions in residential alarms. In September, the residential false alarms decreased by 37%, and a total of 31% reductions.

So the elements about this, we've been primarily speaking about the part of this bill that impacts the registration fees. There are other elements to this bill, the necessity to not get a permit if you have a first false alarm. Over 20,000 people have registered for this. They've obeyed the law, they've registered their alarm systems, and they basically will have done the wrong thing. Why not wait until you have your first false alarm to expend the funds to get the registration, if that's allowable in the new law. I don't think it's in any way fair to them. I don't know of any other program that requires permits, that lets you get a permit when you actually commit a violation. So I think that will damage the success of the program.

And if we're to believe that the intent of this bill is to help people that say, "I've had an alarm system for years, I've never had an alarm, why should I pay the fee," and to rein in people that are having excessive amounts of false alarms, why is this bill reducing the escalating fines, which it also does?

So I do believe that some modification of the registration fee would not significantly damage the program, but I believe the other elements in this bill would substantively damage the progress that we've made and continue to make. It's continuing to be reduced. So I don't even believe we've achieved the full success of our alarm management program to date.

LEG. SPENCER:

I have asked a lot of my colleagues, who went through plastic bags, who made some very difficult votes with me, and this, you know, I look at it as a principled issue, representations that I try to always be loyal to my word, and this is a situation where I am truly torn. And one of the things that

I have done, Chief Cameron, is that when I've been in a situation where I am torn, I've given you the benefit of the doubt.

CHIEF CAMERON:

I appreciate that.

LEG. SPENCER:

Because I think you're in an extremely difficult position. I don't think you come here -- I understand there is an administration. I know that you may not know everything, but I do believe that you are placed in a position that you know a lot about. You have to have the vision for law enforcement in this County right now. And, you know, I said if I'm in a situation where I'm truly tied, then I'm going to have to try to lean towards your direction.

CHIEF CAMERON:

I appreciate that, sir.

LEG. SPENCER:

Anyway, thank you.

P.O. GREGORY:

Okay. Legislator Barraga.

LEG. BARRAGA:

When the original bill came forward, I debated against it, because I had serious reservations about the whole concept associated with this. I just felt that the people I represented were the types of individuals who, when they had a security system in their homes, they've spent literally hundreds, and if not thousands, of dollars to put the system in, and were paying quarterly maintenance fees to maintain the system. And I just felt this was an arbitrary and capricious expense that they certainly should not have to contend with. But I did not like and still do not like the overall concept. And I debated against it, and I think you can see, since we've passed it, the reaction from constituents. I understand the police position, but the reaction from constituents, they hate this legislation. They have no use for it. They're already paying all sorts of fees and expenses to survive out here. This is one more fee they don't want to pay.

Now we have three compromise bills. Legislators Hahn, Trotta and Browning all have three pieces of legislation, which on the face of those pieces make it more amenable to the residents that I represent and the residents of Suffolk County. What I'd like done, though, is an analysis of all three bills.

If, Mr. Lipp, you have \$5 million in the budget, the Executive budget, as revenue from this alarm bill for 2017, can you calculate for us, as members, based on each bill, the actual revenue that you anticipate if each -- if a piece of legislation, whether it be one of three passes, or all three pass?

MR. LIPP:

Right. So we did a Fiscal Impact Statement and we have that for each of the bills.

LEG. BARRAGA:

All right. For example, in the budget we have \$5 million, I guess, predicated on the existing law --

MR. LIPP:

Correct.

LEG. BARRAGA:

-- for next year?

MR. LIPP:
Correct.

LEG. BARRAGA:
Okay. Do you have the numbers based on these three pieces of legislation, what the revenue would be?

MR. LIPP:
Correct.

LEG. BARRAGA:
What is it?

MR. LIPP:
I only have one up. I got to find it. I have so many files up.

LEG. BARRAGA:
Because it seems to me, and I could be dead wrong, the annual permit fee of \$50, that's the main generator of the revenue.

MR. LIPP:
So the --

LEG. BARRAGA:
You'll have to do it on an annual basis, as opposed to a fine after the three or fourth time where they start getting hit for \$100 --

MR. LIPP:
Right. So the loss we're anticipating, and it is an estimate, you have to make some assumptions, is 3.85 million.

LEG. BARRAGA:
All right. 3.85 million on whose bill? I mean, if Mr. Trotta --

MR. LIPP:
On the bill in front of you.

LEG. BARRAGA:
Oh, that's Ms. --

LEG. CILMI:
Kate.

LEG. BARRAGA:
Kate's bill.

MR. LIPP:
Correct.

LEG. BARRAGA:
So there's a loss of \$3.8 million.

MR. LIPP:

Correct.

LEG. BARRAGA:

What about the other two bills?

MR. LIPP:

I'll have to look them up. I'll try to get back to you. That's right, Legislator Trotta is all of it, so that would be the full 5 million. And understand, regardless of whether you think that the 5 million is too high or too low, that's what's in the budget that has to be adjusted.

LEG. BARRAGA:

Well, that's the point I'm making. If Legislator Browning's bill results in a loss of 3.8 million, so that's only 1.2 million coming in, so you're 3.8 million short. It has to be made up someplace, whether you generate revenue somewhere else or you cut programs.

MR. LIPP:

Well, I don't know if I'd say has to, it should, though, for sure. That's because nothing is a "has to", I think. Definitely, there's a disconnect if you don't -- if you don't amend the budget, the recommended budget right now. If you could show it on paper, that would be the same thing, but it would be perhaps, I don't know if that's the right word, disingenuous?

LEG. BARRAGA:

Well, do you reach a point where, from a consumer perspective, if you're going to lose 3.8 million in revenue with Ms. Browning's bill, and the other figures, the losses are about the same for the other two pieces of legislation, why not just rescind the entire legislation? Why not just get rid of it entirely?

MR. LIPP:

Well, the dilemma is, even if you're thinking you're going to --

LEG. BARRAGA:

Then you're down -- then you're down what, 5 million?

MR. LIPP:

Right.

LEG. BARRAGA:

You know, the police have a problem, I guess, but the reality is you just rescind the law, because there's no revenue being really generated from it.

MR. LIPP:

Well, the problem is if you recognize that and you reduce the revenue, you know, by whatever amount, then in practice, you really should be, perhaps through the Working Group, coming up with an offset to balance the budget.

LEG. BARRAGA:

Yeah, I love that term "offset", but, you know, how many offsets do we really have?

MR. LIPP:

Well --

LEG. BARRAGA:

You know, we --

MR. LIPP:

Yeah. So the problem is going to be that, stand in line, this is one of a handful of perhaps risks in the budget that things are not properly sized, in Budget Review Office's estimation.

LEG. BARRAGA:

But if it's one of the situations that I anticipate 5 million, but if we pass a compromise bill, we're going to lose say \$4 million, we're left with a million dollars, and still the grief and aggravation for budget constituents that don't want to pay anything.

MR. LIPP:

I have not problem with the --

LEG. BARRAGA:

That million dollars, we're better off just rescinding the entire legislation, which some of us think was a poor concept to begin with.

MR. LIPP:

No doubt, but there's still that issue with the budget.

LEG. BARRAGA:

I know that, I know that.

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

P.O. GREGORY:

I've got a list. Okay, Kevin's been waiting patiently.

LEG. McCAFFREY:

If I could ask the Chief one more time for you to come up, I just had a couple of questions; if I may, Mr. Presiding Officer.

Chief, thank you for coming. And believe me, we all respect the work that you've done and the time you've put into this. But I'm having a tough time trying to find the connection between the registration fee and what we believe is the drop in the amount of false alarms. Can you help me understand that a little better, why you think that is?

CHIEF CAMERON:

I believe, sir, that we've never opposed any penalty on people from having false alarms and therefore it was never a concern for them.

So by virtue of them paying the registration fee they're now paying attention, knowing that they'll be fined if they have an excessive two false alarms.

LEG. McCAFFREY:

So do you think that they just went out and said, *Okay, I'm going to register it and then I'm going to fix my alarm system that may be faulty?*

CHIEF CAMERON:

My understanding of the excessive false alarms now, they're less mechanically related but they're more operator error related because the equipment has gotten much better. There are chances that

people do need to fix their alarm system, but in many cases it's operator error on the alarm system. So they're paying more attention to the alarm system. Perhaps educating their family on the proper operation, being more diligent if they have contractors or people coming to their home, because they don't want to be fined. Whatever it is, it's absolutely working, it's working very well.

LEG. McCAFFREY:

So but if -- wouldn't we get that same effect just by the fact that we're saying you're going to be fined after, say, the first or second or the third false alarm? I mean, hasn't that -- wouldn't that also raise awareness? I mean, it's more people now saying -- you're probably right, and I'm sure you are, is that now people are saying, *Okay, remember to set the alarm, remember to put this in, or whether*. So whether we had a registration fee or not, just the fact that we are going to fine them in the event that they get past that third alarm or whatever this bill is. Would that have the same effect?

CHIEF CAMERON:

I don't really know. I do know that the successful programs that I looked at -- like I said, the successful programs that I looked at had those common elements in place; a registration fee recurring, an escalating fine structure and an allowance for two false alarms per year. Those are the prevalent successful programs across the country. And just as a point of reference, a lot of programs are far more draconian than us.

LEG. McCAFFREY:

Right.

CHIEF CAMERON:

Many of them, including Nassau County, make it a criminal penalty to have a false alarm. Some of them, actually, an unregistered false alarm is a misdemeanor, believe it or not.

LEG. McCAFFREY:

It's hard to believe we're behind the curve on collecting fees from people (*laughter*), but we are in this case.

You still feel strongly that the regis -- because I'm still having trouble with that, making that connection, but you're just looking at what the other municipalities have done. And those municipalities that have a registration fee along with a penalty as well, are the ones -- did you look at any that did not have a registration fee but had, say, an escalating fine structure similar?

CHIEF CAMERON:

There are a few, but I believe the more successful ones have those three common elements; a registration fee, escalating fine structure and an allowance for two false alarms.

LEG. McCAFFREY:

And the benefit of the registration fee is because you're raising awareness right out of the gate because they're writing a check?

CHIEF CAMERON:

Right. An additional benefit for the Police Department is that we're acquiring data on people, so if they do have an issue with their house, we're able to get a hold of them. Because my experience is very often the data that the alarm company has is outdated and we're unable to contact them. For example, if you go to a commercial establishment and there is a break and we want to get a hold of the owner to determine if something was stolen and it was a burglary as opposed to a criminal mischief, or to have -- obviously have them secure their premise and we can't get a hold of them; that's an additional drain on police resources.

LEG. McCAFFREY:

Now the registration that's being done, do they register with the Police Department or is it with -- with the Police Department?

CHIEF CAMERON:

They register with the Police Department, that was a choice. The company that we bought the software from would provide a service where they would monitor the alarms for us and do everything; we decided to keep it in-house. And something that I do believe is this program should be cost neutral to the Police Department, so at the very least it should cover our expenses for administering the program.

I did forget to mention before when I was up here speaking to Legislator Spencer that we have seen, since we initiated this program, a two-minute reduction in the response times to our lowest priority of calls which the alarms fit in. So two minutes is a significant reduction in our response time.

LEG. McCAFFREY:

Yeah.

CHIEF CAMERON:

So the people that are having alarms, the police are showing up faster because we've reduced false alarms; and if we reduce them further, I believe our response times will increase. So the people that have alarms are getting better service because of this program as well.

LEG. McCAFFREY:

And the -- so you're saying, though, that we're just kind of covering our costs, meaning the amount we're getting in the registration fee is just about covering for the personnel, etcetera, to input that information?

CHIEF CAMERON:

I'd have to analyze that, sir. We did have to hire staff, obviously, to run this program and they're extremely busy and we had to add staff. Because I forget which Legislator pointed out to us that people were having trouble getting through, and I walked into the alarm bureau and all the ladies were on the phone all the time, all day, so we had to add additional phone lines and additional staff to handle all the inquiries we were receiving.

LEG. McCAFFREY:

Okay. So we may be just about -- and maybe not even covering our costs, then, just because we imposed the registration fee. So it's possible that we may be losing money on the registration fee?

CHIEF CAMERON:

I don't think we're losing money on it, sir, but I would have to analyze to see if it's exactly cost neutral or if we're actually making a profit.

LEG. McCAFFREY:

Okay. All right. Thank you, Chief.

CHIEF CAMERON:

Okay, sir.

LEG. BROWNING:

DuWayne?

P.O. GREGORY:

I've got a long list. Trotta.

LEG. TROTTA:

I just want to ask the Chief. I mean, a lot of the complaints I'm getting are that *I didn't know I had to register it*. You know, I have what I got in the mail in my office and I go up to people, I go "What is this?", they think it's like an ad for an alarm. I mean, you just look at a little cheesy piece of paper and you threw it in the garbage and then two months later you get an alarm and then they charge you \$150 for a false alarm. So a hundred dollars for the alarm, false alarm, and \$50 for not registering it; that's most of the complaints I got. So once they're registering it -- I mean, so the ability to have the 30-day grace period and then just pay for the one -- you know, to register it and not get banged for the thing is a good option. I mean, this is -- you know, the only argument for this is money, plain and simple. So I will be supporting Kate's bill.

P.O. GREGORY:

Okay, Legislator Kennedy.

LEG. KENNEDY:

My question is to Robert. Robert, how long will it take -- will you be able to get the information on the losses relevant to Kara's bill today?

MR. LIPP:

I think you have a general idea now. It's 3.85 for this bill.

LEG. KENNEDY:

For Kate's.

MR. LIPP:

It's the entire five million for --

LEG. KENNEDY:

Robert's.

MR. LIPP:

-- Legislator Trotta's bill, and the other one is going to be probably fairly closer to 3.85. So, you know, the bottom line is you're talking three to five -- three-and-a-half to \$5 million adjustment needed.

LEG. KENNEDY:

Okay, thanks.

P.O. GREGORY:

Legislator Martinez.

LEG. MARTINEZ:

Thank you. Actually, if the Chief could come back up. First of all, just for the record, this has been a very difficult bill for me, and I know the Chief knows this very well. And I had asked you I believe a couple of weeks ago, to get me some numbers regarding those that have registered per precinct and the data that we have currently from the inception of the program. Do you happen to have those numbers on you today?

CHIEF CAMERON:

I don't have them yet. The software system that we have does not -- surprisingly, which was very

surprising to me, it does not allow us to break down by hamlet, which is the way I would do it. So we're working with the company to update the software to enable us to do that, but we cannot do it yet.

LEG. MARTINEZ:

But you were able to determine the false alarms per precinct?

CHIEF CAMERON:

We can't geographically break it down, it just spits out the entire totals for us, so we're going to work with them. They're receptive to doing that for us, but we have not yet enabled the ability to do that.

LEG. MARTINEZ:

And when we first met over this bill, you had presented me with numbers per precinct in terms of false alarms. For example, I knew how many in my district, in my precinct were false alarms.

CHIEF CAMERON:

I don't have those numbers with me, but the false alarms were fairly equally distributed amongst the precincts. I can give you the false alarm numbers by hamlet but I can't give you the registrations through this alarm system. So if you want updated false alarms numbers I can provide them for you.

LEG. MARTINEZ:

Please. Sir, if you could do both, prior and current of the inception of this bill --

CHIEF CAMERON:

Certainly.

LEG. MARTINEZ:

-- when it was first voted on.

CHIEF CAMERON:

Absolutely, I can get that for you.

LEG. MARTINEZ:

Thank you. And I know this is very difficult and I'm sorry I'm going to do this, but I'm going to anyway. Is there anybody else on the list?

P.O. GREGORY:

Yes.

LEG. MARTINEZ:

Oh, all right. Well, I am going to make a motion to table this bill, so.

LEG. BROWNING:

(Laughter).

LEG. MARTINEZ:

Sorry, Kate.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Chief Cameron, the fee -- somehow I don't understand really the connection between charging the fee and having a more successful program. I think when you have an alarm installed in your home, you will be required the first time to pay this fee to register, and at that time you'll be made aware, as a homeowner, of the fact that so many false alarms and you're going to be hit with fines for false alarms. So you've achieved the goal of raising awareness. I don't understand how the renewal fee enhances this program or cuts down on false alarms, I don't see the connection.

CHIEF CAMERON:

Like I said, sir, we did analysis of the successful programs and that was a common element in them. For me to articulate exactly why that is, I cannot do that, but I can tell you that that's a common element amongst the most successful alarm --

LEG. D'AMARO:

Well, it's a common element in the programs that you analyzed, but it doesn't mean that that element had any impact.

CHIEF CAMERON:

I can't tell you specifically that that had an impact.

LEG. D'AMARO:

You don't know, okay.

CHIEF CAMERON:

But this bill does more than affect the registration fees. It reduces fines --

LEG. D'AMARO:

I understand that.

CHIEF CAMERON:

-- allows for additional false alarms, which I feel would significantly affect the program.

LEG. D'AMARO:

I understand that. I do understand that. It's giving more grace than the competing bill, if you will.

CHIEF CAMERON:

Yes, sir.

LEG. D'AMARO:

And your opinion on the fines themselves is that it's too lenient with respect to fines, if you're going to have a successful program.

CHIEF CAMERON:

Well, if you reduce the escalating fines, really what you're doing is giving grace to the most egregious offenders, you know, as it escalates. And I cannot imagine the average person would have ten false alarms; I mean, it would probably be abhorrent to most people to waste police resources like that.

LEG. D'AMARO:

Well, it's not ten, it's the fourth false alarm is a fine.

CHIEF CAMERON:

I'm talking about the escalating fines. You know, right now it escalates up to -- increases up to the

tenth fine.

LEG. D'AMARO:

Oh, I see.

CHIEF CAMERON:

This reduces that.

LEG. D'AMARO:

Yeah, down to 150.

CHIEF CAMERON:

A third false alarm for most people I think would be an issue, because they feel that they would be wasting police resources. But despite that, we did have people that had hundreds of false alarms prior to this and that this is definitely addressing it.

LEG. D'AMARO:

Well, if they have hundreds of false alarms, then the fee schedule is not having any impact, whether they're high or low.

CHIEF CAMERON:

Prior to the --

LEG. D'AMARO:

Oh, prior.

CHIEF CAMERON:

Prior.

LEG. D'AMARO:

Yeah. You know, I think it might be a good idea to have both bills pending at the same time, you know. And, you know, again, full disclosure, I supported this the first time, I want to support Legislator Browning's bill this time, but there is a budgetary impact, and I'm listening to your testimony at the same time. So I think it might just be just better process to have both of these bills here at the same time and we can have another discussion and think about what we want to do as far as fee schedules, so. And in that period, if the bill gets tabled, I would offer you the opportunity, Chief, to convince me that the renewal fee somehow, you know, contributes to the effectiveness of what we're trying to do here.

CHIEF CAMERON:

I think absolutely the renewal process does, because every year it refocuses your attention on this program.

LEG. D'AMARO:

Well, if you have to register it's going to refocus anyway.

CHIEF CAMERON:

Correct.

LEG. D'AMARO:

Right? So I'm just talking about paying the fee.

CHIEF CAMERON:

I understand.

LEG. D'AMARO:

Yeah, okay. I know you do. I appreciate your patience with this. Okay, thank you, Mr. Presiding Officer.

P.O. GREGORY:

Okay. All right, so we have two motions; a motion to table and a motion to approve.

LEG. BROWNING:

I was going to tell you something. I was going to read something.

P.O. GREGORY:

Okay.

LEG. BROWNING:

I just -- can we give it? I'm having some computer problems here. Okay, December 15th, at the General Meeting December 15th, at that time -- did we lose it? I pulled up the minutes. Legislator Lindsay had asked about, you know, obviously there's things that people don't like, and I can't see it, but he was asking on the record to agree to amend the legislation, and I can't see what the rest is because my computer froze and there's a little box blocking it. Ms. Santeramo said, "*Yes. We are hoping the bill passes*" -- oops. "*We're hoping the bill passes tonight, but we're committed to working with this body to help identify offsets for 2016 to accomplish any amendments that this body would wish to make.*" So at this point in time, the Administration has done absolutely nothing to work with this body.

So I will tell you, I think that's important to know, and I did want to say that last year they estimated seven million, right, in revenue from the alarm bill.

MR. LIPP:

A little over that, but that's a good --

LEG. BROWNING:

And this year they're estimating five.

MR. LIPP:

No. Well, they're estimating for this year I think 3.8 million.

LEG. BROWNING:

Okay. So we clearly know that their \$7 million was way overstated, because I think we're now, I believe, maybe around three million that we're -- we have collected in revenue? I'm not sure. Chief; do you know what the numbers are in the revenue that's come in on the alarm bill?

CHIEF CAMERON:

I don't have the most current numbers with me, no.

LEG. BROWNING:

The last numbers I saw, maybe about a month ago, was 2.9.

CHIEF CAMERON:

Yes.

LEG. BROWNING:

That's about right, okay. So I can't imagine that it's gotten that much higher. So it was already a very overstated amount of money that they put in the revenue, and now they're putting in three and change. That's probably overstated, too.

MR. LIPP:

Well, see, there are two issues here; one is whether or not it's overstated and the other is what's in the budget. So if we wanted to make changes, we really should be making them to the recommended budget.

LEG. BROWNING:

Right.

MR. LIPP:

Even if you think the number's too high, that's what the budget says.

LEG. BROWNING:

But I just wanted to make sure you all -- some of you may or may not have remembered in December of 2015 that the Administration was committed to working with this body to identify offsets for 2016 and we have not seen anything yet. So we're looking to make the offsets for 2017.

P.O. GREGORY:

Okay. So we have a motion -- actually, we have a tabling motion, an approval motion. Tabling motion goes first.

MR. RICHBERG:

Can I just have the second for the tabling? I didn't hear that.

P.O. GREGORY:

It was Anker -- Martinez and Anker.

MR. RICHBERG:

Thank you.

P.O. GREGORY:

Roll call.

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

LEG. MARTINEZ:

Yes.

LEG. ANKER:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes to table.

LEG. STERN:

Yes.

LEG. McCAFFREY:

No.

LEG. TROTTA:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

No to table.

LEG. LINDSAY:

Yes to table.

LEG. HAHN:

Yes to table.

LEG. MURATORE:

Yes.

LEG. BROWNING:

No to table.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

No to table. I'm sticking with you, Kate.

(*Laughter*)

MR. RICHBERG:

Twelve (Opposed: Legislators McCaffrey, Trotta, Kennedy, Cilmi, Browning & Presiding Officer Gregory).

P.O. GREGORY:

All right, more fun for next time.

LEG. BROWNING:

Here we go, now I have next time.

P.O. GREGORY:

Okay, so Bill Lindsay -- go ahead, Bill.

LEG. LINDSAY:

All right. Yeah, Mr. Presiding Officer, I'd like to make a motion to take 1849 out of order. We've had the hopefully in-coming new Commissioner of Parks waiting all day for the vote, and it would be nice if we can let him go home today.

P.O. GREGORY:

Is he still here?

LEG. BROWNING:

Yes.

LEG. LINDSAY:

I think he's in the lounge in the back.

P.O. GREGORY:

Oh. So 1849 on page eight.

LEG. HAHN:

Don't make people at home think we really have a lounge here (*laughter*).

P.O. GREGORY:

So motion to take **1849(-16), Confirming the appointment of the Commissioner of Parks, Recreation and Conservation (Phillip A. Berdolt)(County Executive)**, out of order. I'll second that. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay. Motion by the Parks Chair, Legislator Lindsay, to approve.

LEG. HAHN:

(Raised hand).

P.O. GREGORY:

Second by Legislator Hahn to approve. On the motion, anyone? Hopefully this is the hardest thing you have to endure, other than maintaining the bathrooms, this and gun safety and false alarms bills. Okay. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

Applause

P.O. GREGORY:

Good luck.

All right. So back to **Tabled Resolutions (Cont'd):**

IR 1493 is tabled. IR 16 --

LEG. HAHN:

If you rebuild Cupsogue.

P.O. GREGORY:

IR 1688-16 - Amending the 2016 Capital Budget and Program and appropriating funds in connection with Installation of Guide Rail and Safety Upgrades at Various Locations (CP 5180) (Fleming). Bridget?

LEG. FLEMING:

I'm sorry, this is --

P.O. GREGORY:

1688.

LEG. FLEMING:

Motion to table.

P.O. GREGORY:

Motion to table 1688 by Legislator Fleming. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

(Introductory Resolutions for October 5th, 2016)

P.O. GREGORY:

Okay, let's see if we can get through this.

All right, **Budget & Finance:**

IR 1873-16 - Amending the 2016 Operating Budget to provide funding for the William Floyd Community Summit (Browning).

LEG. BROWNING:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

(Economic Development:)

IR 1819-16 - Authorizing the County Executive to execute a revised agreement with the Islip Foreign Trade Zone Authority (County Executive).

LEG. LINDSAY:

Motion.

P.O. GREGORY:

Motion by Legislator Lindsay.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

(Education & Human Services:)

IR 1667-16 - To appoint member to the Suffolk County Child Care Commission (Erica L. Chase-Gregory) (Martinez).

LEG. MARTINEZ:

Motion.

D.P.O. CALARCO:

Motion by Legislator Martinez. Second by Legislator Hahn.

P.O. GREGORY:

For the record, I will have to recuse myself and will submit necessary documentation to Counsel and appropriate authorities. Thank you.

D.P.O. CALARCO:

Okay, I have a motion and a second. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Recused: Presiding Officer Gregory).

D.P.O. CALARCO:

IR 1667 is approved.

P.O. GREGORY:

All right. ***IR 1741-16 - To appoint member to the Teen Pregnancy Advisory Board (Allison Heather Eliscu, M.D., F.A.A.P.) (Spencer).*** Doctor?

LEG. SPENCER:

Motion.

LEG. HAHN:

(Raised hand).

P.O. GREGORY:

Motion by Legislator Spencer, second by Legislator Hahn. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1774-16 - Appoint member to the Suffolk County Community College Board of Trustees (E. Christopher Murray). Motion by Legislator Hahn, second by Legislator Muratore. All in favor?

Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1788-16 - Appropriating funds in connection with the Renovation of Kreiling Hall - Ammerman Campus (CP 2114)(County Executive). Motion by Legislator Muratore. Second by Legislator Martinez. On the motion? All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1788(A), Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$1,590,000 bonds to finance the renovation of Kreiling Hall – Ammerman Campus (CP 2114.310, .510), same motion, same second. Roll call.

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

LEG. MURATORE:

Yes.

LEG. MARTINEZ:

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. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Yes.

MS. ELLIS:

Eighteen.

P.O. GREGORY:

(Environment Planning & Agriculture:)

IR 1779-16 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Tuccio property – Peconic River Greenbelt addition - Town of Riverhead - (SCTM No. 0600-128.00-03.00-049.000) (County Executive). Motion by Legislator Hahn. Second by Legislator Krupski -- or motion by Legislator Krupski, second by Legislator Hahn. All in favor? Opposed? Abstentions?

LEG. TROTТА:

Opposed.

MS. ELLIS:

Seventeen (Opposed: Legislator Trotta).

P.O. GREGORY:

IR 1783-16 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Estate Riehl property – Manorville Hills addition - Pine Barrens Core Town of Brookhaven - (SCTM Nos. 0200-511.00-06.00-065.000 and 0200-511.00-06.00-067.000) (County Executive).

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn. Second by Legislator Krupski.

LEG. D'AMARO:

Wait, just hold on.

P.O. GREGORY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

I don't want to take up a lot of time, but I just want to ask, is this -- this is Pine Barrens Core property and we're proposing to acquire it; I'm not quite sure why that is.

DIRECTOR LANSDALE:

Can you repeat the question?

LEG. D'AMARO:

Sure. This is on 1783. It says that the property is Pine Barrens Core. I have a copy of the map here as well, and it seems that it's not surrounded by any kind of development and could it even be developed?

DIRECTOR LANSDALE:

Yes, it is in Pine Barrens Core and it is surrounded by -- on three sides, either County land or State land. It was argued at committee that the parcel could be potentially developed if a road -- there is a paper street on the east side of the parcel that could be opened, potentially. As well as it was discussed in committee that owners of Pine Barrens Core properties have the right to have their property purchased either by the State, the County or the town that it's in -- in this case, the Town of Brookhaven -- either that or sell their development rights through the Pine Barrens Credit Clearing. Commission. This property owner has chosen to approach the County to sell their property full-fee.

LEG. D'AMARO:

What's the price?

DIRECTOR LANSDALE:

The price is 22,400, and the property is .72 acres in size.

LEG. D'AMARO:

So that's not really a price that reflects that it could be developed, I would think; right?

DIRECTOR LANSDALE:

That's right.

LEG. D'AMARO:

Yeah. Okay, thank you.

DIRECTOR LANSDALE:

Uh-huh.

P.O. GREGORY:

You finished? Okay. All right, so we have a motion to approve on 1783. All in favor? Opposed? Abstentions?

LEG. TROTTA:

Opposed.

LEG. CILMI:

Opposed.

MS. ELLIS:

Fifteen (Opposed: Legislators Trotta & Cilmi - Not Present: Legislator Spencer).

P.O. GREGORY:

IR 1784-16 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Weinzettle property - Mastic Shirley Conservation Area (Town of Brookhaven - SCTM Nos. 0209-037.00-01.00-007.000, 0209-037.00-01.00-009.000 and 0209-037.00-01.00-012.000). (County Executive). Motion by Legislator Browning. Second by Legislator Hahn. Anyone?

LEG. D'AMARO:

Well, it's been a long day, but I just want to ask a very quick question.

P.O. GREGORY:

Okay.

LEG. D'AMARO:

Director Lansdale, this is 1784. I have a copy of the map. Can you just briefly tell me, this is part of a larger acquisition plan, or are there other properties that the County owns contiguous to these?

DIRECTOR LANSDALE:

Yes. These are three properties located along Cranberry Drive and Riviera Drives along Narrow Bay. The property consists of three lots totaling approximately .55 acres, there are no structures on any of these properties. This is part of a larger assemblage, it's located within the Mastic/Shirley Conservation Area and adjacent to County Park parkland. We have been in the process of acquiring parcels in this area for several years and we are currently looking at acquiring, under a Federal grant program, adjacent or nearby parcels. At the time when the grant was submitted a few years ago, these particular properties were not considered.

LEG. D'AMARO:

And what's the purchase price here?

DIRECTOR LANSDALE:

Purchase price for all three lots is 48,000.

LEG. D'AMARO:

Thank you.

P.O. GREGORY:

Okay. A motion, a second. All in favor? Opposed? Abstentions?

LEG. TROTTA:

Opposed.

MS. ELLIS:

Fifteen (Opposed: Legislator Trotta - Not Present: Legislators McCaffrey & Spencer).

P.O. GREGORY:

IR 1854-16 - Making a SEQRA positive declaration in connection with the Suffolk County Wastewater Management Program for the mitigation of nitrogen impacts from wastewater sources (Presiding Officer Gregory).

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

LEG. KRUPSKI:

Cosponsor. Thank you.

P.O. GREGORY:

IR 1859-16 - Authorizing the replacement of the Eastern Boat Pump-Out Station at the County's Shinnecock Marina, using the New Enhanced Suffolk County Water Quality Protection Program funds (CP 8733).and amending Resolution No. 437-2016 (County Executive).

LEG. FLEMING:

Motion.

P.O. GREGORY:

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

LEG. BARRAGA:

Opposed.

MS. ELLIS:

Sixteen (Opposed: Legislator Barraga - Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 15 -- 1859A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$17,340 bonds to finance the new enhanced Suffolk County Water Quality Protection Program – 2014 Referendum – replacement of eastern boat pump-out station at Shinnecock Marina (CP 8733.311), same motion, same second. Roll call.

LEG. D'AMARO:

Just on that motion; what's the amount?

LEG. TROTТА:

Seventeen thousand dollars.

LEG. D'AMARO:

Seventeen? Thank you.

P.O. GREGORY:

Okay.

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

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Yes.

MS. ELLIS:

Fifteen (Opposed: Legislators Trotta, Barraga & Cilmi).

P.O. GREGORY:

IR 1860-16 - Authorizing the construction of the Clean Lakes in Patchogue project, using the New Enhanced Suffolk County Water Quality Protection Program funds (CP 8733) (County Executive). Motion by Legislator Calarco.

LEG. HAHN:

(Raised hand).

P.O. GREGORY:

Second by Legislator Hahn.

LEG. D'AMARO:

How much?

D.P.O. CALARCO:

Forty-nine thousand.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MS. ELLIS:

Seventeen (Opposed: Legislator Barraga).

P.O. GREGORY:

IR 1860A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$49,781 bonds to finance the New Enhanced Suffolk County Water Quality Protection Program – 2014 Referendum – construction of clean lakes in the Village of Patchogue (CP 8733.311), same motion, same second. Roll call.

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

D.P.O. CALARCO:

Yes.

LEG. HAHN:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

P.O. GREGORY:

Yes.

MS. ELLIS:

Fifteen (Opposed: Legislators Trotta, Barraga & Muratore).

P.O. GREGORY:

IR 1861-16 - Authorizing the reconstruction of the Riverside Roundabout, Riverhead, using the New Enhanced Suffolk County Water Quality Protection Program funds (CP 8733) (County Executive).

Motion by Legislator Krupski, second by Legislator Fleming.

LEG. CILMI:

On the motion.

P.O. GREGORY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Could I get justification on this from DPW, please?

P.O. GREGORY:

Hey, guys. And it should be a motion by Legislator Fleming, second by Krupski.

LEG. FLEMING:

I just note, Mr. Presiding Officer, there is a scrivener's error that notes that the project is in Riverhead; it's actually in Riverside, Town of Southampton.

LEG. D'AMARO:

Motion to table.

*(*Laughter*)*

LEG. KRUPSKI:

It's a scrivener's; what do you got to do?

LEG. CILMI:

Okay. Gil, could you explain? It says that this is a reconstruction?

COMMISSIONER ANDERSON:

Yes, this is the reconstruction of the round-about, just to the south and east of the Riverhead County Center where CR 94, CR 24 and a few other roads intersect. We're looking to revise the circle.

LEG. CILMI:

This is the same round-about that we sort of drive all the time when we're going to lunch when we're out in Riverhead, right?

COMMISSIONER ANDERSON:

Yes, that one there. These funds are -- this is part of an overall funding package that we're trying to put together to be able to move this project forward. These funds are Water Quality related. They're intended to allow us to construct rain gardens and install a Vortechs hydrodynamic storm water separator, prior to the effluent out into the Peconic River.

LEG. CILMI:

Okay. So in terms of the structure of the road itself --

COMMISSIONER ANDERSON:

Right.

LEG. CILMI:

-- this is not dealing with that at all.

COMMISSIONER ANDERSON:

The overall project, yes, does deal with that. These --

LEG. CILMI:

But the overall project itself is funded already.

COMMISSIONER ANDERSON:

Partially. There's -- we have \$4 million appropriated this year.

We believe the cost is coming in higher -- well, we had another estimate, the cost then come in higher than that. We have currently planned another million for next year and then the \$250,000 that we're looking to use for the -- you know, for the water quality improvements.

LEG. CILMI:

Okay.

P.O. GREGORY:

Okay, Legislator Krupski.

LEG. KRUPSKI:

I want to thank, you know, Commissioner of Public Works. Back in the -- back in the early 90s, Suffolk County on Route 48 in Hashamomuck did some considerable storm water remediation. And in effect, at Hashamomuck Pond, which is about 400 acres of underwater land where there's significant shellfish resource there, and it resulted in less of a regulatory closure for shellfishing. It went from a conditional to a seasonal, and then finally to a year-round opening for shellfish harvest which is both recreational there and commercial and that's because really Suffolk County DPW does do a very good job with drainage. This water right now, the storm water, on a very busy circle with a lot of impairments, is being mainlined right into the Peconic River and the Peconic Bay. This project, during the reconstruction, is going to really eliminate those impairments and really improve water quality in an area that needs it. So, you know, I'd just like to ask for your support. They've got a good track record of doing this.

COMMISSIONER ANDERSON:

Thank you.

P.O. GREGORY:

Okay, Legislator Trotta then Fleming.

LEG. TROTТА:

Five million dollars; how many story building are we building here?

COMMISSIONER ANDERSON:

What was that?

LEG. TROTТА:

How many story building are we building; how big is the building we're building?

COMMISSIONER ANDERSON:

We're not building a building.

LEG. TROTТА:

So we're not building -- what are we doing?

COMMISSIONER ANDERSON:

We're going to reconfigure the intersection from a six-leg intersection to a five-leg intersection. We're adding storm drainage improvements at the location which, as the Legislator so aptly put it, will eliminate impairments coming in to the Peconic River.

LEG. TROTТА:

But you understand how ridiculous this sounds; we're building a circle, we're making the circle bigger, we're paving, we're putting drainage in.

COMMISSIONER ANDERSON:

We're improving --

LEG. TROTТА:

We're not building a building for \$5 million.

COMMISSIONER ANDERSON:

We're improving the traveling safety in the intersection as well --

LEG. TROTТА:

Not a chance in the world I will spend another dime on this.

P.O. GREGORY:

Legislator Fleming.

LEG. FLEMING:

Thank you, Mr. Presiding Officer. I am a cosponsor of this and cosponsor as well at the Water Quality Review Committee. This project fits directly into the 477, you know, parameters in that although the construction has already been provided for and, you know, we in the community of Riverside are very grateful to the Legislature and to DPW for supporting that, this is different. This is about the storm water runoff. This storm -- the drains here were designed in 1937 to 1947. The water -- as Al points out, the water that runs from very heavily trafficked roads sheers directly into the Peconic River which is the river where we saw that dramatic fish kill last year.

LEG. TROTТА:

Did we just find this out yesterday, or were we planning this from the beginning?

LEG. FLEMING:

I'm sorry. If I could just finish, Rob, without being interrupted, I appreciate it. You've got to recognize that this is now -- it's 477 monies, so this is about storm water remediation in an impaired water body that suffered the kind of marine life degradation that Al just mentioned. This is going to drain or clear phosphorous, nitrogen, sediment and other pathogens that are now, right now in a really archaic way sheering directly into an impaired water body. So I would appreciate the support. It's different from the actual construction. It's also -- I should note that when I was on the Southampton Town Board, this design was included in a special zoning that the Town Board unanimously adopted in order to try to remediate some of the water impairments.

P.O. GREGORY:

Okay. All right, so we have a -- Legislator D'Amaro.

LEG. D'AMARO:

Commissioner, I just want to ask you, I remember this, the original cost was four million. But I'm trying to understand what -- when the first -- when the cost estimate was done originally, wasn't the storm water runoff portion of this program included in the four million? Why at such a late date is --

COMMISSIONER ANDERSON:

Well, this is -- and Director Lansdale can explain the funding source itself. The increase in cost was just between the -- let me step back. Your question -- you're absolutely right, the storm drainage was always part of this package.

LEG. D'AMARO:

Right.

COMMISSIONER ANDERSON:

I believe there was some land acquired, but I think the overall increase in cost was just from the time we started developing this to the time we got to where we are now which is in the construction drawing phase. The further of the estimate has provided for increased costs. I can't specifically say it's one item or another, but in this particular -- what this resolution is asking is to approve the 250,000 specific for the storm drainage, even though the overall project is --

LEG. D'AMARO:

I understand.

COMMISSIONER ANDERSON:

-- a lot more.

LEG. D'AMARO:

But was the design done in-house on this project or by an outside firm?

COMMISSIONER ANDERSON:

It was done by an outside firm.

LEG. D'AMARO:

Okay. The outside firm, did they do the original cost estimate?

COMMISSIONER ANDERSON:

I don't know. I don't know, I honestly don't know. I would assume so, but I don't really -- I don't really know.

LEG. D'AMARO:

You just don't happen to know that standing here.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

But we would assume that it was the original engineering firm --

COMMISSIONER ANDERSON:

More than likely, yeah.

LEG. D'AMARO:

I don't understand how if it's the same -- let's assume it's the same company. They get County work, they get a County contract, they say, *Design this*, we come in, we give a \$4 million Capital Budget line to it and then they come back and after construction starts or in the design phase they tell us it's another 250. It's like maybe they should eat that.

COMMISSIONER ANDERSON:

I can certainly get the detail on why the increase in cost on this.

LEG. D'AMARO:

I mean, if it was -- you know, we took our best shot as professionals, but then when we went out to field, unforeseen field conditions, something like that.

COMMISSIONER ANDERSON:

And I believe there were some changes to the overall scope since the initial funding.

LEG. D'AMARO:

Well, but then -- but you see, that's not -- see, I question that, because if we voted for it budgetarily with a specific scope in mind, then who's changing the scope?

COMMISSIONER ANDERSON:

It could -- there was community input and that may have been -- again, I'd have to get you that detail, you know, to be spot on, but I know there was a lot of community involvement and they made certain requests. I'm not blaming the community --

LEG. D'AMARO:

Right, I understand.

COMMISSIONER ANDERSON:

I know there was a fair amount of input from them. You know, going from the six legs down to five legs took some land acquisition, but I don't know how much that had to do with the actual cost increase. I can get you the detail on the cost increase from the initial to the current.

LEG. D'AMARO:

It's just --

LEG. FLEMING:

Mr. Presiding Officer, I may have an answer.

LEG. D'AMARO:

It's just disappointing to me that on a substantial project we are completely beholden and reliant on our professionals to give us these accurate estimates and this one's way off. This one's off.

COMMISSIONER ANDERSON:

Understood. Again, I can't say whether it's -- and I don't believe it's due to any error, I would have heard that.

LEG. D'AMARO:

Right.

COMMISSIONER ANDERSON:

So I have to believe it was job creep more than anything else.

LEG. D'AMARO:

Uh-huh. Okay.

COMMISSIONER ANDERSON:

I'll get you that information.

LEG. D'AMARO:

Okay. All right, thank you.

D.P.O. CALARCO:

You done, Legislator D'Amaro?

LEG. D'AMARO:

You know, I would like to give the Commissioner an opportunity to get some more information and come in and explain what's driving a quarter of a million dollar cost, not error but underestimate.

LEG. FLEMING:

If I may?

LEG. D'AMARO:

You know, we originally vote on this budget. It was a heavy lift to begin with, in my mind anyway, and, you know, we're told it's \$4 million, and at that time that was sticker shock and now it's another quarter of a million dollars to do this. And, you know, what's to reassure me that down the road that there's not other changes coming? I just think that -- I think it's prudent for us to get a further explanation. So I would offer a motion to table this.

LEG. TROTТА:

Second.

D.P.O. CALARCO:

Okay. We have a motion to table, and Legislator Fleming --

LEG. FLEMING:

If I -- put me on the motion.

D.P.O. CALARCO:

Yep.

LEG. FLEMING:

I appreciate the concern with regard to the difference between the four million and the additional million. This 250,000 which is the maximum that is allowed to be sought at the -- under the 477 monies from the Water Quality Review Committee is in order to enhance the storm water runoff and basically the pollutant, you know, the reduction of pollutants under the 477 Program. That's the reason why it's here.

There were -- the original design did not include these advanced, you know, state-of-the-art techniques that will treat or prevent the contaminants from running into the water the way they would. So it fits squarely within the parameters of the program, and the reason why it's more costly is because it's more effective with regard to wastewater treatment. And I think Nelson, Pope and Voorhis was the consultant on the storm water management, I don't know if they were on the project itself.

COMMISSIONER ANDERSON:

I know that they were -- on the plans I see the Nelson & Pope name, so I'm assuming they're the engineers of record.

LEG. FLEMING:

Initially.

COMMISSIONER ANDERSON:

Yeah, I believe so.

LEG. FLEMING:

Okay.

COMMISSIONER ANDERSON:

And as you said, the original construction design did not include these enhancements. These enhancements were added subsequent to getting the funding approved through the Water Quality Committee.

LEG. FLEMING:

I just happen to know this because I voted for it on the Southampton Town Board, but there was a couple of years of planning that went into this overlay, zoning overlay district that was voted in, and part of it included environmental protections. They were not originally proposed with the construction project, but they're certainly, you know, supported by the community in terms of this enhanced wastewater treatment. When the 477 monies became available again, it was clear that we might be able to pursue this enhanced wastewater treatment as opposed to -- I'm sorry, storm water treatment as opposed to the original design. But I think Director Lansdale may be able to add to the conversation.

DIRECTOR LANSDALE:

So I just wanted to note the source of funding for this potential project. This project, Resolutions 1859 through 1865, represent \$2.7 million of potential appropriations, and this comes as a result of the enhanced water quality funding that was subject to a referendum as -- so out of the 4.7 that is required that we appropriate by the end of the year.

LEG. D'AMARO:

Okay. Well, if I may, just very quickly. Does that mean that the project did have storm water runoff considerations for the four million initially designed, but this funding became available so you did some kind of enhanced designed; is that's what's happening here?

COMMISSIONER ANDERSON:

In this particular case, yeah. There was standard storm drainage with the initial design, but when these funds became available, we made the application for these different systems which involve the swirl separator, the bio-retention basins, the rain gardens that they're putting into the -- that was requested, I believe, by the community.

LEG. D'AMARO:

It was requested by the community and the funding became available.

COMMISSIONER ANDERSON:

Correct.

LEG. FLEMING:

But no, if I may just correct that.

COMMISSIONER ANDERSON:

Okay.

LEG. FLEMING:

It's in the original plan, the Riverside --

COMMISSIONER ANDERSON:

Biospheres.

LEG. FLEMING:

I forget, it was RRAP. The zoning overlay originally did include in a wish list, you know, this enhanced water quality. And all the -- there's LEED certification for the buildings and there's green -- other green infrastructure, things that the community really wanted and we needed to see. It was between the time that that passed and the passage of the construction money here that we had the big bunker die-off and it was very clear how impaired the Peconic River was. And so now it's even more important that the original -- the original vision of the Town Board, supported by the community, that these things be done in the most sensitive environmental way be carried forward is possible.

Now, we have the 477 Program into which this fits perfectly, and so that's why -- this is different from the construction funding that was increased. This is really trying to use 477 properly to fulfill the vision of the original plan to treat this in the most environmentally sensitive way.

D.P.O. CALARCO:

Okay, Legislator Krupski.

LEG. KRUPSKI:

Thank you. You know, this is really another piece in the water quality puzzle here. You look at the millions of dollars that the Navy spent at the Grumman site to clean up the water before it gets to the Peconic River. You look at the millions of dollars that are spent by Brookhaven National Lab to clean up all their actions over the last 20 years. You look at all that -- all those impairments that have gotten into the Peconic River.

The State just spent a lot of money when they rebuilt Edwards Avenue and they put in a fish ladder. The community had put in a fish ladder at Grangebhel Park, right next to the circle. The County is now investing money at our Woodhull Dam across from the County Center to put in a fish ladder there that's going to open hundreds of acres of spawning habitats for alewives. So the State put the fish ladder in at Edwards Avenue knowing that now we have to also invest in our dam at Upper Mills off of West Main Street, that dam's got to get done, that's on County property. There's another on Forge Road which the Town of Brookhaven and the County are cooperating on replacing that road and putting another fish passage in there. Once those are done, you're opening up hundreds of acres of spawning habitat for alewives, and that's the filter feeder fish that's cleaning the bays and it's also providing you -- it's a bait fish for birds and for larger predator species. So this is really -- this is an important water quality project, you know, for the whole system, just another piece in the puzzle.

D.P.O. CALARCO:

Okay. Legislator McCaffrey.

LEG. McCAFFREY:

Thank you. I have no problem with the water quality portion of this, you know, and both Legislator Fleming and Krupski make very good arguments, I support them. My problem with this project, I've been here since 2014 and I've seen this traffic circle just grow and grow in terms of money. You know, if I think I heard it correctly, we're still not done, we still may be coming back for another million dollars on top of the four or something like that?

COMMISSIONER ANDERSON:

It's in the Capital Program next year, we have a million dollars within the program to put towards this project, yeah.

LEG. McCAFFREY:

Right. And I agree with Legislator D'Amaro, when we first heard the four million everyone was like, *four million for a traffic circle?* So then we have another million that was put in the Capital Project, and maybe I supported it but I don't think I did, and then another 225,000 on top of it, which is not just -- I don't think that's in a whole new system because we had money appropriated for storm runoff already. So that money's probably going back into the traffic circle and this is going to be an addition to that layering on top.

So my concern is really where is this going to end? That's my problem with the circle. It just really seems to be out of control, and so I'm just really torn about, you know, supporting this project. Whether it needs a redesign or whether it was community input that got out of control here that drove us to build something that we can't afford to do, I don't know. But it just seems like it's an awful lot of money and it doesn't seem like it's going to end. So I'm just really not sure what I'm going to do on this.

COMMISSIONER ANDERSON:

What I can commit to is getting you detailed information on the construction design, the cost estimate that's reflected here and that we're talking about. You know, certainly I can't speak clearly as to why it's increased, but I can get you that information.

LEG. McCAFFREY:

Thank you.

D.P.O. CALARCO:

Okay. Anybody else? So we have a motion to table and a motion to approve, and the tabling motion goes first. Roll call.

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

LEG. D'AMARO:

Yes.

LEG. TROTTA:

Yes.

LEG. SPENCER:

No.

LEG. STERN:

No.

LEG. McCAFFREY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes to table.

LEG. MARTINEZ:

No.

LEG. LINDSAY:

No to table.

LEG. ANKER:

No to table.

LEG. HAHN:

No to table.

LEG. MURATORE:

Yes.

LEG. BROWNING:

(Not Present).

LEG. FLEMING:

No.

LEG. KRUPSKI:

No to table.

D.P.O. CALARCO:

No to table.

P.O. GREGORY:

No to table.

LEG. BROWNING:

(Not Present).

MS. ELLIS:

Seven. (In Favor: Legislators D'Amaro, Trotta, McCaffrey, Kennedy, Barraga, Cilmi & Muratore - Not Present: Legislator Browning).

D.P.O. CALARCO:

Okay, the tabling motion failed. Motion to approve. Call a roll call.

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

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. McCAFFREY:

No.

LEG. TROTTA:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MARTINEZ:

Pass.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

This is on the bond? Okay, yes.

LEG. MURATORE:

No.

LEG. BROWNING:

(Not Present).

LEG. SPENCER:

She's coming in one second.

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Yes.

LEG. BROWNING:

Yes.

MS. ELLIS:

Twelve (Opposed: Legislators D'Amaro, McCaffrey, Trotta, Barraga, Cilmi & Muratore).

D.P.O. CALARCO:

Okay, **1861A, the Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$250,000 bonds to finance the New Enhanced Suffolk County Water Quality Protection Program – 2014 Referendum – reconstruction of riverside roundabout, Riverhead (CP 8733.311),** same motion, same second. Roll call.

LEG. D'AMARO:

On the motion. Rob, on that motion?

D.P.O. CALARCO:

Sure, on the motion.

LEG. D'AMARO:

You know, I just want to state for the record, I'm not opposed to the enhanced storm water runoff system, but I really believe it should be done within the four or \$5 million that is allocated to this project. I mean, you go back to the engineers, you explain to them *make it work*. You know, these companies are making hundreds of millions of dollar off this County and if we go back to them one time and say, you know, *Someone somewhere has got to recognize that, you know, we're under these budgetary constraints, make it work*, I think we should give that an opportunity before we just throw another quarter of a million dollars at this.

LEG. TROTТА:

Absolutely.

LEG. D'AMARO:

You know, and if they come back and say to me, *It can't be done and here's why*, I'll consider that. But sitting here, maybe you go back to these engineers and tell them, *On this one it has to work in budget, that's it*, and let them do it.

D.P.O. CALARCO:

Legislator D'Amaro, I wouldn't necessarily disagree with you; in fact, I agree with you on this. In this particular situation, we're looking at being able to augment the funding from our General Fund Obligation Bonds to 477 money through a competitive application process for water quality projects that the voters have demanded that we do by referendum.

LEG. D'AMARO:

Right. But Rob, we can put that money in other projects.

D.P.O. CALARCO:

I'm not disagreeing, Legislator D'Amaro. But when they put this out for a call for applications for the \$4.7 million worth of money that we had available, we didn't even get enough applications back in to meet that -- to fill that full 4.7.

LEG. D'AMARO:

Right.

D.P.O. CALARCO:

So this an opportunity for the County -- this is an opportunity for the County to actually experience some budgetary relief from the General Obligation Bonds and using 477 money that we have to use anyway.

LEG. D'AMARO:

Rob, I have to tell you, that kind of thinking is what gets us into trouble.

LEG. TROTTA:

Absolutely.

LEG. D'AMARO:

I have to tell you that. I have to tell you, you just don't spend money because it's there. This is the water quality, that review board that's making this decision and shoving this over here.

D.P.O. CALARCO:

We have to spend \$4.7 million by voter --

LEG. D'AMARO:

You don't have to spend it. We want to spend it on viable projects.

D.P.O. CALARCO:

No. No, we agreed to a settlement and we put it up to the voters for a bond and the voters told us to do 4.7 million with the water quality projects for this year.

LEG. D'AMARO:

The voters never told us to approve this project over budget.

LEG. McCAFFREY:

That's right.

LEG. D'AMARO:

That's what we're doing.

D.P.O. CALARCO:

Fair enough.

LEG. D'AMARO:

I mean, go back to the engineers, tell them to make this project work within budget. I voted for that, I remember it, it was \$4 million for this traffic circle.

D.P.O. CALARCO:

It was.

LEG. D'AMARO:

And now we're coming back with another 250 because it's there? It's not good enough. Let the engineers earn their fee. Let them come down here and tell us why. Come on!

LEG. McCAFFREY:

It's out of control; traffic circle gone wild.

D.P.O. CALARCO:

Legislator Fleming.

LEG. KENNEDY:

I just -- I appreciate the concern. And at the same time, I urge you to recognize that it is a completely different source of funding. And one of the reasons why this has made it through the

process of scrutiny, I mean, you've got a lot of tough people sitting at that committee I attended, and one of the reasons why this projects make it through is because they're very well thought out and they're based on a very real commitment to the environment by folks who have been focused on issues regarding the environment and regarding water quality because the engine of our economy is being threatened on the East End because of brown tide and because of the fish kills. And that's why you see the level of commitment coming through and people asking that the County support their efforts. They're doing a lot on this as well. There's a huge commitment on the part of local governments out east, and the reason why this is being applied, you're being asked to consider this is because it made it through the scrutiny of the Water Quality Review Committee. You know, if other projects want to come through that's fine, but they're not ready, you don't have the engineers, you don't have the expertise, they're coming through like these projects are. It's a very good project that's going to make a big difference on a very really impaired water body that's important to the East End.

LEG. D'AMARO:

Can I respond to that, please? I mean, I respectfully completely agree with you, but do it within budget. Do it within budget, that's all I am --

LEG. FLEMING:

But it's a different budget, Lou. It's a different budget.

LEG. D'AMARO:

Listen, that Water Quality Review Committee has no -- does not consider our budgetary situation. They have a pot of money that they need to spend, and I'm sure it's a great enhanced program, but do it within budget. When are we going to stay say stop? We cannot keep going back to the well and doing this.

LEG. FLEMING:

I understand. I'm not an engineer, but my understanding is there are two versions of this circle. One does not have these advanced water quality, you know, sort of state-of-the-art components like the swails, like the rain garden, like the -- I don't know if you were at committee, but we had the folks from Nelson, Pope & Voohis here to describe a very elaborate and cutting-edge approach to sheering this water off, redirecting the water not only from what's going around the circle, but from the surrounding area to try to bring this water body back. So that's why you see these coming through, is because there's a commitment at the local level to get it done and we need the support of the County in order to get it accomplished.

LEG. D'AMARO:

Well, I already made a \$4 million commitment to that. You know, don't question my commitment.

LEG. FLEMING:

But that's not to water quality. I'm not questioning your commitment. I'm saying --

LEG. D'AMARO:

No, I know you're not.

LEG. FLEMING:

-- that it's a different, different source of funding.

D.P.O. CALARCO:

Legislator Krupski.

LEG. KRUPSKI:

So just -- just the thing about the 477 money. You know, the staff of Planning did go through all those projects a year ago to see which projects were outstanding and see -- and to review which ones had extra money left over, and they did claw back a significant amount of money from old projects to try to reorganize in the light of, one, a lot of water quality needs; and two, a less money in the 477 Fund. So it is -- they are pretty tight within the 477 Fund of trying to find money to do these projects.

D.P.O. CALARCO:

Okay. Is that everyone? Okay, roll call.

LEG. FLEMING:

Is there a motion on the Bond?

D.P.O. CALARCO:

Yes. We did the same motion, same second; if that's okay with you.

LEG. FLEMING:

No, I have to make a motion to table.

D.P.O. CALARCO:

You have twelve votes.

LEG. FLEMING:

(Inaudible).

D.P.O. CALARCO:

Okay. We have a motion to table by Legislator Fleming. Second by Legislator Trotta. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

D.P.O. CALARCO:

The resolution is tabled.

LEG. FLEMING:

You're kidding! Wait, can I recall it?

MR. NOLAN:

(Inaudible).

P.O. GREGORY:

All right, we'll go, we can come back.

IR 1862-16 - Authorizing the Mud Creek Mitigation Stormwater Improvements and Stream Restoration, Town of Brookhaven, using the New Enhanced Suffolk County Water Quality Protection Program funds (CP 8733) (County Executive).

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

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

LEG. BARRAGA:

Opposed.

LEG. KRUPSKI:

On the motion? The Mudd Creek one, it's -- I don't know if we would need an explanation or not, but this is a massive restoration of a really impaired ecosystem, and this is pretty easy to support from a water quality standpoint.

D.P.O. CALARCO:

Thank you.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Opposed: Legislator Barraga).

P.O. GREGORY:

IR 1862A, Bond Resolution (of the County Of Suffolk, New York, authorizing the issuance of \$194,900 bonds to finance the New Enhanced Suffolk County Water Quality Protection Program – 2014 Referendum – Mud Creek Mitigation, stormwater improvements and stream restoration in the Town of Brookhaven (CP 8733.311), 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. TROTТА:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

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:

Seventeen (Opposed: Legislator Barraga).

P.O. GREGORY:

IR 1863-16 - Authorizing the construction of a Stormwater Mitigation Project at Little Creek, Village of Patchogue, using the New Enhanced Suffolk County Water Quality Protection Program funds (CP 8733) (County Executive).

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco, second by Legislator Fleming.

LEG. KRUPSKI:

On the motion?

P.O. GREGORY:

On the motion, Legislator Krupski.

LEG. KRUPSKI:

You know, I've been following this through CEQ and also through the Water Quality Committee, and

this one -- you know, and I've had about ten conversations with Legislator Calarco. I would much rather see this money spent on the reason for the impairments, whether it's storm water or failing septs instead of just mainlining this impaired water into Great South Bay. But -- so, you know, and I've given this a lot more thought, but sorry, I just can't support this one.

D.P.O. CALARCO:

So in response to that, you know, this is actually similar to a project that we've done in Smithtown with the Nissequogue River where we use water quality project -- water quality money as well as other monies that we use for our properties and our parks to dredge out that river to get it flowing again to prevent the water from ever getting into impairment. So the idea and what's happening here is that the river is the streams being clogged, essentially, at the mouth because there is a back pitch and the -- where the outflow goes into the bay. And as a result, all the water backs up and the ground acts like a sponge and it absorbs more and more of the water. So people then are experiencing flooding in their basements, they're experiencing their cesspools filling up with water from the groundwater and then of course it flushes out into the bay eventually.

If we had the stream flowing properly that water doesn't back up into the water table and doesn't back up into people's basements and it doesn't backup into their cesspools and so those pollutants are never even making their way into the water system. But that's not to say that the Village of Patchogue isn't doing other things to address potential pollution in their village. So they have filters that they install in all of their storm drains that lead directly out into the bay so that they're filtering the water before it ever gets into their drainage system. They are actually -- received an \$18 million grant that's going to come through the County to do sewerage in all of the south end of Patchogue Village which includes all the areas around this waterway. So that all those homeowners, for the most part, who are within the Village of Patchogue are actually going to get sewerage so that their properties are no longer on cesspools. So they are very proactive in terms of doing that. In fact, every time it rains they're out there with a street sweeper to make sure that they're cleaning the streets and they're preventing pollution from getting into their drainage system that way. They are probably as proactive as you could possibly be in terms of preventing the pollutants from getting into the system.

But for this particular project, if you make the water system flow, if you get the stream flowing properly, it doesn't back up into the water table, it doesn't back up into basements, it doesn't back up into cesspools and you don't get the pollution that subsequently occurs. So for 250,000 and we're getting a 250,000 match; in fact, I think it's going to be a little bit more than that that the Village is going to put towards this project, I think we're getting a pretty good value.

LEG. KRUPSKI:

I'm not questioning the commitment of the Village, because they certainly have been present here and advocating for this all along and certainly, as you stated, making other improvements. Is there -- I also brought up at committee and at CEQ, is there a possibility of doing a component of water quality testing? Right now there is water flowing out of the lake, they could test that for different impairments, whether it's pathogens or nutrients or dissolved oxygen, and then do that comparison after the project's complete.

D.P.O. CALARCO:

You know, I know it's not required, it's part of the application process. I know that the department did testify that they would discuss that with the Village when they were going through the contract process.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

Through the Chair, could I ask Director Lansdale and Commissioner Anderson to come to the podium, please? Both of you, because I'm not sure which one of you can best address, and it's probably going to be a team answer.

We have some wonderful assets here in Suffolk County, one of which is Lake Ronkonkoma. And the water quality in Lake Ronkonkoma is abysmal; I think the lake has been closed for swimming more than it's been open. The level of the lake has been receding desperately. We have lots of folks in the Ronkonkoma community who are taking their own time to clean up sections of the lake that have been ignored for years and that have become blighted for a variety of -- in a variety of ways. So my question to the both of you is how can we access some of the money in this fund that's dedicated for this purpose to improve the water quality in Lake Ronkonkoma? I know that doesn't relate to this bill specifically, but to the extent that we have a limited pot of money in this fund, it does.

COMMISSIONER ANDERSON:

I'll take the first crack at it. The storm drainage that goes into Ronkonkoma Hub I believe is fully direct discharge into Ronkonkoma Hub. There is --

LEG. CILMI:

Ronkonkoma Hub?

COMMISSIONER ANDERSON:

I'm sorry, Lake Ronkonkoma. There is no correct discharge from any County roadways into Lake Ronkonkoma. Most of the direct discharge, if there are there, would be from the towns, and the towns would be the ones who would have to come forward with a request for funding, whether it's to install a swirl separator prior to outfall, things like that.

LEG. CILMI:

So, but clearly we do fund Water Quality projects --

COMMISSIONER ANDERSON:

Yeah.

LEG. CILMI:

-- that are -- that are similarly situated where the County doesn't have any direct runoff, obviously; right?

COMMISSIONER ANDERSON:

Yeah, absolutely.

LEG. CILMI:

Absolutely. So I'd like to work with the both of you and perhaps Legislator Kennedy as well and perhaps Legislator Muratore and see if we can -- see if we can get a collaborative project together to allocate some of this money to improve the water quality at Lake Ronkonkoma. And if we can do that expeditiously so that we can access some of the money potentially even this year, that would be great.

Can I get your commitment to work on that together.

DIRECTOR LANSDALE:

Yes, we're looking forward to working with you.

LEG. CILMI:

All right, awesome. Thank you.

COMMISSIONER ANDERSON:

Same here.

P.O. GREGORY:

Okay. Anyone else?

LEG. D'AMARO:

DuWayne?

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I just want to ask the Commissioner, I guess, or Sarah, Director Lansdale. So this is to pull out the saturation in certain areas; is that what we're trying to do?

DIRECTOR LANSDALE:

Yes, it's to promote --

LEG. D'AMARO:

Over the water table?

DIRECTOR LANSDALE:

Yes.

LEG. D'AMARO:

Who designed this system? And is this a cost estimate or is this the actual number?

DIRECTOR LANSDALE:

This is -- the total project cost was provided by the Village of Patchogue at a total project cost of \$665,956.

LEG. D'AMARO:

Right. And they're matching?

DIRECTOR LANSDALE:

They are matching.

LEG. D'AMARO:

They the Village. So if there's -- if the estimate is too low or there's field conditions unforeseen, are we committed to further contribute if there's an overrun?

DIRECTOR LANSDALE:

No, no.

LEG. D'AMARO:

So this is it.

DIRECTOR LANSDALE:

Our maximum contribution is 250,000. Hypothetically, they could come back for another round of funding, you know, for the Legislature's consideration.

LEG. D'AMARO:

But that's another round.

DIRECTOR LANSDALE:

That's another round.

LEG. D'AMARO:

That wouldn't necessarily --

DIRECTOR LANSDALE:

That's not associated with this resolution.

LEG. D'AMARO:

Right. So -- so they have estimated the cost, they've said *We'll take your 250, we'll put in the rest*, I guess; right?

DIRECTOR LANSDALE:

That's right, that's right. And the Village is paying for the design as well as the bulk of construction and the inspection and administration. Our 250,000 is going towards the construction costs.

LEG. D'AMARO:

Did we review their design and are we convinced that this is going to work? Or even if we didn't review it, did we --

COMMISSIONER ANDERSON:

They provided --

LEG. D'AMARO:

Did we make a conclusion; you know, did we look at it?

COMMISSIONER ANDERSON:

Yeah, the Village came and they presented to us the project. As a committee, we felt it was a good project and that it would work. You know, we didn't get into the detailed design, per se, other than to discuss what they were looking at, but we didn't see plans or, you know, any real construction.

LEG. D'AMARO:

Because we left it up to the Village to come up with the solution, and working with their professionals this is what they feel will work.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

Okay. You think it'll work?

COMMISSIONER ANDERSON:

Yeah, I do.

LEG. D'AMARO:

You do? Okay. All right, thanks.

P.O. GREGORY:

Okay. All right, so we have a motion to approve IR 1863. All in favor? Opposed? Abstentions?

LEG. KRUPSKI:

Opposed.

LEG. BARRAGA:

Opposed.

MS. ELLIS:

Sixteen (Opposed: Legislators Barraga & Krupski).

P.O. GREGORY:

IR 1863A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$250,000 bonds to finance the New Enhanced Suffolk County Water Quality Protection Program – 2014 Referendum – construction of stormwater mitigation at Little Creek Village of Patchogue (CP 8733.311), same motion, same second. Roll call.

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

D.P.O. CALARCO:

Yes.

LEG. FLEMING:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTТА:

No.

LEG. KENNEDY:

Uh-huh.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. KRUPSKI:

No.

P.O. GREGORY:

Yes.

MS. ELLIS:

Fourteen (Opposed: Legislators Trotta, Barraga, Muratore & Krupski).

D.P.O. CALARCO:

Thank you.

P.O. GREGORY:

IR 1864-16 - Authorizing the construction of the Mud Creek Watershed Aquatic Ecosystem Restoration Project at Mud Creek County Park, Town of Brookhaven, using the New Enhanced Suffolk County Water Quality Protection Program funds (CP 8733) (County Executive).

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco.

LEG. FLEMING:

Second.

P.O. GREGORY:

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

LEG. BARRAGA:

Opposed

MS. ELLIS:

Fifteen (Opposed: Legislators Trotta, Kennedy & Barraga).

P.O. GREGORY:

1864A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of

\$1,506,149 bonds to finance the New Enhanced Suffolk County Water Quality Protection Program – 2014 Referendum – construction of Mud Creek Aquatic Restoration System at Mud Creek County Park, Town of Brookhaven (CP 8733.311), same motion, same second.
Roll call.

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

D.P.O. CALARCO:

Yes.

LEG. FLEMING:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

No.

LEG. KENNEDY:

Pass.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. KRUPSKI:

Yes.

P.O. GREGORY:

Yes.

LEG. KENNEDY:

No.

MS. ELLIS:

Fifteen (Opposed: Legislators Trotta, Kennedy & Barraga).

P.O. GREGORY:

Okay, ***IR 1865-16 - Authorizing the Lake Agawam Stormwater Remediation Phase IV Project within the Village of Southamptton, using the New Enhanced Suffolk County Water Quality Protection Program funds (CP 8733) (County Executive).***

LEG. FLEMING:

Motion.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1865A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$131,830 bonds to finance the New Enhanced Suffolk County Water Quality Protection Program – 2014 Referendum – Lake Agawam Stormwater Remediation Phase IV, Village of Southamptton.

(CP 8733.311), same motion, same second. Roll call.

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

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

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:

Seventeen.

P.O. GREGORY:

IR 1874-16 - To appoint member of the --

LEG. TROTTA:

(Raised hand in opposition).

MS. ELLIS:

Sixteen (Opposed: Legislators Trotta & Barraga).

P.O. GREGORY:

-- To appoint member of the Suffolk County Planning Commission (John A. Condzella) (County Executive). Motion by Legislator Krupski. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

(Government Operations, Personnel, Information Technology & Housing)

P.O. GREGORY:

IR 1761-16 - Adopting Local Law No. -2016, A Local Law to strengthen regulation of pet dealers and pet stores in Suffolk County (Martinez). Motion by Legislator Martinez. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

LEG. SPENCER:

Cosponsor.

P.O. GREGORY:

IR 1842-16 - Authorizing the retirement and use of Workforce Housing -- oh, that's who they are. I was wondering who they were.

(*Laughter*)

Authorizing the retirement and use of Workforce Housing Development Rights banked in the Suffolk County Save Open Space Bond Act Workforce Housing transfer of Development Rights Program Registry for use in the development of affordable housing in Brentwood (County Executive). Motion by Legislator Martinez.

LEG. MARTINEZ:

Sorry, what?

P.O. GREGORY:

1842, Affordable Housing.

LEG. MARTINEZ:

Yes, sorry.

P.O. GREGORY:

Second by Legislator Hahn.

LEG. TROTTA:

On the motion. What is this?

P.O. GREGORY:

On the motion, Legislator Trotta. Amy?

DEPUTY COMMISSIONER KEYES:

Hi. Amy Keyes.

P.O. GREGORY:

1842.

DEPUTY COMMISSIONER KEYES:

Yes. You just want --

P.O. GREGORY:

Yeah, Trotta.

DEPUTY COMMISSIONER KEYES:

This is a project Long Island Housing Partnership is working with Islip CDA on. They have a lot -- they have five lots that they're allowed to build five single-family homes on as-of-right. They need a sanitary offset to allow the development of a sixth house, so this is retiring a credit of .83 credits to allow for the sixth house. They'll be owner/ occupied, affordable into perpetuity. The Development Rights Transfer Program is the only program the County has that requires the homes to be kept affordable into perpetuity, so this is authorizing that transfer to allow for the sixth house.

P.O. GREGORY:

Legislator Martinez has a question for you.

LEG. MARTINEZ:

Quickly. I did speak with Alison, thank you. My question, and it's a question that we all had, is this .83 credit, where is this credit coming from; is it coming from within the district or outside the district?

DEPUTY COMMISSIONER KEYES:

It's coming from within the same Groundwater Management Zone.

LEG. MARTINEZ:

Thank you.

P.O. GREGORY:

Okay. All right, so we have a motion -- oh, Legislator D'Amaro, I'm sorry.

LEG. D'AMARO:

So it's coming from the same Groundwater Management Zone. How far away is the -- is it site specific, the credit that's transferred in, or is it -- do you know where the credit originated from, other than it being in the same management zone?

DEPUTY COMMISSIONER KEYES:

Yes. It's -- I'm looking at the Tax Map No, it's from a parcel within the Town of Huntington. I could pull up the Tax Map No. And give you an address, I just --

LEG. D'AMARO:

Yeah, because it's just a fiction to get -- to develop a substandard parcel so you can get the sixth home, right?

DEPUTY COMMISSIONER KEYES:

I don't -- can you repeat the first part of your question? I'm sorry.

LEG. D'AMARO:

Well, I'm trying to understand is that --

DEPUTY COMMISSIONER KEYES:

I mean, that's the -- the overall program offsets development by transferring credits from another undeveloped lot, right?

LEG. D'AMARO:

No, I understand the program. Yeah.

DEPUTY COMMISSIONER KEYES:

Okay.

LEG. D'AMARO:

Right. So what we're doing is we have a code that says you need so many square feet and the reason why it requires so many square feet per lot is to protect groundwater, right? So what we're doing is we're saying we're going to violate that code because we're creating this fiction that over in Huntington, someone developed a parcel that's a little bit smaller, and we're going to take that development right and bring it over here.

DEPUTY COMMISSIONER KEYES:

I mean --

LEG. D'AMARO:

But it really increases the density and the impact.

DEPUTY COMMISSIONER KEYES:

Well, it's a net increase in density.

LEG. D'AMARO:

Can I just finish my thought?

DEPUTY COMMISSIONER KEYES:

I'm sorry.

LEG. D'AMARO:

It really increases the density in this area, though, and the impact on groundwater.

DEPUTY COMMISSIONER KEYES:

Well, I think that's the -- I would kind of defer to Planning who developed the Groundwater Management Zone maps, but --

LEG. D'AMARO:

Oh, I've done that over many, many years and I completely disagree.

DEPUTY COMMISSIONER KEYES:

Okay.

LEG. D'AMARO:

They created a fiction whereby you can concentrate more intense homes in areas where other areas

are not bearing that burden. So this whole fiction of transferring these credits -- for example, into Brentwood -- is just really compounding the negative impact on groundwater. It might be helping the Town of Huntington somehow, but it's not necessarily helping Brentwood. So --

DEPUTY COMMISSIONER KEYES:

Well, it's helping Brentwood in that it creates another affordable house that'll be --

LEG. D'AMARO:

Right.

DEPUTY COMMISSIONER KEYES:

-- available for a first-time home buyer to buy and live there affordable, and that home will be available as an affordable house forever..

LEG. D'AMARO:

But we just spent \$7 million on groundwater protection and now we're increasing density at the expense of groundwater.

DEPUTY COMMISSIONER KEYES:

It's not a net increase in density.

LEG. D'AMARO:

So my --

DEPUTY COMMISSIONER KEYES:

The concerns you're raising are with the transfer of Development Rights Program?

LEG. D'AMARO:

Yeah, yeah.

DEPUTY COMMISSIONER KEYES:

So that's --

LEG. D'AMARO:

Well, that's how you get the sixth lot.

DEPUTY COMMISSIONER KEYES:

Right.

LEG. D'AMARO:

Right. So my question is why not develop five lots without the transfer?

DEPUTY COMMISSIONER KEYES:

Housing Partnership and Islip CDA feel the financing that they have in place to make this project work, they need the sixth lot to make it work and this is what they need to get the sixth lot.

LEG. D'AMARO:

Well, they need it to maximize their profit at the expense of groundwater; that's my view. Okay.

DEPUTY COMMISSIONER KEYES:

We're just interested in getting the affordable housing built.

LEG. D'AMARO:

I know, but you know what? If you're going to come up here and represent the entire department, I really think that you need to think a little bit more about there are trade-offs.

DEPUTY COMMISSIONER KEYES:

Right.

LEG. D'AMARO:

You know, you can't just go blindly into --

DEPUTY COMMISSIONER KEYES:

I'm not going blindly. The workforce -- the development --

LEG. D'AMARO:

You can't just go blindly into it creating workforce housing, but at the expense of contaminating groundwater.

DEPUTY COMMISSIONER KEYES:

It's not contam -- it's a net -- it's net not any more dense than it could be, that's why it's a transfer of development rights. If I --

LEG. D'AMARO:

Not true.

DEPUTY COMMISSIONER KEYES:

If we were making it more dense we wouldn't need to transfer development rights to make the sixth lot work, right? We would just -- we would just say, *Just build the six lots because there are no rules and you can contaminate the groundwater.*

LEG. D'AMARO:

No.

DEPUTY COMMISSIONER KEYES:

Well, that's the whole --

LEG. D'AMARO:

The rules say build five lots.

DEPUTY COMMISSIONER KEYES:

-- concept of the program.

LEG. D'AMARO:

The rules say build five lots.

DEPUTY COMMISSIONER KEYES:

Unless you can get a development right from another parcel which now, now is losing some of its available density.

LEG. D'AMARO:

I don't think that you understand the complexity of what I'm saying.

DEPUTY COMMISSIONER KEYES:

Um, I think I do.

LEG. D'AMARO:

How?

DEPUTY COMMISSIONER KEYES:

I think I understand it.

LEG. D'AMARO:

You're creating a fiction to increase groundwater impact in this area. You can build five lots.

DEPUTY COMMISSIONER KEYES:

Okay, what you're --

LEG. D'AMARO:

It's a matter of right.

DEPUTY COMMISSIONER KEYES:

If what you're saying is you're concerned about the groundwater, the credits are coming from another parcel in the same Groundwater Management Zone.

LEG. D'AMARO:

Yeah, and that's just some map --

DEPUTY COMMISSIONER KEYES:

But what we're saying --

LEG. D'AMARO:

-- that someone made up 20 years ago. It has -- it doesn't even --

DEPUTY COMMISSIONER KEYES:

Because they wanted to poison the groundwater?

LEG. D'AMARO:

Listen to me. Before you even got here, we had hours of testimony about Groundwater Management Zones. So you know what? You don't know what you're talking about. You have no idea what you're talking about. In my opinion, if you're going to --

DEPUTY COMMISSIONER KEYES:

I know what I'm talking about.

LEG. D'AMARO:

You're going to -- if you're going --

DEPUTY COMMISSIONER KEYES:

You just disagree with the foundation of the program.

LEG. D'AMARO:

Yeah, I do. I do, that's exactly right.

P.O. GREGORY:

Lou, Lou, Lou.

DEPUTY COMMISSIONER KEYES:

He's insulting me.

LEG. D'AMARO:

I'm not insulting you. I'm not insulting you. You said four times already that it's coming from the Town of Huntington, I get that.

So how does that help groundwater protection in Brentwood when you're putting a substandard lot in?

DEPUTY COMMISSIONER KEYES:

So I guess the -- we disagree because I trust the Groundwater Management Zone maps. If what you're saying is that they're fatally flawed, then that's something I would have to investigate.

LEG. D'AMARO:

Well --

DEPUTY COMMISSIONER KEYES:

That's what we're disagreeing on, okay? Right? Is that -- am I right or am I not understanding it?

LEG. D'AMARO:

I think that it would be incumbent upon this department to say why can't we develop five lots and protect groundwater and have workforce housing at the same time?

DEPUTY COMMISSIONER KEYES:

Because there exists a program that -- where development rights are specifically reserved for the construction of workforce housing for the exact type of instance like this.

LEG. D'AMARO:

Because it's there.

DEPUTY COMMISSIONER KEYES:

It exists.

LEG. D'AMARO:

That's what you're saying, because it's there.

DEPUTY COMMISSIONER KEYES:

It's there for the County to promote the maximum amount of affordable housing where it works. If this works.

LEG. D'AMARO:

Yeah, but at what cost?

DEPUTY COMMISSIONER KEYES:

There are limits on the density that can -- that is allowed even through the Workforce Housing Development Rights Transfer Program, and this is within those limits.

LEG. D'AMARO:

It's unfair to the neighborhoods that take the transfer of these credits where it has a negative impact on their groundwater and other areas are not sharing their burden.

DEPUTY COMMISSIONER KEYES:

Again, that's an issue with the Groundwater Management Zone maps, that's why we only transfer

credits that are within the same zones.

If there's a fatal flaw with those maps, that's something that I have never heard raised before today, I apologize, and I will look into it.

That's all I can say.

LEG. D'AMARO:

Well, there's no need to apologize, but there are many, many people that will argue that the whole program is flawed. The maps are created almost like a gerrymandering effect --

DEPUTY COMMISSIONER KEYES:

Okay.

LEG. D'AMARO:

-- where it dumps on other -- you know, it prioritizes some areas over others.

DEPUTY COMMISSIONER KEYES:

Again, I'm not -- I don't pretend to be an environmental analyst. So that -- this went through committee without an issue. This is the -- not even the first Workforce Development Housing Transfer reso I've brought this year, that previous resolution went through without an issue. This is the first time I'm hearing that there are these serious concerns with the program. I take them seriously and I will do everything I can in my power to investigate it and see if there are issues. I have never heard that before today.

LEG. D'AMARO:

Okay. Well, the reason why I've supported others in the past, this one catches my eye because you're doing five -- you can do five lots as a matter of right. So I'm wondering why bother going through the whole transfer and have an adverse effect on groundwater when you can already build five lots. So make each lot 20 feet wider in tree frontage. I mean, you know, it's just that simple.

P.O. GREGORY:

Okay. I have a question. I know you didn't create this program and I appreciate you explaining it. So what is the process -- so this is an Islip project?

DEPUTY COMMISSIONER KEYES:

Yes.

P.O. GREGORY:

And why is it before us?

DEPUTY COMMISSIONER KEYES:

Well, Islip is coming to us for the development rights.

P.O. GREGORY:

Because we own the development rights?

DEPUTY COMMISSIONER KEYES:

The Health Department, when they went in for their approval --

P.O. GREGORY:

Because of the --

DEPUTY COMMISSIONER KEYES:

-- the Health Department says -- looks at their maps and says, You have five rights as of lot -- *You*

have five lots as-of-right. In order to build your sixth lot, here's the sanitary offset that you need. At that point, the Health Department tells them You can either apply for a variance, or if you will commit to making the new lot that you're building affordable into perpetuity, you can go to the Department of Economic Development & Planning and see if they have any workforce housing development credits in that Groundwater Management Zone. And if they do, I then go -- it comes to my office, I go to the Planning Department for a utilization report in which they review the proposal, they review -- they determine where the sanitary offset should come from, they give us a recommendation and then I prepare the resolution and bring it to you.

P.O. GREGORY:

Right.

DEPUTY COMMISSIONER KEYES:

So if the project passes the Health Department they don't need credits, it doesn't come to you.

P.O. GREGORY:

But I -- and I don't want to speak for Legislator D'Amaro, but it seems that because there are so many -- five out of the six lots are as-of-right, the potential impact on the environment, with the additional one house doesn't seem to be in the best interest of the overall program, or at least certainly in the Brentwood community where it's going to.

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

DEPUTY COMMISSIONER KEYES:

I don't -- I don't understand. I don't understand what you mean. You're saying -- I mean, I think Legislator D'Amaro is saying it's -- they should just build five lots --

P.O. GREGORY:

Right.

DEPUTY COMMISSIONER KEYES:

-- because that's what they're allowed.

P.O. GREGORY:

Right.

DEPUTY COMMISSIONER KEYES:

What I'm saying is their -- their project proposal works financially if they're doing six lots. That's why they sought the six lots from the Health Department, that's why they came to us for the workforce housing credit, and if it --

P.O. GREGORY:

From a financing perspective or --

DEPUTY COMMISSIONER KEYES:

Yes, from a financing perspective, otherwise, they can't build any of them. That's why the project -- they have had these lots and have been waiting to get the credits to build anything. They've committed to building the six houses in two years. Again, they'll be affordable and owner-occupied into perpetuity. And it's -- I just want to stress, too, it's not as though if they came forth and said, "We can build five rights as of lot" -- "We can build five lots as-of-right, but we want eight lots." There's no amount of development rights that would allow that to be okay. We have limits on what we'll allow, even with sanitary credits. There just -- there is that -- the program was created, the

development rights were -- the transfer program was created to allow for increased density in a controlled fashion, so that net, across the Groundwater Management Zone, the density is not increasing.

P.O. GREGORY:

Yeah, but, I mean -- and I don't understand all the specifics, but, you know, if you're -- to me it doesn't seem to make sense. If you're in Brentwood, but your community is being impacted by something in Huntington, yeah, you're in the same watershed zone, or whatever, but to me, still logically, that just doesn't make sense to me. There should be a tighter boundary.

DEPUTY COMMISSIONER KEYES:

I can't honestly speak to how the maps were derived, other than they were -- there was a science involved. If you want to table it and I can find out who -- I mean, that's fine with me. I can certainly get to the bottom of how the maps were designed, if what you're saying is that there's an issue with the maps. Again, I've never heard these concerns. I brought -- we brought forth two development rights transfers this year, and there was no issue raised about the maps, about anything, it was the same thing. Those were credits being transferred in the same GMZ, not in the same hamlet necessarily, because the maps, that's not necessarily how the maps work. And it also depends where we have credits available. There may not be any credits in Brentwood available to us. It depends. The credits come to us, we transfer --

P.O. GREGORY:

Then -- not to cut you off, but then that would make sense, right? If there's no credits available in the immediate community, then that makes sense.

DEPUTY COMMISSIONER KEYES:

Well, I --

P.O. GREGORY:

And I'm not saying I disagree. I just --

DEPUTY COMMISSIONER KEYES:

Ground -- it makes sense if you think that the Groundwater Management Zones mean nothing. If you don't think they mean anything, then yes. I believe they have -- up until this moment, had no reason to question their credibility, because this is a longstanding program, many transfers have been done, so I had no reason to question them before now.

P.O. GREGORY:

All right. Legislator Calarco, and then Legislator D'Amaro.

D.P.O. CALARCO:

Just two points. So first, and I think you mentioned this, Ms. Keys, the reason the Long Island Housing Partnership in the Town of Islip -- because this isn't a private development, right, there's no for-profit entity involved here -- is seeking a six-lot subdivision for this property to do this project is because that's how the finances worked to make affordable housing work on the project, right?

DEPUTY COMMISSIONER KEYES:

That's right.

D.P.O. CALARCO:

Okay. Now this question is -- the next question is probably better answered by Ms. Lansdale. I'm sure, Amy, you don't have the answer, but this gets to the Groundwater Management Zones. So the Groundwater Management Zone, if I am understanding what they are, is basically any water that

hits the ground within that zone all percolates down through -- into the same spot through the aquifer, right, or they all feed into the water table in the same place? They may all feed into the surface water at the same rate, but that's basically what the management zone is, correct?

DIRECTOR LANSDALE:

Essentially, yes.

D.P.O. CALARCO:

So it doesn't matter if the water is percolating in on this particular lot or the sanitized lot that may be a half a mile or a mile away, because, at the end of the day, that water all ends up in the same spot. And that's how you get a -- you know, why we have these management zones, because they are the different areas where the water percolates down into the same location, correct?

DIRECTOR LANSDALE:

Yes.

D.P.O. CALARCO:

Okay. So we sanitize one location within the zone, meaning that no wastewater is going to percolate into that watershed from that point, and in return, we're allowing this other location within the zone to have a little bit higher density and a little bit more wastewater that percolates through, but at the end of the day, it's a wash?

DIRECTOR LANSDALE:

That's right.

D.P.O. CALARCO:

Okay. That's what I thought. And the way we obtain these workforce house -- workforce housing credits that the County has, and why they're coming to us, and why the LIHP doesn't just go out and sanitize the property and do it that way, which is within their rights to do if they wanted to do without ever coming to us, is because when we acquire open space parcels, we strip them of their development rights and we use those development rights as a thing to help promote workforce housing.

DIRECTOR LANSDALE:

That's correct.

D.P.O. CALARCO:

Okay. And is there anything else that we're allowed to use those development rights for? Because I remember at one point in time we tried to -- we passed a resolution so that we could use those to help facilitate municipal projects, say if a fire district needed to expand their fire -- their firehouse and they needed to have extra credits in order to do that.

DIRECTOR LANSDALE:

Yes. A few years ago, the Legislature did expand what kind of projects could be -- could utilize these credits.

D.P.O. CALARCO:

Okay.

DIRECTOR LANSDALE:

That includes firehouses.

D.P.O. CALARCO:

Municipal projects I think is what it was, right, fire districts, library districts, schools, what have you?

DIRECTOR LANSDALE:

Yes.

D.P.O. CALARCO:

Okay. So, at the end of the day, we sanitize the property by acquiring the open space, we strip the workforce housing credits from that property. This is -- those credits are being transferred to this project so it could work financially for the LIHP, which is a not-for-profit affordable housing developer, and in return, at the end of the day, it's a wash in terms of the impact to the groundwater.

DIRECTOR LANSDALE:

That's right.

D.P.O. CALARCO:

Okay. Thank you.

P.O. GREGORY:

Okay. Legislator D'Amaro, then Legislator Martinez.

LEG. D'AMARO:

Yeah, just quickly. You know, tell the people in Brentwood it's a wash. You know, it's -- it sounds good on paper, you know, it's neat and clean, it's cookie cutter, you know, well, we have this lot, you know, it's 17 miles away, and because we're not developing that one, let's put that credit over here. This is exactly how you create overburdened communities. This is the same -- just let me finish. This is the same mistake that was made years and years ago in Long Island in many neighborhoods, which today are minority communities, because what happens is you get variances -- you get more variances and more variances, and you get smaller and smaller lots. So it's not exactly applicable, because this is groundwater. I'm not talking about zoning, but it's the same concept. When you create these fictional programs that say, you know, it's all a wash and it's no real -- you know, the net effect is the same, I completely disagree with that, because it winds up putting all of the substandard developments in concentrated areas.

D.P.O. CALARCO:

That's -- you know, I remember many years ago debating the -- I wasn't on the Legislature at the time, but my predecessor was, and certainly Legislator Browning was, debating a bill with you where you wanted to sell properties that were substandard for development, irregardless of the fact that they maybe weren't necessarily meeting the codes of the towns and villages.

LEG. D'AMARO:

Yeah, so?

D.P.O. CALARCO:

So that those developers could try to get variances to develop those substandard lots.

LEG. D'AMARO:

Right, so it left it up to the towns to make a decision.

D.P.O. CALARCO:

And the concern was that, exactly what you just said, it's going to happen because of the credit, was going to happen --

LEG. D'AMARO:

No, that's completely wrong, all right? And you're right, you weren't on the Legislature at that time, so you must not have been paying attention.

*(*Laughter*)*

The fact of the matter is that all I said was let's put them out there and let the towns decide whether or not it should be granted a variance, but here, we're granting the variance.

D.P.O. CALARCO:

At the town's request.

LEG. D'AMARO:

Okay, at the town's request. So, listen, I love it. I represent Huntington, you know. So now Brentwood is going to get the six lot, they're going to have the negative adverse impact on their groundwater, and we're going to tell everybody in Brentwood that it's really not -- it's a net zero. It's a fiction. It's the kind of fictions that get communities into trouble, frankly.

LEG. MARTINEZ:

All right. So, obviously, I represent the area, and I'm having a hard time listening to you going back and forth. So this is news to me. All right. I thought here I was going to say, you know, yes to my district obtaining affordable housing. But now we're discussing credits, you know, coming from Huntington and wherever else. So to me this is very confusing, as I was not even aware of any this mapping. But, you know, the one thing I also have to make sure is that these -- if these parcels -- Amy, are these the same parcels that were extended at our last general session?

DEPUTY COMMISSIONER KEYS:

No.

LEG. MARTINEZ:

So these are not -- so the town already had these parcels in their -- in their name?

DEPUTY COMMISSIONER KEYS:

Yes. And they've represented to me in writing, and I know you and Alison Karppi spoke from Islip CDA, that these will be constructed and occupied within two years.

LEG. MARTINEZ:

Now, when you say occupied, within whatever contract or stipulation, whatever may be, are these going to be ownership? Because --

DEPUTY COMMISSIONER KEYS:

Yeah, they're owner-occupied.

LEG. MARTINEZ:

Owner-occupied.

DEPUTY COMMISSIONER KEYS:

Yes.

LEG. MARTINEZ:

Not rentals.

DEPUTY COMMISSIONER KEYS:

No. It's in the -- it's a deed restriction that goes with these. These are not rentals, these are owner-occupied, and affordable into perpetuity, forever, which -- and this is the only program that the County has that restricts units that we invest in, and in this case the investment is via a sanitary credit, and requires the house to be kept affordable into perpetuity, forever. So any time it's sold --

LEG. MARTINEZ:

How many years?

DEPUTY COMMISSIONER KEYS:

Any time -- any time an owner wants to sell it, they have to sell it affordably. They have to sell it to somebody who meets the same income requirements that they met when they bought the house.

LEG. MARTINEZ:

So I guess now -- so my confusion is how will our water be further contaminated, or however --

DEPUTY COMMISSIONER KEYS:

I mean, I --

LEG. MARTINEZ:

As Legislator D'Amaro --

DEPUTY COMMISSIONER KEYS:

They won't be further contaminated. The idea of the Workforce Housing Development Rights Program is you have -- you know, Sarah, can you do the bundle rights thing, explaining that the -- no, seriously. I think that makes it make sense, seriously.

LEG. MARTINEZ:

Yes, please let me understand this.

DEPUTY COMMISSIONER KEYS:

I think it's confusing on it's face, yeah.

DIRECTOR LANSDALE:

Yes, yes. So let me just give a brief overview. Back in 2014, Planning actually conducted an inventory of all transfer of development rights programs in Suffolk County. Believe it or not, we have 14 separate programs, and this sanitary credit program is one of those 14 programs. Many towns also offer their own TDR programs. Amy's referring to the bundle of rights, I'm sure everyone is familiar with it, where land -- similar to what we do with purchasing development rights off of farmland, land comes with a bundle of rights. We buy the -- when we buy open space, we extinguish the -- all development possibilities off of that property and then bank those credits to be used within the Groundwater Management Zones, which are established by the Sanitary Code, Article 6. And then the Sanitary Code allows us to transfer those credits in the Groundwater Management Zones.

LEG. D'AMARO:

DuWayne. Mr. Presiding Officer, just --

P.O. GREGORY:

I had Trotta, then you. Okay, go ahead.

LEG. TROTТА:

My concern, Legislator D'Amaro, is overpopulating. You know, in your district, it's, you know, very

small, close -- houses are very close together. Six houses are a burden. I know there's, you know, lots of abandoned houses there. I mean, I'm thinking why are we building more houses when we can -- we have all these abandoned houses there, and why are we going to build new houses that could put kids in the schools and drive the taxes up? You know, I would think open space in that area would be something you'd be interested in.

LEG. MARTINEZ:

You'd be surprised how limited we are in open space.

LEG. TROTTA:

Well, is that open space, those lots?

LEG. MARTINEZ:

These are -- they were -- they were lots that had been -- they're not just open space, correct?

DEPUTY COMMISSIONER KEYS:

There are a couple of vacant lots and there is a lot there. There was a house that was demolished on it.

LEG. TROTTA:

So there's nothing there now?

LEG. MARTINEZ:

No.

DEPUTY COMMISSIONER KEYS:

It's in the -- everything around it is built upon. This is in a neighborhood.

LEG. MARTINEZ:

It's in a residential area.

DEPUTY COMMISSIONER KEYS:

I also want to just clarify that we have -- I personally have done workforce housing development rights transfers in Medford, in Miller Place. These have happened all over the County. This is certainly not just concentrated in any one particular area. So I just want to -- I want to make that clear.

LEG. TROTTA:

No, I'm actually going one step further in saying the concept of even doing this, when we have all these abandoned houses, you know, we're the fourth largest -- fourth in the country in counties with abandoned houses. We have 4,000 abandoned houses, and now we're going to build new houses, and we have a chance to save open space? Now is that -- the property in Huntington is like a -- it a steep slope where you couldn't build?

DEPUTY COMMISSIONER KEYS:

Honestly, I don't know. I don't know.

LEG. TROTTA:

I mean, I don't know. It's Monica's district. I would defer to what she would want to do. But if it was in my district, I wouldn't be for it.

DEPUTY COMMISSIONER KEYS:

I can tell you that LIHP has a very long waiting list of people who want to the buy and occupy homes

affordably. There's certainly no shortage of people who need affordable homes to buy. So that is where we were coming from, that we were excited to work with Islip CDA and LIHP to do this project, to get six new affordable homes built, homes that would be kept affordable forever. So the likelihood that they'll ever be vacant and unoccupied is slim to none, given the wealth of people who need affordable homes to live in on Long Island.

LEG. MARTINEZ:

And I do appreciate the concerns that are being addressed here right now. This is something that I even did my own homework. Again, I spoke with CDA, I spoke -- I know Amy was out, but she did reach out. You know what, I have to do what I feel is right, and right now in my district, this is what it needs. And we have people who do not have homes to live in. We have many rentals, yes. We have a lot of abandoned homes, yes, which is something that I am working on, but it's not under their purview, these abandoned homes. So if I can bring six affordable homes to my residents, I will do that. So I will continue with the motion to approve.

P.O. GREGORY:

I think she just dropped the mic, folks.

*(*Laughter*)*

LEG. D'AMARO:

If I could just add to that.

P.O. GREGORY:

Okay.

LEG. D'AMARO:

You know, Legislator Martinez, I think that it's, you know, commendable that you want to bring the six homes, and for all the right reasons, and there's certainly a need for that housing. I'm not questioning that at all. But what I am questioning is, you know, when you do six, as opposed to five, it has an adverse impact on groundwater. And it may not sound like a lot when you do it at one site, but this program is designed to do it over and over and over and over again. All right? So, you know, the reason why I even raise this in the first place is only because, you know, when you look around now and you look at some of the areas that are developed and the overdevelopment, long term, that has more of a deleterious effect on communities than any one more house being built today, because when you take these programs that creates these fictions to increase density, these communities suffer from that. They really suffer from that. Traffic congestion, pollution, groundwater, there's a whole bunch of impacts that go into it.

So I don't disagree with you, that there's probably a need for this housing, but why not ask the question of, you know, why not build five? I mean, why not ask the question what's the street frontage on these six homes? Do we know what the street frontage is?

DEPUTY COMMISSIONER KEYS:

I don't know. I can get you that. I don't know.

LEG. D'AMARO:

Are they 40-by-100 lots? Are they 50s, 60s? You know, what are they? I mean, you can go to any community on Long Island, and there's several that were mentioned by Ms. Keys, you know, you're not talking about Cold Spring Harbor, you know, we're talking about Medford and other areas that she mentioned. And historically, what happens is, you know, it -- in the name of workforce housing, what you're doing long term is having a very substantial and negative impact on these communities by developing these substandard lots. That's my experience. And I think if you drive around and

look in some of the areas you represent, some that I represent, Huntington Station is a perfect example of that as well, yeah, you know what, you got three more houses on that block and it made them somewhat more affordable, and that's a great thing, but over the course of 50 years, you never get rid of those houses, and it becomes a problem. So that's my point.

LEG. MARTINEZ:

No. And I -- if I may. And I appreciate that. And I think where my confusion really lies is where -- I mean, Amy just said, and again, correct me if I'm wrong, but if we don't get this credit for the six homes, then none of them are going to be built; is that correct?

LEG. D'AMARO:

Well, I don't -- I don't -- I don't agree with that at all. I just don't agree with that. I think that you would have to first ask, you know, what size lots are we speaking of, how much more would the cost increase if you did five instead of six. I mean, you know, the partnership, their mission statement is to come in and build workforce housing, and that's great, but it's our job to balance the competing interests here, and I'm not convinced. She may be right, you know, but I'm not convinced that necessarily you couldn't build five affordable homes, as opposed to six, that's my point.

LEG. MARTINEZ:

Thank you. So --

DEPUTY COMMISSIONER KEYS:

No, that's right.

LEG. MARTINEZ:

Amy, then, you know, and I appreciate, Legislator D'Amaro, I really do, I really appreciate, you know, the concerns that you raised. And thank you for helping me see this as well, as I was not aware of all this background info. But according to CDA and the Long Island Housing Partnership, and what Legislator D'Amaro is bringing up, do you have those answers? So, for example, could they build just five homes?

DEPUTY COMMISSIONER KEYS:

No. It is my -- when this project first came to me in January of 2016, and, honestly, it was stalled for a while, because Islip CDA did not want the sixth lot to be affordable, they wanted it to be a market rate lot in order to make their financing really work, in order to make the project so that they could move on to another project in Brentwood, honestly. North Bay Shore, sorry. And it stalled for a while, because they were trying to find other financing. To avoid having to go workforce housing, they would go through a typical variance process. They would go -- and which involves a regular transfer of development rights, and the property wouldn't be restricted. But, ultimately, LIHP and the County were successful in convincing them to make the sixth lot affordable, to make this credit available to them, and they were able to make the numbers work for them doing it that way. If the sixth lot doesn't happen, it has been represented to me that the project will again stall and probably not be built.

LEG. MARTINEZ:

Okay. Thank you.

P.O. GREGORY:

Okay. Al, and then Doc, and then we'll call the vote.

LEG. KRUPSKI:

So these are going to be permanently affordable rentals?

DEPUTY COMMISSIONER KEYS:

These are not rentals, these are owner-occupied, but they are permanently affordable.

LEG. KRUPSKI:

Who is responsible for vetting the initial applicants, and who is responsible for administering the program when they change hands?

DEPUTY COMMISSIONER KEYS:

LIHP will be responsible for the administration. They'll income-qualify folks, and then there is a deed -- there's a restriction that follows the deed that requires it to be -- folks to be income-qualified every time the house is sold.

LEG. KRUPSKI:

Who pays LIHP?

DEPUTY COMMISSIONER KEYS:

It would be -- I think it's typically cost of the seller at closing. But in this case, Islip CDA is partnering with LIHP. So for the initial build, Islip CDA is covering those costs.

LEG. KRUPSKI:

Thank you.

LEG. MARTINEZ:

Hold on, Amy. Sorry. Did somebody else have to go?

P.O. GREGORY:

Yup, Doc.

LEG. SPENCER:

It's a very difficult issue, and I can speak from my experience as being a Chairman of the Housing Authority, where we would build these all the time.

Monica, one of the things that when we would try to build affordable housing, to get someone to come in and take on the project, you know, they would look at the number of credits that they would be able to get, the rents, whether or not it's Section 8, income-qualified people, and give us a proposal that would work, that the financing would work. And these aren't situations where you have a developer that's getting a windfall, but they do have a minimum that they need to be able to see it happen. And Lou is absolutely right, but there is another side. And there have been situations where those credits have been taken from communities that have needed housing and they couldn't get the housing that they need.

There's also a very strong local sometimes NIMBY-ism that doesn't want these projects to occur, and what we have to do is balance between the environmental impact, plus the need, and they do a pretty good job doing that. LIHP does seem to strike that balance, and there's a lot of distrust out there in the community, sometimes with civic organizations when you talk about the density. One of the things they ran against me, they called me "Dr. Density" because of this very issue, and which was a big campaign issue.

So I understand the concerns that's there, but this at least tries to keep the scale somewhat even, and there is great needs in the community. And I do think that it's impossible to have everything balanced 100%, but this does at least sort of address that issue. And you have to look at the difference between an affordable housing, whether or not they're one, two, three bedrooms. But

many times in other places that are more affluent, you'll see someone come on a one or two-acre lot, knock down the existing structure that's there and put up a 5 to 7,000 feet mansion with eight or nine bathrooms that has just as much sanitary flow as four or five affordable housing. So there's a lot of variables that are there.

I think your interest in proceeding cautiously are well noted, but I do think that this is the right program that Amy's talking about, and at least it has taken those factors into consideration. And it's geology. Geology doesn't necessarily represent the town lines. But when they've looked at these -- I got pretty heavily into those situations that when you talk about that sanitary flow and the impact on the groundwater, the geology doesn't know the difference between necessarily Brentwood and Huntington, and it's -- so there is a lot of science that has gone into this. And I found them to be sound and reliable, and I think that you can have some comfort in that. But, again, I'm not disagreeing, that no one knows for sure.

LEG. D'AMARO:

Yeah, and science, and all the rivers are polluted, everything is polluted. Wastewater management, you know --

D.P.O. SCHNEIDERMAN:

Everything causes cancer, I get that. We might as well just all curl up and die. But at some point, you have to go with a little bit of science, you know.

P.O. GREGORY:

Okay. Thank you, Dr. Density -- I mean, Legislator Spencer.

*(*Laughter*)*

All right. So we have a motion to approve and a second?

MR. RICHBERG:

Yes.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

LEG. D'AMARO:

I'm opposed.

LEG. MC CAFFREY:

You better be.

*(*Laughter*)*

MS. ELLIS:

Seventeen.

HEALTH

P.O. GREGORY:

I.R. 1598 - Adopting a Local Law to register retailers of electronic nicotine delivery systems in Suffolk County (Cilmi).

LEG. CILMI:

Motion.

P.O. GREGORY:

Motion by Legislator Cilmi.

LEG. BARRAGA:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

I.R. 1760 - A Local Law to regulate animal rescue organizations operating in Suffolk County (Martinez).

LEG. MARTINEZ:

Motion to approve.

P.O. GREGORY:

Motion to approve by Legislator Martinez, second by Legislator Hahn. On the motion, anyone? All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

(*Applause*)

LEG. TROTTA:

You have houses and dogs.

(*Laughter*)

P.O. GREGORY:

I.R. 1806 - Amending the 2016 Adopted Operating Budget to accept and appropriate additional Federal and State Aid from the New York State Office of Alcoholism and Substance Abuse Services (NYS OASAS) to various contract agencies for a Cost-Of-Living Adjustment (COLA) (Co. Exec.).

LEG. FLEMING:

Motion.

P.O. GREGORY:

Motion to approve by Legislator Fleming, second by Legislator Hahn. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

PARKS & RECREATION

P.O. GREGORY:

J.R. 1371 - Appropriating funds in connection with the Historic Restoration and Preservation Fund for the Cedar Island Lighthouse (CP 7510) (Fleming). Motion by Legislator Fleming.

LEG. FLEMING:

Motion to table.

P.O. GREGORY:

Oh, motion to table by Legislator Fleming, I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

J.R. 1813 - Reappoint member to the Suffolk County Board of Trustees of Parks, Recreation, and Conservation (Arthur Leudesdorf) (Krupski).

LEG. KRUPSKI:

Leudesdorf. Second.

P.O. GREGORY:

Motion by Legislator Krupski, second by Legislator Hahn. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

J.R. 1836 - Approving a license agreement for Bill Stegemann to reside at the Scully Estate County Park, Islip (Co. Exec.). I'll make a motion.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco.

LEG. CILMI:

On the motion.

P.O. GREGORY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Just can somebody tell me who Bill Stegemann is? Does anyone know? I'd just like to know who's --

LEG. LINDSAY:

It came up in committee. He was a -- he's a County employee. I don't recall which department. I'm not sure if there's anybody here from -- maybe the new Commissioner can answer that question for us.

COMMISSIONER BERDOLT:

Yes. No, I don't know where he works, but he is a County employee.

LEG. CILMI:

Okay. And he's just -- there's no function to him being there, he just is going to live there?

COMMISSIONER BERDOLT:

Well, everybody that lives in some of the homes in the parks, they have a function of just being there, and as one of our eyes and ears in the park.

LEG. CILMI:

Okay. Okay. So --

COMMISSIONER BERDOLT:

But he doesn't lock up the gates or do anything like that, no.

LEG. CILMI:

Right, right, right. So he's not going to really -- other than saying hi, he's not going to interface with Seatuck at all or --

COMMISSIONER BERDOLT:

No, not at all.

LEG. CILMI:

Okay. All right. Thank you.

P.O. GREGORY:

Legislator Lindsay.

LEG. LINDSAY:

Commissioner, I'm not sure if this question would be for you, it might be for Sarah. I'm not sure who determines this, but we saw the rent on this. It's a two bedroom house, and according to the information that we have here, the market value was \$750 a month, which is -- it sounds kind of light. So I don't know who determines the market value on these.

COMMISSIONER BERDOLT:

Yeah. That I don't know either. I do know that a lot of these homes, the historic buildings, they're small, not a lot of closets in them, so they're just small, little rooms. So that's probably why it's --

LEG. HAHN:

And also, sometimes the market value is decreased because they're public properties, so people can be wandering around. There's no real privacy. You know, some of those things affect it as well.

COMMISSIONER BERDOLT:

And the Division of Real Estate determines the fair market value.

LEG. LINDSAY:

They do. Okay, thank you.

P.O. GREGORY:

Okay. So we have a motion and a second on 1836. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Vote amended to 18)

P.O. GREGORY:

Okay 1849 we did earlier.

PUBLIC SAFETY

1758 - A Local Law to prohibit unregulated synthetic opioids in Suffolk County (Stern).

Motion by Legislator Stern. Second?

D.P.O. CALARCO:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator Fleming)

P.O. GREGORY:

J.R. 1775 - Appointing Dennis Whitman -- Whittam -- excuse me -- as a member of the Suffolk County Vocational, Education, and Extension Board (Hahn). Motion by Legislator Hahn, I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator Fleming)

P.O. GREGORY:

J.R. 1778 - Appropriating funds in connection with improvements to the County Correctional - Facility C - 141 - Riverhead (CP 3014) (Co. Exec.).

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

J.R. 1778A, bond resolution, same motion, same second. Roll recall.

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

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Yes.

LEG. SPENCER:

Yay.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MC CAFFREY:

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:

J.R. 1791 - Accepting and appropriating 50% federal pass-through grant funds from the NYS Division of Homeland Security and Emergency Services in the amount of \$564,390 for the "Local Emergency Management Performance Grant (LEMPG) FY2016" administered by

the Suffolk County Department of Fire, Rescue and Emergency Services (Co. Exec.).

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco.

LEG. HAHN:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

I.R. 1816 - Accepting and appropriating a grant in the amount of \$137,025 in federal pass-through funding from the State of New York Governor's Traffic Safety Committee to provide enhanced enforcement of motor vehicle and traffic laws and regulations with 79.6% support (Co. Exec.). Same motion, same second?

D.P.O. CALARCO:

Sure.

LEG. CILMI:

Hang on. So I have a note here, and maybe Budget Review can confirm this, but my note says nonreimbursable employee benefit costs were approximately \$35,000; \$35,167 will be incurred from October 1st, 2016 through September 30th, 2017. Is that -- is that accurate?

MR. LIPP:

So, yes, but it's already implicit in the Operating Budget. So, therefore, there's no need to increase expenses.

LEG. CILMI:

Okay. So it's already in there?

MR. LIPP:

Correct. Yeah. And, actually --

LEG. CILMI:

All right. Thank you.

MR. LIPP:

Just for a point of information, the 2017 budget --

MR. RICHBERG:

You're not on.

P.O. GREGORY:

Can't hear you.

MR. LIPP:

The 2017 budget is going to include a new Grant Management Fund, so we could better track grants. It remains to be seen how it will work out, but that's the intent.

LEG. CILMI:

Yeah. My concern is that we accept -- we accept this money and then -- and there are hidden costs, like employee benefits, that we don't really take into consideration when we're accepting the money, and all of a sudden, we, you know -- 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:

J.R. 1817 - Accepting and appropriating a grant in the amount of \$20,500 in federal pass-through funding from the State of New York Governor's Traffic Safety Committee, for the Suffolk County Police Department's Motorcycle Safety Enforcement and Education Program with 79.8% support (Co. Exec.).

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

J.R. 1831 - Approving the reappointment of Rabbi Dr. Steven A. Moss as Chair of the Suffolk County Human Rights Commission (Co. Exec.).

LEG. LINDSAY:

Motion.

P.O. GREGORY:

Motion. Who was that, Lindsay?

LEG. LINDSAY:

Yes.

P.O. GREGORY:

Motion by Legislator Lindsay, second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

J.R. 1832 - Approving the reappointment of Augustus G. Mantia, M.D. to the Suffolk County Human Rights Commission (Co. Exec.).

LEG. KENNEDY:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

I.R. 1833 - Approving the reappointment of Mark J. Epstein, Esq. to the Suffolk County Human Rights Commission (Co. Exec.). Motion by Legislator Stern, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

I.R. 1834 - Approving the reappointment of Dr. Yu-Wan Wang to the Suffolk County Human Rights Commission (Co. Exec.). I'll make a motion.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

I.R. 1837 - Accepting and appropriating a supplemental award of federal funding in the amount of \$16,500 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.).

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco, second by Legislator Trotta. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

I.R. 1839 - Accepting and appropriating federal funding in the amount of \$173,900 from the United States Department of the Treasury, Internal Revenue Service, for the Suffolk County Police Department's participation in the IRS STEPP (Suffolk-Treasury Enhanced Prosecution Program) Program with 86.07% support (Co. Exec.).

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco, second by Legislator Trotta.

LEG. CILMI:

On the motion.

P.O. GREGORY:

On the motion.

LEG. CILMI:

Is this so that the IRS can call me at home to tell me that I have a pending claim against my -- that's a joke, folks.

LEG. MC CAFFREY:

Except you have to go to Walmart to get the gift certificates.

P.O. GREGORY:

You can pay it back with some iTunes cards. All right. So a motion and a second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

J.R. 1840 - Accepting and appropriating an award of federal funding in the amount of \$15,678 from the United States Department of Justice, U.S. Marshals Service, for the Suffolk County Police Department's participation in Operation Safe Summer 2016 with 79.39% support (Co. Exec.).

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

J.R. 1841 - Accepting and appropriating grant funds in the amount of \$424,975 from the United States Department of Transportation, Federal Motor Carrier Safety Administration, for a dedicated Commercial Motor Vehicle Safety Enforcement Project with 80% support (Co. Exec.). Motion by Legislator Kennedy, I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Eighteen.

P.O. GREGORY:
I.R. 1843 - Donating surplus emergency Meals Ready to Eat (MREs) to recognize not-for-profit entities providing relief to Suffolk County residents in need (Co. Exec.).

LEG. LINDSAY:
Motion.

P.O. GREGORY:
I'll make a -- motion by Legislator Lindsay, I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Eighteen.

PUBLIC WORKS, TRANSPORTATION AND ENERGY

P.O. GREGORY:
I.R. 1805 - Authorizing the transfer of certain properties from the Suffolk County Department of Public Works to the Suffolk County Department of Economic Development and Planning, Division of Real Property Acquisition and Management (SCTM Nos. 0200-420.00-02.00-009.000; 0400-146.00-01.00-p/o 009.000; and 0600-084.00-04.00-039.000) (Co. Exec.).

LEG. HAHN:
Motion.

P.O. GREGORY:
Who was that? Motion by Legislator Hahn, I'll second.

LEG. KRUPSKI:
On the motion.

P.O. GREGORY:
On the motion, Legislator Krupski.

LEG. KRUPSKI:
So there's a parcel there that's a concern in Riverhead, because it's a bad intersection, and it's a very busy intersection. And at some point, if the Town or County want to expand that intersection, modify it, anything even as simple as a bike lane, or a shoulder, a sidewalk, you know, I think DPW, certainly, or the Town Highway Department would need this for roadwork.

So I would support this tonight, but with the caveat that it not be auctioned in October, that we take a closer look at this as far as future road use. Once it's gone, we're going to have absolutely no options, and I see that in a lot of places. So I would support this, the whole resolution tonight, but knowing that they would work with the Town and the Highway Department on future -- future use here.

P.O. GREGORY:
I think it was Hahn. Did you second the motion?

LEG. HAHN:

Motion.

MS. ELLIS:

No, she motioned.

P.O. GREGORY:

I second it, right. Okay. Katie, is that -- looking for a handshake?

LEG. KRUPSKI:

I'm sorry. Yeah, a handshake would be good from Katie, that would be fine.

MS. HORST:

We can commit to work with you on that.

P.O. GREGORY:

All right. We have a motion and a second, Legislator Hahn and myself. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

J.R. 1812 - Honoring an American Hero, Army Ranger Sgt. Jason Santora, by renaming a portion of County Road 16 (Muratore). Motion by Legislator Muratore.

LEG. HAHN:

(Raised hand).

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

J.R. 1815 - Transferring Assessment Stabilization Reserve Funds to the capital fund, amending the 2016 Capital Budget and Program and appropriating funds for Chemical Bulk Storage Facilities for Sanitary Facilities in Suffolk County Sewer Districts (CP 8178) (Co. Exec.).

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn.

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

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

MS. ELLIS:
Eighteen.

P.O. GREGORY:
I.R. 1818 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2016 Capital Budget and Program, and appropriating funds for Safety and Security Improvements for Sanitary Facilities in Suffolk County Sewer Districts (CP 8103) (Co. Exec.).

LEG. HAHN:
Motion.

P.O. GREGORY:
Same motion, same second.

LEG. D'AMARO:
Just on the motion.

P.O. GREGORY:
Oh, on the motion, Legislator D'Amaro.

LEG. D'AMARO:
Mr. Presiding Officer, I just wanted to ask, these and the resolution before it is taking money from the Assessment Stabilization Reserve Fund to the Capital Fund. I just want to make sure. Is that something that was anticipated, that the Assessment Stabilization Reserve Fund would be paying these capital expenses? Does anybody know? This is amending the Capital Budget and pulling funding in from another source to pay for a capital project, and I'm just questioning whether or not this is because there's insufficient funding or -- you know, I don't understand why it's not being done within the Capital Budget.

MR. LIPP:
I can give an explanation, although I'm not 100% sure. I think the Department could speak better. But I believe there's sort of like general sewer type items, that they're recognizing that it's not just 404, which is for all sewer districts, but, rather, some of it is specifically for Southwest, which would be the 405 piece.

LEG. D'AMARO:
So it was -- Rob, as far as you know, it's anticipated that this would be the funding source for these capital projects?

MR. LIPP:
Correct.

LEG. D'AMARO:
Okay. All right, that's good. Thank you.

LEG. MC CAFFREY:
I just want to just clarify. So these are for the bulk storage at the sewer plants, then, right?

MR. LIPP:
I think the Commissioner could do better on that one.

LEG. MC CAFFREY:
Commissioner?

COMMISSIONER ANDERSON:
I'm trying to catch up.

P.O. GREGORY:
We're on 1818.

COMMISSIONER ANDERSON:
Oh, 1818.

P.O. GREGORY:
Yup.

COMMISSIONER ANDERSON:
Thank you. 1815?

P.O. GREGORY:
No, 1818. We did 1815.

COMMISSIONER ANDERSON:
Yeah. Is it a question regarding the bulk storage facilities?

LEG. D'AMARO:
This is for Southwest?

COMMISSIONER ANDERSON:
The bulk storage facilities?

P.O. GREGORY:
That was the question, but it was the wrong resolution.

LEG. MC CAFFREY:
Okay. I was on the wrong resolution.

P.O. GREGORY:
Yeah, we passed that. Okay.

LEG. D'AMARO:
Commissioner, just to clarify, 1818 says that we're taking Assessment Stabilization Reserve Funds into the Capital Budget for sanitary facilities in Suffolk County sewer districts for improvements. So my -- the question is, in the Capital Budget, was this always anticipated to be the funding source, or is this some kind of need for extra funding and tapping this source?

COMMISSIONER ANDERSON:
No. This is -- this was always anticipated that this was the part of the Capital Program.

LEG. D'AMARO:
Okay. That was my question. Thank you.

P.O. GREGORY:
Okay. All right. So we have a motion and a second on 1818. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

I.R. 1821 - Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 11 - Selden (CP 8117) (Co. Exec.).

Motion by Legislator Muratore. Second --

D.P.O. CALARCO:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay. ***I.R. 1821A***, bond resolution, same motion, same second. Roll call.

(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:

Yes.

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:

Eighteen.

P.O. GREGORY:

J.R. 1822 - Appropriating funds through the issuance of Sewer District Serial Bonds for the increase, improvement and extension to Suffolk County Sewer District No. 18 - Hauppauge Industrial (CP 8126) (Co. Exec.).

LEG. KENNEDY:

Motion.

COMMISSIONER ANDERSON:

If I may.

P.O. GREGORY:

Oh, I'm sorry.

COMMISSIONER ANDERSON:

Sorry. I would ask if this could be tabled. There's a flaw in the resolution that we need to amend.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

J.R. 1823 - Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 7 - Medford (CP 8150) (Co. Exec.).

Motion by Legislator Calarco.

D.P.O. CALARCO:

Sure.

P.O. GREGORY:

I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

J.R. 1823A, bond resolution, same motion, same second. Roll call.

(Roll Called by Ms. Ellis, Chief Deputy Clerk)

D.P.O. CALARCO:

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. 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:

I.R. 1824 - Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 10 - Stony Brook (CP 8175) (Co. Exec.). Motion by Legislator Hahn, or no?

LEG. HAHN:

On the motion.

P.O. GREGORY:

We need a motion. I'll make a motion to approve, second by Legislator Fleming. On the motion, Legislator Fleming -- Hahn. Sorry.

LEG. HAHN:

Gil, this is the Stony Brook Sewer District.

COMMISSIONER ANDERSON:

Correct.

LEG. HAHN:

Can you just confirm for me on the record we're not building any leaching fields?

COMMISSIONER ANDERSON:

No. This is for continued sewer force main and pump station work. It has nothing to do with --

LEG. HAHN:

Thank you.

COMMISSIONER ANDERSON:

-- that. Thank you.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

J.R. 1824A, bond resolution, same motion, same second. Roll call.

(Roll Called by Ms. Ellis, Chief Deputy Clerk)

P.O. GREGORY:

Yes.

LEG. FLEMING:

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. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. CALARCO:

Yes.

MS. ELLIS:

Eighteen.

P.O. GREGORY:

I.R. 1825 - Transferring Southwest Stabilization Reserve Funds to the capital fund, amending the 2016 Operating Budget, and appropriating funds for improvements to Sludge Treatment and Disposal at Suffolk County Sewer District No. 3 - Southwest (CP 8180) (Co. Exec.). Motion by Legislator McCaffrey?

LEG. MC CAFFREY:

Yeah, and I'm going to have a question on that.

P.O. GREGORY:

And I'll second. And on the motion, Legislator McCaffrey.

LEG. MC CAFFREY:

Yes. Commissioner Anderson, if you would. So this is for the improvements to the sludge treatment and disposal. Is this related to the expansion of -- what is this going to be? What is it going to be used for?

COMMISSIONER ANDERSON:

This is -- we're asking for \$1.6 million to construct essentially a truck weighing facility. So when the trucks come in with the sludge and go out with the sludge, they can be weighed, and we'll have an accurate record as to what -- you know, what that is.

LEG. MC CAFFREY:

Okay. All right. Thank you.

LEG. TROTТА:

Wait, I got a question.

P.O. GREGORY:

Legislator Trotta.

LEG. TROTТА:

A million-six-hundred-thousand for a truck scale?

COMMISSIONER ANDERSON:

Yes.

LEG. TROTТА:

I think Smithtown just bought one for like \$40,000.

LEG. HAHN:

They got a guy.

*(*Laughter*)*

LEG. TROTTA:

I never bought a truck scale before, but a million-six sounds like a lot.

COMMISSIONER ANDERSON:

Well, it's not just the truck scale, it's also the reconfiguration of the area that it's going to be worked within on the site of the treatment facility. I'll be glad to get you the information and the detail on it so you can see it.

LEG. TROTTA:

Yeah, you always say that (laughter). All right. I'm sure he'll look at it. You know --

COMMISSIONER ANDERSON:

This is the estimate the engineers have provided me. I -- you know, I -- Smithtown may be able to do it. I can't imagine they're going to really build a truck scale for \$40,000.

LEG. TROTTA:

No. They had to replace the scale, it was 40,000.

COMMISSIONER ANDERSON:

Well, to replace the scale is different than --

LEG. TROTTA:

So it's a million-four-hundred-thousand for the --

COMMISSIONER ANDERSON:

Maybe they got a bargain. I don't know. You know, again, I would -- I'd be hard-pressed to believe they did it for 40,000.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

So there was a lot of talk about different ways of disposing of the sludge, including incineration. Is any of this material available for land application, or does it all have to be trucked off to -- goes away, right?

COMMISSIONER ANDERSON:

This -- right now, the current agreement we have goes to a facility for beneficial reuse. So, essentially, the sludge is brought to a site and I believe they're trying to create some kind of fertilizer out of it, but I'd have to --

LEG. KRUPSKI:

Off the Island or on the Island?

COMMISSIONER ANDERSON:

On Island, yeah, local.

LEG. KRUPSKI:

So when we truck to that facility, are we done with it?

COMMISSIONER ANDERSON:

Yes.

LEG. KRUPSKI:

Okay. Thank you.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

I.R. 1826 - Transferring Southwest Stabilization Reserve Funds to the Capital Fund, amending the 2016 Operating Budget, and appropriating funds for Inflow/Infiltration Study/Rehabilitation and Interceptor Monitoring at Suffolk County Sewer District No. 3 - Southwest (CP 8181) (Co. Exec.). Same motion, same second.

LEG. MC CAFFREY:

Yeah, and same question.

P.O. GREGORY:

I like that, only if he could say same answer.

(*Laughter*)

MR. STRAUSS:

You should sit closer.

COMMISSIONER ANDERSON:

I should. I'll just stay up here. Sorry. Okay. The question, what is being requested?

LEG. MC CAFFREY:

Right.

COMMISSIONER ANDERSON:

What we're requesting is \$2 million for rehabilitation to repair sewer lines within Sewer District 3 to eliminate filtration inflow, so that eliminates the water that gets into the piping system and --

LEG. MC CAFFREY:

Is this for existing pipes or --

COMMISSIONER ANDERSON:

Right, yeah.

LEG. MC CAFFREY:

Okay, no problem. Thank you.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

Okay. So all in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

J.R. 1827 - A resolution making certain findings and determinations and issuing an order in relation to the increase and improvement of facilities for Sewer District No. 7 - Medford (CP 8194) (Co. Exec.).

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

J.R. 1835 - Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 14 - Parkland (CP 8151) (Co. Exec.).

LEG. LINDSAY:

Motion.

P.O. GREGORY:

Motion by Legislator Lindsay.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

J.R. 1870 - To expand the scope of the Energy Utility Legislative Oversight Committee (Martinez).

LEG. MARTINEZ:

I would like to table this, please.

P.O. GREGORY:

Motion to table by Legislator Martinez.

LEG. HAHN:

Note my recusal.

LEG. D'AMARO:

All right. Just note my recusal on the record, please.

P.O. GREGORY:

Okay. I'll second. All in favor? Opposed? Abstentions?

LEG. HAHN:

Recuse.

MS. ELLIS:

Sixteen.

P.O. GREGORY:

J.R. 1872 - Amending the 2016 Capital Budget and Program and appropriating funds in connection with Sayville extension (CP 8106) (Co. Exec.).

LEG. LINDSAY:

Motion.

LEG. CILMI:

Second.

P.O. GREGORY:

Motion by Legislator Lindsay.

LEG. BARRAGA:

On the motion.

P.O. GREGORY:

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

LEG. BARRAGA:

I certainly understand that this is a worthwhile project, but it's also a new project. I recall seeing a press conference a couple of weeks ago with a number of elected officials, and I guess other prominent people in the community, all advocating this particular program, but none of them stepped forward to indicate where the money was going to come from to pay for the program.

Now, as I understand this, we're appropriating serial bonds of \$4,500,000 for a design and planning. But I want to know at this juncture, are any of the other levels of government willing to pay any of this \$4,500,000? We're going to issue the serial bonds, and they all want this done, Town, State, Federal. Has anybody stepped forward and saying, "Okay, you're going to spend \$4,500,000, we'll participate in that, we'll give you "X" amount of dollars"? I'm not aware of that.

I take a look at the overall project and it looks to me -- and I'm looking at it. I guess this comes later on after planning and design is done. We're talking at least \$50 million, but, yet, I don't know where that money is coming from.

Our situation in this County is dire when it comes to debt. Right now, we stand at about \$1.4 billion in debt, but that's not a true figure, because we've taken another 350 million, borrowed from the pension fund, another 150 million from the Sewer Stabilization Fund. We're about to ask the State of New York permission to bond out \$60 million, \$60 million to pay unused sick and vacation time

for police persons for two years. Add that money to the 1.4 billion, we're up around \$1,960,000,000 in debt, and, yet, we continue to see these kinds of projects.

We don't have any money, nobody has any money, but this bonded indebtedness doesn't seem to matter to anybody. Even when you take a look at, you know, the deficit in our budgetary situations, somebody said it was 186 million. Probably it's 200 million, but then you have to add, what, another 88 million to that, because that's what you're taking this year from the Sewer Stabilization. You could take another 34 million from the Pension Fund. So now we're up to like 350 or 375, and your sales tax are down, yet we continue to do the bonding and the spending as if everything is just great. It's like having a credit card and going crazy with it. Sooner or later this thing is going to implode, and when it does, it's going to be very, very dramatic on the debt size and on the programs, on the programs that we are currently furnishing. We have 480 nonmandated programs. You heard a few of those people come in on some of these programs. Nobody wants to cut anything.

Many, many years ago, a guy by the name of Larry Levy used to work for Newsday, and I think he's with one of the universities. Many years ago he said to me, "You know, the problem on Long Island is that people want services, they just don't want to pay for it." And it doesn't stop people from coming in and asking for more and more. And each presentation is rational, each presentation is logical, each presentation has merit, but we don't have the money. So, at some point in time, I don't know, it's -- I guess the chickens will come home to roost. But when it does and we continue down this road, it's going to be very, very dramatic and very, very sad for a lot of different groups in Suffolk County.

P.O. GREGORY:

Okay. Legislator Trotta.

LEG. TROTТА:

Well, I think this is, you know, a pipe dream, because the odds of getting, you know, homes sewerred in Sayville and Oakdale are about slim to none in the next decade or so. I mean, I think the money would be better spent in projects like the one I have in Kings Park, that's sewer treatment plants twice the capacity. They did that. They spent \$2 million for a planned engineering, drawn up, ready to do, but we have no money to put the system in. So now we're just going to get another one that we have the plans for and no money to do it? It would seem to me more logical to spend the money there, put the sewers in, get the construction going, get the economy going, getting houses built, and people investing, which will create more revenue, which then we can do this. Because, you know, I know what they're going to say is, "Oh, we have to be ready for when the money comes." Well, guess what, I've been waiting for -- you know, my Town's been waiting for 20 years for the money and it's not there, and it will probably be -- we'll probably be all old men or dead by the time the money comes for this, if it ever comes.

LEG. CILMI:

Sarah Anker won't be an old man.

LEG. ANKER:

I won't be.

LEG. TROTТА:

Never.

LEG. BARRAGA:

I may be old, but I'm not dead.

(*Laughter*)

LEG. TROTTA:

But, you know, listen, while I -- you know, if I was the Legislator representing this area, I would be advocating for it. But the reality is, as Legislator Barraga said, we don't have the money to do this. We don't have the money to put the project in that we had planned for ten years ago. So it makes no logical sense to do this now. You know, it's -- I'd rather have, you know -- and I'm just using mine, because I don't know, I'm sure there's projects in other people's areas that need to be done, that aren't done, that are ready to be done, that we're not doing. So it's like building a bunch of houses and not finishing any one of them and not selling any of them. Let's finish one, get going, so we make it attractive to live here again, because, you know, this is not -- this is not working, it's mismanaged. I will not be supporting this.

P.O. GREGORY:

You want to go now, or you want to -- I got a few more. I have Legislator McCaffrey, and then Krupski.

LEG. MC CAFFREY:

This is a major development project and a worthwhile project. I believe in the sewerage, preventing, you know, the nitrogen into the groundwater, which will eventually get into our bay. And I don't care if that bay is in Sayville and Oakdale, it is going to get down to Babylon and West Babylon, Lindenhurst as well, and I agree with it. The only thing is, when we took on this project 30-something years ago in my district, and in Legislator Barraga's district, and Legislator Gregory's district, the only people paying for that were those people that lived there, and they created a district and a taxing district as well.

And, you know, I think we're setting a precedent here where we're saying, "Okay, we're going to borrow" -- it looks like, because there's no money in the Capital Project budget, and it looks like \$50 million somewhere along the line is going to come out and it's going to be spread out and paid for by everybody, whether they are -- I'm already connected to sewers. We already built our project. For 30-something years, I've lived in my house for 32 years, and I've paying off, and finally we paid off those bonds at the same time I paid off my mortgage. And I don't want to take on anymore debt for another sewer project. Let somebody else create a district, a special taxing district, let them issue the bonds, and let them pay them off the same way that we did in our sewer district, because we saw the worthwhileness of that project.

So I'm for it. And that's not even building another sewer plant. That sewage, that's just the pipes, and the pump stations, and that sewage is going to come to me, you know, like everybody else's is. And, look, I understand about doing our part on this, but it's bad enough we're getting it, but we shouldn't have to pay for the pipes to get it there to dump more sewage into the sewer plant in our district, which you've already paying for. And like I said, that's just the pipes. We're not asking you to pay for that sewer plant, we've already paid for it, but we don't want to pay for your pipes.

P.O. GREGORY:

All right. Legislator Krupski.

LEG. KRUPSKI:

I have a question for the Commissioner. So after listening to all that, I guess I have a couple of questions. Will this -- will these homes here, and we've had people from the community come in to advocate for this, both at committee and at the General Meeting, will those homes ever be seweraged?

COMMISSIONER ANDERSON:

The project, as it's envisioned now, will facilitate connection at a future date by homes in the

surrounding area. This will not sewer homes directly. Again, this is the design portion of it. But the project itself will allow for areas, smaller projects that could be connected to two pump stations, one in Sayville, one in Oakdale, that would then run into Sewer District 3, and those eventual connections would pay back the General Fund, which this is being borrowed from, and would basically -- it enables an easier connection than trying to run the entire length down from Sayville to East Islip.

LEG. KRUPSKI:

Now will all those homes in those areas be sewered? And we saw the maps.

COMMISSIONER ANDERSON:

Right.

LEG. KRUPSKI:

Those whole areas south of the highway, will all those homes be sewered?

COMMISSIONER ANDERSON:

At some point, it is the vision of this project that they will be.

LEG. KRUPSKI:

Ballpark, and you said, then, that, in fact, they would create a new district that would not be part of Legislator McCaffrey's district, it would be a new district that would reimburse the General Fund?

COMMISSIONER ANDERSON:

It would be a connectee into the district, correct.

LEG. KRUPSKI:

And at what -- at what point -- so if we borrow this 4.5 million today, at what point does the General Fund get reimbursed?

COMMISSIONER ANDERSON:

Once you have actual connections back into the district. So the Legislature, if this is approved, commits that the County is, for lack of a better term, first-instant funding this work that will be paid back into the fund once the connection of those homes is made into the new system. We've heard from State officials that there's transformative money out there that would be obtainable from the State if we have plans and are shovel-ready to enact those plans.

LEG. KRUPSKI:

Thank you.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

Okay. Legislator Cilmi.

LEG. CILMI:

I appreciate Legislator Krupski's questions and the answers from Commissioner Anderson, because that was sort of where I was going with this. There's a number of different concerns that have been shared already and I want to try and address each one of them.

First of all, I want to -- I want to say that I totally appreciate Legislator Barraga's statements with

respect to our debt. I've made the arguments myself, and that there's no doubt that we have a tremendous debt problem. And at some point, you know, if we're feeling the pain of that now, the pain is going to be much worse later on if we don't -- if we don't deal with that issue today. That being said, as the Commissioner laid out, ultimately, this will be paid back by the residents who connect in that area. And there's no debating that the importance of sewerage in this particular area. It's very close to the water, it's got a very high water table. Many of the homes are very old, and, therefore, the cesspools are old and failing, and all of that nitrogen is leaching into -- ultimately, into the bay. And we're spending hundreds of thousands of dollars, if not millions of dollars, trying to mitigate the effects of that nitrogen pollution.

I've been led to believe that, as the Commissioner just articulated, there is money available through New York State to fund the construction of this project. We need to step up to the plate here and get this study and engineering done, this planning and engineering done, so that the State, just as we do with Community College projects, so that the State then can come forward with the money. The State's not going to come forward with the money if they don't see a willingness on the part of our County to partner and to actually do this. So we know how beneficial sewers can be, not only to our environment, but to our economy as well. This is an investment. I view it as an investment that will pay dividends for the environment and for our economy, which then translates to jobs, then translates to quality of life here in Suffolk County. And so I believe this is an investment that's well worth it at this time, cognizant of the debt problems we have and challenges we have here in Suffolk County.

Ultimately, this will be paid back, so it's not as if we're not being made whole by the residents who will benefit directly from connections.

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

LEG. CILMI:

And let's not forget that the entire County benefits, and particularly the South Shore, but the entire County benefits from the protection of our water. So I would urge everyone here to support this. It's the right thing to do. It's a good investment in both our economy and our environment, and it's the right time to do it so that we can access the additional funding from the State so that it doesn't have to come from our taxpayers specifically for ultimately for the sewer project that will come through Great River into Sayville -- into Oakdale and into Sayville. Thank you.

P.O. GREGORY:

Okay. Legislator Martinez.

LEG. MARTINEZ:

Well, I certainly cannot support this. These are monies that are being taken from a Capital Project already existing in my district, and though Legislator Trotta even said with all that money, you know, other projects can be done. If this money is coming out of the fund that's already established in my district perhaps, you know, we could use it for different projects in my district, such as a Youth Center for our kids. But I could not support monies being taken away from a project that had already been established for my district. And granted, you are claiming that it will be paid back when residents connect, who knows when residents will connect? Who knows when the project will be done? So how long will my residents have to wait to finish whatever project you have going on there before, you know, before this is even completed.

COMMISSIONER ANDERSON:

Legislator, the project that we're using as an offset, a portion of those funds come from the Crooked

Hill Road project that we were -- we were hoping to get that out to bid this year by the end of the year, but at this point we feel confident that we'll have the plans complete and be ready for bid next year. We have a commitment from Economic Development that we could take the 4.5 million from Jumpstart funds and put it towards the Crooked Hill Road project in order to get that out to bid next year. So that's what the plan was so that's why we used Crooked Hill Road as an offset.

LEG. MARTINEZ:

And I appreciate that, Commissioner, but at the same time it's not guaranteed, you know, and it's something that I cannot afford and I cannot go based on guarantees. So, again, I will not be supporting this bill.

P.O. GREGORY:

Legislator Fleming.

LEG. FLEMING:

I appreciate Legislator Martinez's concern if the project is already funded I would -- it sounds to me as though it would make good sense to keep it in that project, but I'm also a little confused by the reasoning by the proponents who also, you know, don't support other water quality projects. So I guess I have a couple of questions. First of all, we're saying that the money will be repaid. That's going to be repaid through a taxing -- the establishment of a taxing district at the locality?

COMMISSIONER ANDERSON:

It's paid back by a combination of connection fees as well as eventual taxing district as you mentioned, whether it's an individual or multiple districts that are created and connect in.

LEG. FLEMING:

So say it's even just one district, and it may be multiple districts. What are the legal steps that have to be taken? What kind of buy-in do you need from the community in order to get there?

COMMISSIONER ANDERSON:

There's a couple of different ways to do it. If you have an existing community that wants to connect you would do essentially a feasibility study, a map and plan that develops what the cost would be for that area. It gets approval by the community either through the public hearing process or possibly through a referendum if need be if there's any type of opposition. It has also has to get approval of the State Comptroller. At that point it becomes a district, and once the construction is done that district then is charged with essentially taxing and billing the local community within the district to take the annual fee as well as the connection fee.

LEG. FLEMING:

And what happens to that idea that we will be repaid if at any point along that process the community balks at the price tag?

COMMISSIONER ANDERSON:

There is no guarantee that if nobody -- if everybody balks --

LEG. FLEMING:

We're stuck with a debt service --

LEG. LINDSAY:

Gil, maybe -- Legislator Fleming, maybe I can answer that question for you better. This community is very unique in the fact that most of the homes there cannot do laundry and take a shower in the same day.

LEG. BROWNING:

Sounds like Mastic Beach (*laughter*).

LEG. LINDSAY:

Right. They have to pump out their septic systems almost on a monthly basis. So they already incur a huge expense on an annual basis. They are coming to us asking us when can you get this done so that we can -- and they're fully aware, we've had a Town Hall meeting about it, discussed the cost associated with it. They're aware of how much ultimately it's going to end up costing and they have said to us wholeheartedly that they want to -- if we get the spine there we will pay to hook into it.

We also have a number of STPs in several communities along the same line where the spine is going to be that have already spoken to us about abandoning those systems and hooking into a sewer district if one was to be formed so that they can avoid the future liability of having to run their own STP.

LEG. FLEMING:

I appreciate that, Bill. I just think that we should be very mindful of the many, many steps that have to be achieved in a very difficult world when you ask people to pony up because it's hard to pay higher taxes.

The other question I have for you is with regard to County money being last in in sewer projects. I know in other sewer projects in my district we're told that County money is the last money that comes in to the project, and I'm not sure where -- what those -- what parameters determine that and why in this case we're the very first to come up with this pretty large sum when you know you got to have at least 50 million to finish the job.

COMMISSIONER ANDERSON:

The only time I've heard that applicable is to the ASRF funding, you know, the funds that we use for the alternate septic systems. It's generally there's, you know, certainly if we can get the funding firsthand from the State or from the Feds, you know, that will be optimally, but in this particular case we're trying to make an investment to start sewers in an area that definitely needs it. This area is very similar to the North Babylon area that has constantly talked about having to have their septic systems pumped out or the Mastic Beach area where there's groundwater and they're running through the same thing. So these are willing communities -- these are communities that are willing and eager to bring sewers in to eliminate these problems. You know, the discussions we've had with the communities, they're aware of what the costs are. You know, again, you're absolutely right. There's no guarantee. They may turn around and say no, we don't want to do it, but we're hoping that we can foster this program and move it forward and start the ball rolling.

LEG. FLEMING:

And the money for the repaving project that's going to come from Jumpstart, that's because the Jumpstart Program has been disapproved by the Legislature and so you're saying in the '17 Capital Budget there's not available funding?

COMMISSIONER ANDERSON:

I believe so, yeah. We would have to appropriate it and bring it back into the -- we would have to appropriate it, offset it into Crooked Hill Road.

LEG. FLEMING:

Okay. Thank you, Commissioner.

COMMISSIONER ANDERSON:

You're welcome.

LEG. LINDSAY:

Mr. Presiding Officer, on the motion to -- I'll start, Legislator Fleming, with some of the comments that you had made, and I'll use the traffic circle as an example. The fact that we build it doesn't guarantee that the economic development that's been promised that will follow it is not guaranteed to follow through as well. I think this is a little bit of a safer bet in that not only would we have economic development which would be able to follow it, right now on Main Street in Sayville and Oakdale we cannot build any additional wet stores. We have restaurants that are trying to open up and they can't have a dishwasher so they're using paper plates and plastic forks and knives, and the challenge that they have is who's going to pay \$60 for a meal on paper plates and plastic forks and knives? It really hinders the possibility of any economic development in the area.

In addition to that, we have the health concerns with what's going on with the Connetquot River which all these homes are located adjacent to and all of these old septic systems are leaching into, which ultimately feeds into the Great South Bay. This used to be an area that was rich in oysters and in clams. Bluepoint oysters came from this area, that's where they were developed and sold all over the world. That's not possible now with the pollution issue. In fact, we have environmental impact statements that state 15% of the nitrogen levels for the entire Great South Bay come from the Connetquot River and come from the Mastic Shirley area, that if we were to sewer those two areas we'd be able to eliminate 15% of the nitrogen levels within the bay. That's a huge -- a significant amount. In addition, the quality of life issue which I mentioned with the residents not being able to shower and do laundry all in the same day.

This to me is a vital project that is not -- you know, I know it's an expense upfront, but I view it as a long-term investment. And I can tell you to Legislator Trotta's comments about we have these other programs that have been sitting out there where we've done the design and planning. I don't know what you're doing to advocate for the funding for that, but me personally for this project, I've been to Washington, I've been to Albany on a number of occasions for this specific project, and I've been told in both places that the funding will never come through unless you have the planning in place. It's a cart and a horse scenario, and if you haven't gone and lobbied to Washington and you haven't gone to lobby for Albany for the project in Kings Park, I would urge you to do so because there is funding that's out there that's available and you have to work for it and fight for it in order to get it in your district.

LEG. TROTТА:

I spoke to the Majority Leader of the Senate, whose district Kings Park encompasses, and in some sum and substance, he doesn't know where this money is coming from.

LEG. LINDSAY:

What about on the Federal side, because a lot of it's coming from there.

LEG. TROTТА:

To some -- they talk a lot. I mean, I got \$26 million to clean-up the Kings Park State Hospital property in 2006, so it's been going on for ten years and they take five buildings down. So they can say they're going to give you \$100 million, but it might be over ten years and it might not --

LEG. LINDSAY:

And I understand that. Nobody has the misconception that we're going to build this project next year or overnight, that it's a process, and this is part of the process. It is an investment, but I think it's an investment that will ultimately pay huge dividends not only to the residents in my district, but I believe to the entire County between the economic development and the environmental impact that it will have to the Great South Bay, which will also have additional economic development. I

think it's an investment that's worthwhile. I urge all of the Legislature to vote in favor of it because it's hard to convey the transformative effect that this will have on the Sayville and Oakdale communities. You cannot imagine the impact that this project could have. So I urge you please to vote in favor.

LEG. TROTTA:

I can imagine. I imagine every day.

P.O. GREGORY:

Okay, Legislator Browning.

LEG. BROWNING:

I was in committee and I said I absolutely will support this. When you're talking about using washing machines and flushing your toilet and not being able to do the same thing, Mastic Beach has been dealing with this for a long time. This comes -- the money comes from Project 5538, which is a project that I have been opposed to for the past four years, not Monica's district, but the amount of money that's in that project, because that is money, in my opinion, to appease a developer. And so I'm more than happy to pull that money to put it where it should be, and that's in places like Oakdale, Sayville. I think Tom said it well, you know, Bill said it well. This is about your environment, protecting your waterway. This is about your businesses. I know exactly what you're going through because any time a business is trying to open up a food establishment, what they have to go through with the Health Department is insane, and we need to help those local businesses because they're suffering. They're suffering terribly.

So, Monica, this is a good source of money. Your project is not -- what needs to be done in your district will not suffer. I've always been opposed to the increased funding in this project. It's not needed. The only one thing that I regret, and I'm very disappointed, is that Ronkonkoma Hub is not getting that sewage treatment plant up next to them and that's where it should be, and that's where, Kevin, all the stuff should be going from Oakdale and Sayville. So somebody very foolishly decided not to put a sewage treatment plant in Ronkonkoma. But we have to do what's right and, you know, my district, well, it was about ten years ago, actually it was when President Obama first came in and there was ARRA money, and the Congressmen called and said, *How are you? Are you shovel ready for your sewers?* And I said *No, I'm not*, and we lost out then. So I would encourage you to keep doing what you're doing because you don't want to miss the boat and you will if you don't get moving.

P.O. GREGORY:

Legislator McCaffrey.

LEG. McCAFFREY:

Thank you. Commissioner, I just want to -- so this was the -- so this is going to start at Ronkonkoma Hub, right?

COMMISSIONER ANDERSON:

No.

LEG. McCAFFREY:

Ronkonkoma Hub is not --

COMMISSIONER ANDERSON:

No, this is strictly to construct a pump station that will serve Sayville, essentially from where Lakeland hits Montauk Highway north up to Sunrise, some of the community beyond that, and then extend -- a force main will run from the pump station to another pump station in Oakdale, which will

also allow connection of that area, and then from there another portion of it will run and eventually hook into East Islip, Sewer District 3, at that point.

LEG. McCAFFREY:

So this is south of Sunrise?

COMMISSIONER ANDERSON:

This essentially looks at, again, this is real rough, everything south of Sunrise, a little east of Lakeland Avenue to the, what is it, the Southern State -- to Heckscher.

LEG. McCAFFREY:

Now, is there a plan to -- the Ronkonkoma Hub plan. Is the Ronkonkoma Hub plan for their sewage, is the plan for them to hook up into this main?

COMMISSIONER ANDERSON:

No, their system -- their system is designed to run from a pump station essentially just to the north of the Ronkonkoma train station, along Johnson Avenue, along Suffolk Avenue and down into Central Islip and to hook-up right near the ball field.

LEG. McCAFFREY:

Okay. So it would be separate from what's going on there.

COMMISSIONER ANDERSON:

Correct.

LEG. McCAFFREY:

Okay, thank you.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

Okay, Legislator Martinez.

LEG. MARTINEZ:

Just quickly, Commissioner. I know that Crooked Hill Road is not completely done. I know there are certain phases that have been completed. Would this affect the remainder of the Crooked Hill Road? I mean, there's like half of it still not done.

COMMISSIONER ANDERSON:

We're ready to go to construction beginning of next year, I believe from College Road north up to the Expressway, with the exception of the bridge. The bridge isn't included in that.

LEG. MARTINEZ:

Thank you.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

I think this is a worthy project. The area is very much in need and I support it. Okay, so we have a motion and a second.

MR. RICHBERG:

Yes.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MR. RICHBERG:

Thirteen. (Opposed - Legislators Krupski, Martinez, Barraga and Trotta.)

P.O. GREGORY:

Okay. ***IR 1872A - Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$4,500,000 bonds to finance planning and design costs associated with the Sayville Extension (CP 8106.110).***

Same motion, same second. Roll call.

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

LEG. LINDSAY:

Yes.

LEG. CILMI:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. MARTINEZ:

No.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

No.

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Fourteen.

P.O. GREGORY:

Okay. A slight oversight. We have to go back to 1835. There was a bond. So, you guys have that? So on IR 1835A I guess I'll make a motion.

MR. NOLAN:

It's not on the agenda.

P.O. GREGORY:

But there's a corresponding bond. I'll make a motion to approve.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco. On 1835A, roll call.

*(*Roll Called by Mr. Richberg - 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. TROTTA:

Yes.

MR. NOLAN:

Scrap. We do not have a bond for this resolution. I was told we did have a bond, but we don't have a bond.

LEG. FLEMING:

Can I have that vote? Could we transfer that vote to a different --

(*Laughter*)

P.O. GREGORY:

Scrap that. All right. ***Seniors and Consumer Protection. 1785 - Approving the reappointment of Michael Murtha as a member of the Suffolk County Home Improvement Contracting Board (Co. Exec.).***

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1786 - Approving the reappointment of Sean Brennan as a member of the Suffolk County Home Improvement Contracting Board (Co. Exec.).

LEG. ANKER:

Motion.

P.O. GREGORY:

Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1787 - Approving the reappointment of Steve Macchio as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment, Bacteria Additives and Maintenance Board (Co. Exec.). Same motion, same second. All in favor?

Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1752 - Adopting Local Law No. -2016, A Local Law to amend Chapter 353 of the Suffolk County Code to authorize the County Department of Audit and Control to register nonprofit veterans organizations (Co.Exec.). Motion by Legislator Stern, second by Legislator Cilmi.

On that motion, Legislator Cilmi.

LEG. CILMI:

Just real quick. I just want to make sure the Comptroller is all good with this? Just asking. Just say yes or no. The veterans registration stuff. Thumbs up. He's giving us a thumbs up. Very good. Thank you.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

All right. ***Ways & Means. 1770 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0209-021.00-04.00-041.000)(Browning).***

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1773 - Approving payment to General Code Publishers for Administrative Code pages (Pres. Off.). I'll make a motion. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1828 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 David Bentley-Garfinkel and Allison R. Jeanes, as husband and wife (SCTM No. 0500-430.00-09.00-039.000)(Co. Exec.). Motion by Legislator Calarco. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1829 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven)(SCTM No. 0200-984.40-02.00-041.000)(Co. Exec.).

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1830 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven)(SCTM No. 0200-984.40-02.00-043.000)(Co. Exec.).
Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1848-16 - Increasing the amount of the petty cash fund for the Suffolk County Traffic and Parking Violations Agency (County Executive). Motion by Legislator Trotta.

(*Laughter*)

I just wanted to make sure you're awake. All right. I'll make the --

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco. I'll second. All in favor?

LEG. CILMI:

On the motion.

P.O. GREGORY:

I'm sorry; on the motion, Legislator Cilmi.

LEG. CILMI:

Why are we increasing the petty cash fund?

P.O. GREGORY:

Because we're not going to indemnify them, so we've got to give them more money so they can pay out --

MS. HORST:

They're opening three more windows, so they need to increase the petty cash so every window has money to exchange.

LEG. CILMI:

Can't they just extort more money out of the people?

MS. HORST:

Is that what you're asking for? *(Laughter)*.

LEG. CILMI:

No, no. Yeah, they probably can't extort any more than they're already extorting. All right, thanks for the explanation.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. All right, we'll do the red folder. We have one CN, ***IR 1942 - Authorizing the illumination of the H. Lee Dennison Executive Office Building in recognition of mental health awareness (Co. Exec.)***. I'll make a motion to approve.

LEG. STERN:

Second.

P.O. GREGORY:

Second by Legislator Stern.

D.P.O. CALARCO:

Cosponsor.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. Now to the manilla folder. IR -- oh, sorry.

LEG. CILMI:

Just on that last CN. I seem to remember a conversation here several months ago where we talked about all of these different months and illuminations and there was going to be some sort of a list.

MS. HORST:

It's a big list. We're still compiling it.

LEG. CILMI:

Still working on it.

MS. HORST:

We're hoping to have it I think in the next couple of weeks.

LEG. CILMI:

Because it occurs to me if there are two different, you know, weeks that we're recognizing and we're illuminating the Dennison Building in red for one week -- red for one cause and blue for another cause, we just might end up with a purple Dennison Building.

MS. HORST:

So DPW actually does the illumination and specifically in October there are -- when Comptroller Kennedy was on the Legislature he passed and the building is to be lit in pink the entire month and the only way to light it a different color is by active resolution. So we do track that. Long answer.

LEG. CILMI:

So there are some overlapping.

MS. HORST:

Yes.

LEG. CILMI:

All right, we'll have to deal with that, I suppose, when we see the list. All right, thanks.

P.O. GREGORY:

Okay. **1892**, in the manilla folder, ***Accepting and appropriating a grant award of federal funding in the amount of \$325,000 from US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration ("SAMHSA") to the Suffolk County Criminal Justice Coordinating Council with 100% support (Co. Exec.)***. Motion by Legislator Calarco. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

All right, ***Procedural Motion No. 20-2016 - To set a public hearing regarding the approval of Ferry License for Sayville Ferry Service Inc. For Cross Bay Service between Sayville, New York and Fire Island.***

Motion by Legislator Cilmi, second by Legislator Muratore -- Lindsay I meant and Muratore. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Procedural Motion No. 21-2016 - Directing the Board of Ethics to provide records to the Ways & Means Committee (Trotta). I'll make a motion to commit.

LEG. TROTТА:

Motion to approve.

LEG. CILMI:

I'll second the motion to approve.

D.P.O. CALARCO:

Second to commit.

P.O. GREGORY:

Second to commit by Legislator Calarco.

LEG. FLEMING:

On the motion.

P.O. GREGORY:

And second to motion to approve.

LEG. CILMI:

Can I just explain my second? It'll take me a minute.

P.O. GREGORY:

Because you weren't fast enough for the first?

LEG. CILMI:

So I know I -- earlier I expressed some concerns about not wanting to -- and I'm not sure if I did it on the record or not, but I didn't want to -- I felt uncomfortable approving something like -- or the disclosure of these statements without having a conversation with the Board of Ethics first to see exactly why they denied that request. But I understand that this resolution would just allow or require them to release the disclosure to the Legislature, which I'm in favor of, I can see that. And doing this would then give the Ways & Means Committee the ability to, you know, question and figure out exactly what their thinking was, so that's why I'm supporting it.

P.O. GREGORY:

Legislator Fleming had a question, then Browning.

LEG. FLEMING:

No question, Mr. Presiding Officer. I just wanted to note that earlier when we were discussing this matter I had said that as the Chair of the Ways & Means Committee, I would be calling on the Freedom of Information Appeals Officer for the Suffolk County Board of Ethics to appear before the Ways & Means Committee to discuss the basis for the denial of the FOIL request, which to me seems really without basis, but I would love to hear her explanation. I had a chance to speak to Counsel during the interim and I realize that since November the 17th is a pretty far distant time, which is the next regular Ways & Means Committee, I can call a Special Meeting, which I will be doing, and I'm issuing a letter to Ms. Segal directing her to appear on October the 14th at 10:30 for a Special Meeting of Ways & Means which will be held at Riverhead -- apparently we're going to be in construction here in Hauppauge, so that meeting will be in Riverhead -- and she's free to bring whomever or whatever she wants to bring to provide the basis for this denial. But I wanted to let you all know that I will be issuing that directive today.

P.O. GREGORY:

Okay. Legislator Browning.

LEG. BROWNING:

I guess my question's for George. George, if any private citizen is to FOIL for information on any one of us and they were denied that information, what other recourse do they have? What can they do? Because I kind of look at it that, you know, Newsday asked for this information, I certainly agree that they should have been provided with it, but what recourse do they have, or any private citizen, if they're denied that information?

MR. NOLAN:

Yeah, typically, you know, there's a FOIL Officer, then there's a FOIL Appeals Officer, which I think Newsday sought that appeal. And from there, the typical process would be for Newsday to bring an Article 78 Proceeding to try to get the record and they would have to prove that the determination was arbitrary and capricious, but that's what I would expect them to do.

LEG. BROWNING:

As any private citizen would do also, besides --

MR. NOLAN:

Yes, yes, that would be the same.

LEG. BROWNING:

And, you see, that's my issue, is that we're stepping in on something that I really don't think it's our

issue. It's up to them to do what they have to do, and then when they've hit every roadblock, then maybe they can come to us like any private citizen would have a right to do. But I really -- yeah, I think we're being used, and I'm not prepared to be used.

P.O. GREGORY:
Legislator Trotta.

LEG. TROTТА:
You know, I've been sitting now for three years watching us do nothing when we see these type things happening. I have the County Charter in front of me and there's four things that give us the power, and the third thing is *"to aid in the proper performance of Legislative functions and to investigate the performance of any of the functions of offices and departments of the government of this County."* Burke was here, we did nothing. I've said this to everyone for years, no one here did anything. Now we have an opportunity not to release this to the public, but to look at it to find out what's going on. I mean, are they stalling? What's going on?

We have an obligation to the taxpayers of this County, when we see something like this happen, step in and take charge. We need transparency. We waited five months where they haven't made a decision; that's unconscionable and unacceptable. This is the kind of thing any investigator could look at and in an hour determine what's going on. We stopped -- this is the time to stop dragging our feet. We need to act. The people elect us to do what this says and we haven't been doing it, and we have an obligation to do it. And not doing it is not an answer anymore, because look at the position we're in. I mean, it's an embarrassment. Every day the government's hiding this, the government's hiding that. We need transparency. We have an opportunity to do it. When I filled that form out, I knew that everyone can get it and anybody should be able to get it. And we're not going to release it to the public, but we should know what's going on. It's time for this body to take charge.

LEG. BROWNING:
Okay. However, I think my position's very clear. Everybody knows my position on what's going on, I've been very clear on telling individuals that they need to step down. The same goes with the former Corrections Officer, I was very local because I had a stack of paperwork this thick. I didn't have that same paperwork --

LEG. TROTТА:
We make --

LEG. BROWNING:
-- on the other guy. Hold on a minute. However, there is a process, and I don't think that process has been completed. And only because -- I'm not saying you, but I'm just saying because it's a certain individual that we should act? Well, what if it's Mary Smith on the street; would we all be doing the same thing here right now if it was a private individual looking for information on any one of us or somebody else in the County? I don't think so.

LEG. TROTТА:
This is about something we need to do. It's been five months.
We might do this --

LEG. BROWNING:
So are you going to change the law that says we do this every time someone is denied?

LEG. TROTТА:
We might get this and it might say he has permission to do this, he reported this, and this is a

nothing issue. It could very well be that we get it and he reported everything and everything was fine and it goes on our way, but we have an obligation to look at it. You know, five months is too long, it's way too long.

LEG. BROWNING:

And if we want to FOIL that information, the County Executive can do it itself. Why are we doing it for him?

LEG. TROTTA:

We need to take responsibility, it's time for us to act. The County Charter gives us this and we should use it.

LEG. BROWNING:

Well, the County Executive came to us, let him be the one to FOIL for it, and if he gets the same response, then we'll vote for it.

LEG. TROTTA:

All it's going to come is to -- I think it's the Ways & Means Committee it says, and we'll look at it and see what it says. The time has come. No more putting it off and kicking the can down the street and waiting for the FBI or waiting for this; it's time we took charge. We're elected to do this and we haven't been doing our job, and it's time we start doing our job.

LEG. BROWNING:

And I'm not going to be anybody's water boy, or girl.

P.O. GREGORY:

Okay, Legislator Fleming.

LEG. FLEMING:

I'm nobody's water boy or girl.

LEG. BROWNING:

(Laughter).

LEG. FLEMING:

And the idea that we're being used here I completely disagree with. I think we have a responsibility. We are faced with a circumstance in which a very senior, very powerful member of Suffolk County government has been asked to make a simple step, which is to give his financial disclosure statement publicly. He could fix this by doing that rather than waiting for the Ethics Board to do it or to answer. That's a serious, serious consideration. This is somebody who is affecting day-to-day lives. And we, as members of the Legislature, are acting as no one's water boy when we take responsibility for our oversight functions. And as Chair of the Ways & Means Committee, which is responsible for overseeing full implementation and enforcement of the laws of Suffolk County, I feel that it's time, as Legislator Trotta says, to take action.

And I think we need to be clear also that my understanding -- we've been asked by Deputy County Executive Schneider to invoke this law that allows us -- would allow us to get something with a two-thirds vote. We've been advised by Counsel that that is triggered by the denial of a request by us as a Legislative body, not by the denial of a request from another actor. So by issuing the request or making the demand through the committee, we then -- if it's denied, we then -- that would then trigger our ability to make use of that legislation and, if we had a two-thirds majority, order that the document be released. But I don't think that we can do it at this point because -- you know, according to Counsel. But we do have to take action and I am proud to be able to have the

opportunity to do that and I hope you will all support it.

P.O. GREGORY:

We are also -- well, I guess mostly you, Rob; we're talking about two different things, right? So the action that Legislator Fleming is looking to do in regards to the Ways and Means Committee is a reaction to the Board of Ethics' actions in denying what some perceive in a wrongful way the disclosure of the financial form. You were talking about the individual actions of Mr. Prudenti and whether they're illegal or not; those are two different things. So the Ways & Means Committee, nor this body or nor I have instituted a committee to investigate Mr. Prudenti's actions, so part of what you're saying is not on point. What the request is about is, you know, there are many of us that feel that this information should be disclosed and the Board of Ethics was wrong in their determination in not disclosing it. But that's what you're seeking to do with -- you're going to send a letter, have a special meeting to seek that clarification.

LEG. FLEMING:

Right, that's accurate.

P.O. GREGORY:

Right.

LEG. FLEMING:

I mean, the basis -- the purpose for our inquiry is going to be to determine the basis for the denial of the FOIL request. But DuWayne, the reason -- in my mind, the reason why it's critically important that we act is because -- really because of Mr. Prudenti's power and the inherent conflict in, you know, what might be in his financial disclosure form and the decisions that he's making with regard to the defense bar or to various, you know, individuals who are being charged or being offered plea deals. I think that does play a role in this. You know, as Kate said, this isn't -- I don't think this is just an ordinary person. This is someone who has a very important role in Suffolk County government, and I think we as oversight actors in government have an obligation to take a super hard look at it.

LEG. TROTТА:

I mean, this could -- if I may. This could open up us to tons of lawsuits on people who took pleas and were longer than someone else who had a similar case and went on their boat. This could open up every case he's ever been involved with. So yes, am I concerned about this personal? I'm concerned on both levels. I mean, this could cost the County millions and millions of dollars. It could embarrass us, it could embarrass the District Attorney's Office. And we have clearly no faith in the District Attorney's Office because he's done nothing, zero; months have gone by, nothing. So, you know, we have an obligation to the taxpayers to do this. It shouldn't even be a question. We need to take the bull by the horns and take care of this.

P.O. GREGORY:

What is that?

LEG. TROTТА:

Excuse me?

P.O. GREGORY:

What is that?

LEG. TROTТА:

Get his financial disclosure, see what he says on it. If he said, *Look, this is what I did*, and it's all fine, it's all fine, we go on our way. But if he doesn't claim anything and says he didn't do anything,

now we've got a serious issue. Because apparently it's in publications that people would rent his boat, defense lawyers, I read the articles. So this is a very serious problem and this body needs to do something about it.

P.O. GREGORY:

How do you determine if the reports are accurate? Are you going to call people?

LEG. TROTTA:

Well, then you do an investigation.

P.O. GREGORY:

Are you going to subpoena people now?

LEG. TROTTA:

Look, this is what the the County Charter says, we are to perform investigations.

P.O. GREGORY:

No, I know what the County Charter says, but we're talking about the simple function of a Legislative committee. You're talking about an investigative body now. Whatever you look at --

LEG. TROTTA:

Let's take it one step at a time and see where we lead. Because without the first step, we can't do anything. We're going to be sitting here in the dark.

P.O. GREGORY:

Okay. All right. Anybody else?

LEG. FLEMING:

Can I just say --

P.O. GREGORY:

Oh, sorry.

LEG. FLEMING:

-- I do think we need to be mindful of the limits on our powers here. I mean, I do think that we need to take action in order to understand what seems to be a very significant action by a member of County government that doesn't seem to have a real foundation, and that's the denial of the FOIL request. But I don't know -- and we're not going to be able to solve all of the County's problems with regard to any wrongdoing in the District Attorney's Office. I think we need to continue to ask the Federal government to do what -- you know, what we had hoped would happen and take action here. But in the meantime, I think we just have to be very clear on what our responsibilities and what our powers are, and for me that means initially inquiring as to why this FOIL request was denied.

P.O. GREGORY:

Legislator Lindsay.

LEG. LINDSAY:

I'm having a hard time saying this; I'm in agreement with Legislator Trotta --

(*Laughter*)

-- and I would like to add myself as a cosponsor to his bill, which is historic in itself.

You know, I look at this in that we all fill out this public disclosure form with the understanding that at any moment, any citizen or media representative could file a request to receive it; and absent some personal information that we could request to be redacted, it's public information. So for us to sit here and argue whether on the merits of the procedure and so forth, I think we're over complicating the issue. To me it's a very simple request that was made. For whatever reason, the Ethics Board denied that request, I think we should still follow-up and find out why they denied that request and what their logic was and reasoning.

But at the same time, the fact that he is a prosecutor to me doesn't mean he should be held to a lower standard, he should be held to a higher standard. This person is solely responsible for individual's freedoms and has the power and authority to negotiate plea bargains and decide whether or not to send a case to the Grand Jury or how to prosecute someone for a crime. He has more power and authority over an individual's freedoms than we do. And to hold him to any less of a standard when it comes to public disclosure of his personal finances I think is a mistake. And I think, you know, we owe it to try to restore some faith in the District Attorney's Office and our criminal justice system to make this information available. We should -- ethics and transparency needs to exist at every level of government, but even at a greater level within the District Attorney's Office, and for us to try to argue over procedural issues regarding this request I think is a mistake and it's a disservice to the public. So I'm in favor of making this information available.

P.O. GREGORY:

Legislator Browning.

LEG. BROWNING:

Okay. So we have a Procedural Motion and we have a letter from the Chair of Ways & Means. So we don't need to approve a Procedural Motion; correct, George? I mean, the letter from the Chair of Ways & Means should be sufficient to have the Ethics Commission come to a special meeting; correct?

MR. NOLAN:

Well, right. I mean, they're two different things. I mean, Legislator Fleming is asking Samantha Segal, the Executive Director, to come and speak about that determination they made on the FOIL request on October 9th or 14th.

LEG. FLEMING:

Fourteenth.

MR. NOLAN:

This is a separate thing. The Procedural Resolution is saying, *Board of Ethics, give us that statement right now within five days.* I mean, Ethics coming to the Ways & Means Committee can happen without this resolution, certainly.

LEG. TROTТА:

Yeah, but will they bring it? We have a --

LEG. BROWNING:

Okay. Well, my question is, again, for the County Exec's Office, what did they do when they found out about this, and have they attempted to FOIL the information or are they throwing it on our lap? He was the one that brought the issue. He was the one that's complaining about it, so why hasn't he FOILED for the information. I don't know if, Jon, you want to answer that.

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

Sure. Good evening. The reason we came here this morning -- I feel like I'm rounding out your day -- is that, you know, as stated by the Counsel, the Ethics Counsel in the media, and as this Procedural Motion notes, simply put, we know why this FOIL was denied and this -- essentially, the County Executive's interest is in seeing this information shared transparently with the public.

As the Counsel to the Ethics Committee noted, the Legislature has the power via Procedural Motion to compel release of the documents, we don't. That's why we came to you. And as I noted, it's a rare thing. You know, we don't come often, it's something you don't invoke very often, but I think, you know, as Legislator Fleming, Legislator Trotta and Lindsay have noted, given the circumstances of this case, given the individual involved, we felt that it rose to a high enough level to bring it to this body.

LEG. BROWNING:

So --

DEPUTY COUNTY EXECUTIVE SCHNEIDER:

If we could bring the motion we would. If we had some equal power under the law to compel the release, we would; we don't.

LEG. BROWNING:

So at this point in time, I think that Legislator Fleming has a letter requesting that they attend, and I believe your letter does request that they bring the information also, or you could amend that letter and change it, right?

LEG. FLEMING:

I could, but my understanding -- we have -- I would have to ask Counsel about how I go about exercising subpoena power. But my understanding is that if we make the request at the meeting and the request is denied, we then have the opportunity, via two-thirds majority, to demand the disclosure. Is that right, George?

MR. NOLAN:

It has to be the full Legislature, it has to be a two-thirds vote of the full Legislature to get the documents.

LEG. FLEMING:

May I just ask? I thought -- maybe I misunderstood.

MR. NOLAN:

Maybe.

LEG. FLEMING:

But I thought it was because -- that we -- that Legislative mechanism of the two-thirds majority is triggered only when the subject denies a request by the Legislature; am I wrong about that?

MR. NOLAN:

I think maybe we did have a misunderstanding. We don't have to necessarily ask them to give us the documents and get a refusal before we pass a resolution or a Procedural Resolution like this. We don't have to wait for them to say no. We could pass a Procedural Resolution saying give us the documents now, or give it in five days. So I think -- and I apologize if there was a miscommunication on my part. So we could do this tonight. I think, you know, the Statute gives the authority to receive and review these disclosure statements and to release them to the Board of Ethics. Maybe I'm overstepping my bounds. I think before we demand a document from them, I

think we should hear from them because they may have some information that we --

LEG. TROTТА:

Well, that's not up to you.

MR. NOLAN:

I just said, it may be beyond. But this is my opinion, that I think we should give them an opportunity because there may be some information we don't have that they do have. There may be some -- I think they're wrong, but I would like to hear -- give them an opportunity to be heard before we took the step of saying, *Give us that document*. But it's up to the Legislature; you're right, Legislator Trotta.

LEG. TROTТА:

A while back I actually spoke to Samantha Segal on this very topic and she said you can get them with a majority, a super majority.

MR. NOLAN:

I think they're abdicating their responsibility if that's the posture they're taking. If the Statute gives them the authority and responsibility --

LEG. TROTТА:

Yeah, but we're abdicating our responsibility if we don't do it; that's the bottom line.

MR. NOLAN:

I think it's a copout on their part to say, *Hey, the Legislature should do this*.

LEG. TROTТА:

Well, one copout doesn't deserve another copout. We were elected to look after what's going on in this County and if we don't do this, we're not doing our job; plain and simple.

P.O. GREGORY:

Legislator Calarco.

D.P.O. CALARCO:

Thank you. You know, when we talk about -- and this Legislature has in the past issued subpoenas and talked about doing subpoenas. And at the end of the day, when we're talking about having to do a two-thirds vote to demand that this Ethics Board release documents to us in any form, it's basically us doing a subpoena; in fact, it's pretty much the same process. We have to have a two-thirds vote, I think, of this body to do a subpoena to demand documents, and it's a pretty strong step to take.

And I think you're right, Legislator Trotta, that we can't abdicate our responsibility on this issue. And I think there are -- there is a process and there are steps, and I think the first step is to call them in. And it's not as if we are saying we're not going to call them in until November 17th, we're going to let this thing go off a month and-a-half. Legislator Fleming, as Chair of Ways & Means, has issued a request for them to come in, she set a date for next Friday, so it gives them a reasonable amount of time to come in and be able to answer some questions. Because quite honestly, I don't understand where in our Statute they think that they can withhold these disclosure forms from the public. And I want to hear from them, I want to hear what they're thinking and I want to get -- understand the excusion (*sic*).

Now, taking that a step further, to be quite honest, we also know -- because the County Executive's Office shared with us the letter -- that they have asked for an investigation on this very issue of the

Ethics Board. In my reading of the portion of the bill -- of the law that speaks to our ability to ask for documents for them is actually specifically to their hearings that they have based on complaints and referrals. So based on their testimony and based on what we hear next Friday, I may very well feel that not only do I need to see the disclosure form, but I may want to hear and see what they're doing in terms of their investigation of that complaint. But that is something that is certainly not intended, in my opinion, to be done in the public view. It probably would require this body to hold a special session and go into Executive Session to do that, and I think that's exactly what was thinking when this law was written. Because four-and-a-half, five years ago when we were experiencing problems with the Ethics Board and we had to revamp the Ethics Board, this body convened an Ad Hoc Committee to do an investigation, and when the subpoena was issued, the Ethics Commission fought that subpoena. And that's why there was a provision put into the law specifically to tell them that when this body is investigating their hearings and their complaint investigations, they have to -- we have the authority to command them to give us documents.

LEG. TROTТА:

And we should be doing that right now.

D.P.O. CALARCO:

And I think we have to follow the process.

LEG. TROTТА:

No, this is the process.

D.P.O. CALARCO:

The first -- to me, the first step --

LEG. TROTТА:

The process is --

D.P.O. CALARCO:

I gave you your time. To me, the first step is we call them into committee, we get them to answer some questions, and if they can't answer those questions sufficiently, and if we have to go into Executive Session, I'm sure we can do that. But if they can't answer the questions sufficiently there, or they don't decide to come to that committee with this form, then we may decide that we have to take this further. But the first stop is to at least hear them out, because all we're getting right now is the letter that they sent to Newsday that we got secondhand and the reports that were being made secondhand, and I'd like to get some firsthand --

LEG. TROTТА:

I spoke to Samantha Segal and she said if you want to see any, there's a super majority --

D.P.O. CALARCO:

Well, let's see if she has that same sentiment when she's sitting before us..

LEG. TROTТА:

We're not doing our job. Our job is to investigate the stuff and to look into it. And to put it off and to put it off and to put it off is unconscionable and it's --

D.P.O. CALARCO:

I don't think calling them in before us next Friday is putting this off. I think that's dealing with it in the most immediate fashion.

LEG. TROTТА:

We have an obligation to get this done as quick, as soon as possible. It's been going on and on. Enough is enough.

D.P.O. CALARCO:

So let me ask you, Legislator Trotta; what is the next step after we pass your bill then?

LEG. TROTТА:

You look at what you have and you decide what you want to do.

D.P.O. CALARCO:

And then what?

LEG. TROTТА:

If it says, okay, he reported everything he was doing, then we're fine. If it fits the bill, it's fine. If there's something wrong, I want to know why the Ethics Board took five months. I want to know why they sat on it for five months.

D.P.O. CALARCO:

Five months for what?

LEG. TROTТА:

If I can look at it and say, *Look, something's wrong here. What took you five months?*

D.P.O. CALARCO:

You're talking about --

P.O. GREGORY:

Okay, one at a time.

D.P.O. CALARCO:

-- the question of a document, of a financial disclosure form. The letter that I have in front of me that was sent to Newsday from the Board is dated July 11th and it stated that *as of your letter of appeal received July 11th*, so they give them a pretty forthright response.

LEG. TROTТА:

I'm not talking about that. I'm talking about the County Executive, when he wrote a letter to them five months ago asking for an investigation and nothing was done for five months. Maybe this coincides with something, they're trying to get to a certain date.

If that is happening, then we have a problem with the Ethics Board; maybe the Ethics Board is doing something wrong.

D.P.O. CALARCO:

That's why I think first step is to call the Ethics Board in here for a --

LEG. TROTТА:

No, the first step is to get the paperwork here. We're not showing it to anybody, we're going to have it. We were given this ability to do it, we are chartered to do it in the County Charter, and by not doing it we're not doing our job, plain and simple. You can just pawn it off all you want, but the reality is you don't want to do it because there's something you're hiding or someone's hiding. What is the down side of having it in front of you?

D.P.O. CALARCO:

I don't think asking them to come and sit at that table in front of me so I can have a conversation

with them is hiding behind anything.

LEG. TROTТА:

They're responsible to us. We're the elected officials in this County and we have a responsibility to the taxpayer to look for it, not to wait and to hold off and ask them and then we'll do it again. Come on, let's get this done.

P.O. GREGORY:

Yeah, and you were at a press conference calling for them to resign before any of this happened.

LEG. TROTТА:

And I was right, wasn't I?

P.O. GREGORY:

Your mind was made up months ago, so.

LEG. TROTТА:

Maybe I have a little insight into this.

P.O. GREGORY:

Maybe you do, maybe you don't. But you certainly, you know -- so to say that the process has been done when you've been itching to investigate and jump in from the beginning I think falls a little bit on deaf ears.

LEG. TROTТА:

I have no -- this guy in particular I don't know anything about.

But the fact that it's being delayed, delayed, delayed concerns me. Something's going on here and I want to know what it is, and we have an obligation to the taxpayer to find out what it is.

P.O. GREGORY:

Okay. Legislator Browning and then McCaffrey.

LEG. BROWNING:

Okay. And again, when you say investigate, I don't know what you mean when you say investigate because we don't have the power to do much once it's investigated and there's an end result, but let me finish. So I would assume, and I can almost bet there is an investigation, and it's called the U.S. Attorney's Office. And I have continued to say, and even when Mr. Walsh was doing what he did and the U.S. Attorney's Office was investigating it, let them do their job. Okay? That's not --

LEG. TROTТА:

This has nothing to do with a criminal investigation. This is an ethics violation we're looking into.

LEG. BROWNING:

Hold on.

LEG. TROTТА:

It has nothing to do with them.

LEG. BROWNING:

Okay, you want to separate the two. There is a possibility that there is a criminal investigation based on a FOIL, okay?

LEG. TROTТА:

What does that have any --

LEG. BROWNING:

The other issue is --

LEG. TROTТА:

Doing this has no effect on it.

LEG. BROWNING:

This letter, this letter is dated in July. Why did the County Executive all of a sudden decide in October that he's going to have a press conference wanting to know where all this stuff is? This is dated in July; where the hell was he over the past couple of months? Surely he's seen this before August 1st.

So, again, I really do think we're being used, and I think that what we should do is align the Chair of Ways & Means to have that meeting on Friday the 14th and let her do the questions and any other committee member --

LEG. TROTТА:

Let's just vote.

LEG. BROWNING:

-- question what needs to be done. My question is, too; George, are we open for any lawsuits? I mean, I would assume the possibility is there's a Federal investigation, and are there any lawsuits that we could be opening ourselves up to?

MR. NOLAN:

By doing what; by passing --

LEG. BROWNING:

By passing this or doing anything.

MR. NOLAN:

No, I don't think so.

LEG. BROWNING:

Okay. I still think we should just allow the Chair of Ways & Means to do what she's got to do, and if the end result is not satisfactory, then we can follow-up with that.

P.O. GREGORY:

Legislator McCaffrey.

LEG. McCAFFREY:

Yes. And I agree with Legislator Browning, that we should leave it up to the Ways & Means Committee Chairperson. But I believe at that meeting that she should have in her hand, the committee should have at their disposal the information that we need to request here tonight, and that is the financial disclosure form so they can ask them clear, accurate and probably some deep questions with that in their hand. And by passing this Procedural Motion, I think it puts them in a better position to make a decision about what happened at that time and those places. And really what's going on here, as opposed to having to wait for us to reconvene and do another vote, a supermajority vote. It is not being released to the public, this is staying within -- being given to the Ways & Means Committee and so I see no harm in that. And I think this gives them the ability to

ask the questions they need to ask and get the truth out about this and try and start the process of restoring some faith in the criminal justice system here in Suffolk County.

P.O. GREGORY:

Okay. All right, so we have a motion to commit to committee and a motion to approve. Motion to commit to committee goes first. Roll call.

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

P.O. GREGORY:

Yes.

D.P.O. CALARCO:

Yes.

LEG. SPENCER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

This is to commit? Yes.

LEG. McCAFFREY:

I'm confused.

P.O. GREGORY:

Commit to committee. Motion to commit.

LEG. CILMI:

Commit the Procedural Motion to committee, so we would have to go through the committee process.

LEG. KENNEDY:

You want to go through the committee process?

LEG. CILMI:

This has nothing to do with what Bridget's --

LEG. LINDSAY:

George, can you give us some clarification? If we vote in favor of committing it to committee, then we don't vote on the procedural motion that's --

MR. NOLAN:

Right, it's being --

LEG. LINDSAY:

One or the other, okay.

MR. NOLAN:

You're sending it to committee to be considered there.

LEG. FLEMING:

George, can I just ask to follow-up on that question? So if that were the case, then the committee could meet with the witness coming before us without the document. We would have to --

MR. NOLAN:

We wouldn't have to --

LEG. FLEMING:

-- discharge it or approve it from committee, then it would have to come back for another cycle --

MR. NOLAN:

Yes, yes.

LEG. FLEMING:

-- of a General Meeting. So it's possible that we could call this Special Meeting, have the folks from the Ethics Board speak to us as to why they denied the request without our having the actual document to work with.

MR. NOLAN:

It's possible, yes.

LEG. FLEMING:

Even though we do have the authority to call for the document by a two-thirds majority now.

MR. NOLAN:

Yes.

LEG. FLEMING:

Okay. Thank you.

MR. NOLAN:

We're in a roll call whether this is going to be committed to committee; and if we do that, we're not going to vote.

LEG. McCAFFREY:

Okay, I got it now. No to commit.

LEG. TROTТА:

No to committing.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MARTINEZ:

No.

LEG. LINDSAY:

No.

LEG. ANKER:

Yes.

LEG. HAHN:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

No.

LEG. KRUPSKI:

Yes.

MR. RICHBERG:

Seven.

P.O. GREGORY:

Okay. Motion to approve.

LEG. D'AMARO:

DuWayne, on that motion to approve?

P.O. GREGORY:

Yep.

LEG. D'AMARO:

I just want to make it clear, I'm going to support the motion to approve. And just so it's clear in my mind, Newsday made a request, it got denied, it's a FOIL procedure, there's a process for that. Where -- the ten years I've been here, I've never been put in a position of determining whether a FOIL denial should be upheld or not; it's not about that. Right, so I just want to make that clear, that this is not about exercising our authority to question a FOIL denial on its face, so I don't think that's what we're doing tonight.

LEG. McCAFFREY:

No, we're not.

LEG. D'AMARO:

The way I read this bill, it says that it would just simply push this document over to the Ways & Means Committee as part of our oversight function, oversight of this Ethics Board, or Board of Ethics. Which I read the decision that they issued and, I don't profess to be an expert, but the first, you know, four paragraphs of it talks about disclosure of names. It's completely not on point. It just makes no sense, this decision.

It alludes to some other possible justifications for not releasing, but at the end of the day, this is a public document. This is not a secret document, this is a public document that is, as a matter of

routine, for everyone else is always released to anyone that requests it through a FOIL request. So when I see a three-page Ethics -- Board of Ethics decision that says *We are going to write a three-page decision that's very convoluted to support our decision not to release a public financial disclosure statement*, gives me pause. And it's my job to exercise oversight over a committee or any board or agency in this County that's giving me pause.

So I'm not saying they're wrong, I'm not saying that I'm right. All I am saying is that if you're going to have a real oversight function here and bring in a Board of Ethics representative and ask them to really explain this -- it might have to be in Executive Session, that's fine -- how could you not have the document? I mean, what if the document would show you that there is something to hide? I mean, we just don't know. I'm not making that allegation, I am not a criminal investigator, I am not a FOIL officer or, you know, an Appellate Court. But all I'm saying is that I don't think it's unreasonable, given the fact that we're talking about a public financial disclosure statement, which if anyone here, if Newsday requested that about anyone else here it would be sent over to them in 30 seconds flat, I don't think it would even take that long. I mean, at what point do I say, *Board of Ethics, explain this to me*. So I think it's right that Legislator Fleming wants to have that meeting, they can call it in, they can justify it, they can tell us it's the right thing to do and here's why. But I don't see how you exercise that function without the document in front of you, I think you need to see the document.

So for that reason, I'm definitely going to support this. I mean, if I'm going to have this committee asking tough questions to get to the bottom of this denial of releasing a public document, then I want to give them every tool possible to work with and one of those things is going to have to be this disclosure statement. So I'm going to support this.

P.O. GREGORY:
Legislator Cilmi.

LEG. CILMI:

Yes. Thanks, Mr. Chair. I just have a legal question. Not sure if it would change my mind on this or not, but I think it's worth asking.

So Newsday issues -- submits a FOIL request to Board of Ethics, Board of Ethics denies that FOIL request; there's a means, I suppose, for Newsday to appeal that. The Legislature then gets involved and compels the Board of Ethics to release the disclosure statement to us. Does that then put that disclosure statement in some different realm which then can be more easily obtained by Newsday through either a FOIL request to any one of us or some other mechanism?

MR. NOLAN:

Well, I think once we get it, then I think it is strictly a Freedom of Information question. And if Newsday FOILed us, or any other news organization, we'd have to examine it under FOIL. And, you know, off the top I can't -- you know, I'm not the FOIL officer for the Legislature, but we just have to see if it -- I mean, I may speak, but I don't know the answer to that question. It would just be a FOIL question.

LEG. CILMI:

So Jason never gets a chance to speak (*laughter*).

MR. RICHBERG:
I like that.

LEG. CILMI:

So if I could, through the Chair, let me just ask Jason. I mean, if you don't know the answer, that's fine.

MR. RICHBERG:

Can you just repeat the question?

LEG. CILMI:

Yeah. So we're going -- if we compel the Board of Ethics to release the financial disclosure statement in question to us and then Newsday files a FOIL request with any one of us to disclose that document -- so you have the Board of Ethics that declined the request, now the document has been given to us. Are we -- do we have an obligation at that point to disclose the document that's different than the Board of Ethics' obligation?

(Brief Pause)

LEG. McCAFFREY:

I'd say he doesn't know.

LEG. CILMI:

I know. Sorry; it looked like you wanted to chime in, so. You don't know, okay.

MR. NOLAN:

I think the idea that we're just going to get the document and nobody else is going to see it; that may not be true.

D.P.O. CALARCO:

I have never known that to be true.

P.O. GREGORY:

So the question is if the information is released at committee, does that deem it to be public information outright? I tend to not think so, but -- all right, I have several speakers. So Legislator Stern?

LEG. STERN:

So if the Procedural Motion passes -- it's a question for George. If the Procedural Motion passes, according to this, it then directs the committee to provide the statements to the Ways & Means Committee within a time period. So my question then, George, would be what -- physically what does that mean? So there's a document that is then going to end up where and when and with who? And my concern would be starting to be raised, what rules apply at that point to this document that has been deemed by the Ethics Committee to be unFOILable? Whether anybody agrees with that or not, it does have that same status when it comes over to us. And then ultimately, who makes a determination and what is the process for that? As of right now, those are unanswered questions.

Do you have an idea as to -- my first question is the document comes over; who then takes custody of it? Who's responsible for keeping it confidential, unless there is some determination made otherwise to no longer keep it confidential. And I think -- I'm asking for many reasons, but the most concerning to me is -- and correct me if I'm wrong, but this is being done pursuant to Section A30-8 of the Code. And so Section A of the Code spells out the process and it also has the clause that says that the request for records has to be approved by the two-thirds vote of the Legislature, that's what we are determining right now.

Section B says then, under the confidentiality section, Section B then says, *by the way, anybody who now has custody of these documents cannot release them because of the confidentiality requirement, and anybody that does release them, punishable by a fine of not more than \$1,500 or imprisonment of not more than 15 days.* So whoever then comes into custody of these records has

to have a full appreciation, the way I read this, that whoever then takes custody is really stepping into the shoes of whoever was charged with custody of the documents at the Ethics Commission. We are essentially now taking their place in terms of the confidentiality duty and the duty to maintain custody over these records; again, unless some other determination is then made.

So my question then, George, what is the process? Who then takes custody of these documents? Who then is responsible and who steps into the shoes of members of the Ethics Board that would be bound by the duty of this confidentiality until some other determination is made?

MR. NOLAN:

Well, I think exactly how the Legislature is going to get or how the committee is going to get the documents I think is something that is going to probably have to be worked out with the Board of Ethics. Whether it's going to go -- they're going to send one copy to the Chairman and she'll distribute it to the membership, but it should stay with the membership. They should have disclosed that until such time as you say, a determination is made, that it should receive a wider dissemination.

The other thing I'll note, Legislator Stern, the section you talked about, the confidentiality requirements are really just applicable to the Board and the people who work for the Board. It doesn't talk about What happens if the Legislature requests a document and gets a document. So to me it's, an open question. We're in unchartered territories, obviously, and I think there's a lot of questions.

LEG. STERN:

So is it your then -- just one question. George, is it your opinion then that Section B does not apply to the members of the Ways & Means Committee in this situation, that they don't then step into the same shoes with the same duty of confidentiality that the Ethics Board currently has?

MR. NOLAN:

That section only applies to the Board, but there may be other sections -- there's many -- there's several different sections that apply to ethics in the Administrative Code, in the Charter. So I can't say -- I don't know the answer in terms of our confidentiality obligations once we get those documents. And if somebody makes a FOIL request for that document, I don't know what the determination is going to be made in terms of releasing it to somebody; I don't know the answer to that yet.

LEG. CILMI:

If I may, just to address this issue quickly. Would it be prudent, then, to, in making the formal request -- if this passes this evening, would it be prudent in making that formal request to suggest -- to ask the Ethics Board to release the document to Legislator Fleming as Chair of the Ways & Means Committee. She then holds one copy, holds one copy, and when we meet on the 14th, can share that copy at the meeting but not for copy purposes, with the members, the members of the committee can review the document, but this way you don't have seven -- I don't know how many members there are on Ways & Means.

LEG. FLEMING:

Seven.

LEG. CILMI:

But you don't have seven copies of a document floating around, you only have the one, and we've all had an opportunity at that point to see it. It's just a suggestion.

MR. NOLAN:

If that's agreeable to the members of the committee, then I think it can be handled that way. But again, that is something that is going to have to be worked out after tonight.

LEG. FLEMING:

The Procedural Motion does say release it to the committee, so not to the Chair; I don't know if that makes a difference, George.

MR. NOLAN:

I think you can -- I think if the committee is agreeable to you receiving a copy and then getting copies at the meeting or reviewing one copy -- if the members are agreeable; I don't know if that's going to be the case, maybe everybody wants their own copy, I don't know.

LEG. TROTТА:

I think we should vote on it first, it might be a moot point.

P.O. GREGORY:

Yeah, let's -- you know.

MR. NOLAN.

Let's see what happens.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

I'm just trying to get -- because I'm not a {headro} lawyer, I'm trying to figure out what you're talking about.

(*Laughter*)

So I'm looking to our legal Counsel for advice, for legal advice here, and you're saying you don't have an answer. So if the Ethics Board says they can't release it and we get a hold of it, I still never got a clear answer. A number of people have asked that and we get a hold of it, then everyone's kind of speculating as to who holds it, who releases it to who and at what time? And at what point -- it seems like at that point it's out there in the universe. And then if somebody comes in and says, *Well, the Ethics Board was right*, then what happens, if it's been released? Because I didn't read anything about their decision, and I'm not saying I would understand it completely if I read it either, but at what point when we get that information do we release it? I mean, the committee can meet. What's the committee going to do when the committee sees it and meets, what course of action are they supposed to take?

P.O. GREGORY:

Well, that's exactly why we should take our time and not be rushed into this situation. We are not the aggrieved party. We were at -- you know, this is at the request of the County Executive at -- well, not even at the request of Newsday. Newsday is the aggrieved party, they have other options. But we're being pushed in this position because the County Executive wants to push the issue because of whatever reason, but, you know, that's why we're discussing this. So -- and we're not even clear as to what liability, if there is any liability, of any individual here disclosing that information. Some think it fully should be made public and there's no liability, others have concerns that if we receive it and disclose it, there is liability. So to rush through this process without having that clear answer I think is wrong; I think is absolutely wrong.

LEG. TROTТА:

It just looks like you're looking for reasons not to do your job.
It's plain and simple.

P.O. GREGORY:

You always think that, so I'm not even going to entertain that.

LEG. TROTТА:

It's our responsibility to do --

P.O. GREGORY:

Can you answer the question? Can you answer the question that I just mentioned?

LEG. TROTТА:

Yeah. Guess what? We're all elected --

P.O. GREGORY:

Then we'll all stand in front of the DA's Office, *He's a crook, he should resign.*

LEG. TROTТА:

We are not going to show it to anybody, we're going to hold on to it, we're going to discuss it with the Ethics Committee, plain and simple. We're all adults here. You hold onto it, you look at it and you discuss it with the Ethics Committee.

P.O. GREGORY:

Yeah, but what if it doesn't? What if it doesn't?

LEG. TROTТА:

Then you look into that.

P.O. GREGORY:

What if it gets in the wrong hands?

LEG. TROTТА:

Then you look into it.

P.O. GREGORY:

Are you going to pay for some of these costs?

LEG. TROTТА:

What you're saying is you don't want to do your job.

P.O. GREGORY:

I'm not saying I don't want to do my job.

LEG. TROTТА:

That's exactly what you're saying.

P.O. GREGORY:

That's because you're trying to push me off a cliff; that's what I don't want to do.

LEG. TROTТА:

It's been five months for this.

P.O. GREGORY:

Right.

LEG. TROTТА:

Okay.

P.O. GREGORY:

And before five months you were still asking for someone to resign, so you made your conclusion.

LEG. TROTТА:

And what are we going to do? We're going to talk about it again. So what's the answer; are we going to -- our lawyer doesn't know; he's our attorney, he doesn't know. So listen, we've got to make choices in life.

P.O. GREGORY:

So our Counsel doesn't know so we should just move ahead without understanding?

LEG. TROTТА:

Yeah. We'll take it, we'll give it to the Chairwoman and we'll meet and we'll discuss what's going on. That's our job to do it. We can't be afraid to do our job.

P.O. GREGORY:

No one is saying anything about being afraid. I fully support the Chair of the Ways & Means Committee doing her job, making an inquiry, but demanding the Ethics Board to provide -- in fact, it's 15 years of information. And not even having a full comprehension or understanding of the consequences if someone releases that information to the wrong party I think is irresponsible.

LEG. TROTТА:

It's not irresponsible.

P.O. GREGORY:

It is irresponsible.

LEG. TROTТА:

We're not going to release it to anybody, plain and simple.

P.O. GREGORY:

I'm saying but what if?

LEG. TROTТА:

What if --

P.O. GREGORY:

You can't even answer a what-if.

LEG. TROTТА:

You can what-if this to death forever.

P.O. GREGORY:

No, I just asked one question.

LEG. TROTTA:

What if a lawyer says and then another lawyer says something different; now what do we do?

LEG. FLEMING:

Mr. Presiding Officer?

LEG. TROTTA:

What if one lawyer says one thing, another lawyer says another thing; now what do we do? We get frozen in time and do nothing? Doing nothing is not an option here. Let's get this going.

P.O. GREGORY:

No one's talking about doing nothing.

LEG. FLEMING:

May I make -- I don't know if this suggestion would make a difference or not, but I wonder if Mr. Trotta would be willing to amend the Procedural Motion to say that the documents should be provided on or before the 14th to give the Ethics Board the opportunity to bring the document with them to the committee so we don't have that question of is it going to be released prior to the committee proceedings.

LEG. TROTTA:

If we can vote on that tonight, I have no problem with it.

P.O. GREGORY:

Okay. Legislator Anker, you still want -- you still have a question or a statement?

LEG. ANKER:

Yeah. This is just going on way too long. I mean, I think we've been here for 15 hours if you include lunch, and some people didn't even take a lunch. So I just want to bring up the point, the July 11th reply from the Ethics Committee, why they didn't release it. And it says, basically, courts have routinely upheld the use of Exemption 7-F to protect law enforcement agents. And Legislator Trotta, you were a law enforcement agent; what if there's still an investigation going on and there's names or there's information of law enforcement agents that are still working on certain cases?

LEG. TROTTA:

On his FOIL request there's no -- you know what the full -- what this document is.

LEG. ANKER:

No, we don't. No, we don't know what's in that document, that's why it's being FOILED.

LEG. TROTTA:

No, what I'm saying is what they asked for; it's all financial background, that's all it is. It's not going to expose anybody's name that he's doing it with, that's not on it.

LEG. ANKER:

But that's what they're saying the reason why they're not releasing it.

LEG. TROTTA:

Well, as our Counsel said, he didn't agree with this. Now, I'm suspect that the Ethics Board -- not the Ethics -- yeah, the Ethics Board is doing this for some reason, that's my concern. There's some reason going on that they're putting this off for months.

LEG. ANKER:

So I think that's a conversation that can be had between the Ethics Board and the Legislature.

LEG. TROTTA:

Everything else they could redact. If there's any problem with anything, which I know there's not, it's strictly financial information. I mean, we have a job to do.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

Just give it to the Chair; not to put Bridget in the bad position, but she is the Chair. Give it to the Chair, you have one copy, you have minimal risk of that copy getting made public. Anybody can go look at it at Bridget's Office prior to the committee meeting, if they wish. Anybody on the committee can go look at it. What, you don't want people at your office?

LEG. FLEMING:

No, people are all welcome to drive an hour-and-a-half to my office.

LEG. CILMI:

Anyway, you understand my point. My point is that that way you limit the exposure of the document significantly --

LEG. FLEMING:

Based on the discussion --

LEG. CILMI:

-- and yet we still have access to it.

LEG. FLEMING:

Well, based on the discussion here, I think we would serve the purpose of the general -- serve the general purpose by having the document returned to the committee on the special hearing date.

LEG. TROTTA:

I have no problem with that, if we can get a change real quick, vote on this and go home.

LEG. FLEMING:

I'll second that.

LEG. McCAFFREY:

Just like the Mets.

LEG. FLEMING:

Could I just clarify my position, though, Mr. Presiding Officer? You talked about being an aggrieved party and that we're not the aggrieved party. I'm not acting on anyone's behest here. I think it's really important that if we see something that appears to be questionable with regard to the exercise of power by someone in power in County government, we, and particularly the Ways & Means Committee and those -- you know, all of us who have a responsibility for oversight of ethics, have a responsibility to act, regardless of if it's Newsday or, you know, my cousin Mary. It's still our job.

P.O. GREGORY:

Absolutely. And all I'm bringing up was 36-hours ago, maybe a little longer ago, this wasn't an issue

until there was a press conference and there was conversation about having a CN, and then there was a conversation of, *Well, we can't do the CN, so let's do the Procedural Motion*. So here we are having this conversation and we're here at 11:30 at night because of the County Executive's initiative to have us, quote/unquote, you know, "*exercise our oversight functions*". And the intention was to release the information, not for the committee to exercise oversight, but to release the information for which Newsday could not get themselves. So Newsday's an aggrieved party in that instance.

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

LEG. FLEMING:

I appreciate that, but I think at this point we're all professional. This body works very well, I think, and I think at this point we're taking on our responsibility seriously and mindfully, and I think this is a thoughtful approach.

P.O. GREGORY:

Yeah. No, I agree, this should go to committee. That's what we have committees for, to --

LEG. TROTТА:

All right. So could we change it real quick to be delivered on the -- whatever the date is?

MR. NOLAN:

You'll have to tell me what the changes you want to make before --

LEG. TROTТА:

On or before the 14th.

MR. NOLAN:

We'll have to take a short break so we can make the changes in the procedural resolution and circulate it.

LEG. BROWNING:

DuWayne.

LEG. TROTТА:

Motion to take a two-minute break.

P.O. GREGORY:

Oh, Legislator Browning.

LEG. BROWNING:

No. Again, I know that there's probably not too many. I know, George, you were here. There was a couple of us here when the former County Executive tried to interfere with the Ethics Commission, with the Ethics Board, and there were some revamping done. I believe -- Steve, I don't know if you were on that committee, right? And I just feel like it's history repeating itself. And I'm really concerned about us interfering where we should not be right now.

LEG. TROTТА:

Why don't we just vote on it and --

LEG. BROWNING:

Hold on a minute. That was quite a few years ago. And Mr. Walsh, I was the only one, along with

the Presiding Officer then, who stood up with me and stood by me and supported me when I said something needs to be done about this guy, right? I waited a very long time. And you, having had worked with the Feds in the past, should have a lot more confidence in their ability to do their job, and that's where I'm going to put it.

You want to go on about Burke, you want to go on about Burke. Well, guess what, they did their job and the guy is going to jail. He's still in jail, in fact, and so is Mr. Walsh. And I think if there's any wrongdoing -- and, again, if we get this information, no matter what happens, we can get this information until the cows come home, you cannot prosecute. There's not a damn thing you can do about this. Let the Feds do their job, because I have no doubt in my mind --

LEG. TROTТА:

Isn't it sad --

LEG. BROWNING:

-- that they are doing their job, and they will prosecute to the fullest, and I hope they do.

LEG. TROTТА:

Isn't it sad that we have to resort to that, that we can't take care of this ourselves? That's the entire point.

LEG. BROWNING:

It's not --

LEG. TROTТА:

It's sad that we --

LEG. BROWNING:

No, we are not taking care of this, because there is a Federal investigation, I guarantee it, and you know for a fact that if there is, they will do a good job.

LEG. TROTТА:

Okay. I'm not -- maybe there isn't, who knows, but the bottom line is we --

LEG. BROWNING:

We don't need to take care of something the Feds are doing.

LEG. TROTТА:

We need to take care of it ourselves.

LEG. BROWNING:

No, we do not need to take care of something that the Feds are responsible for.

LEG. TROTТА:

Your job is to do -- is to investigate the things that are a problem. Apparently, you don't want to do your job.

LEG. BROWNING:

I do my job. And let me tell you, there was many a time where I was on the hot seat because I was doing my job and I was the only one that spoke out. So don't tell me I'm not doing my job.

LEG. TROTТА:

I think you do.

LEG. BROWNING:

I've already talked about the District Attorney and how he should step down. Well, guess what, I was one of the only people that did it, too, so don't tell me I'm not doing my job. But I do believe --

LEG. TROTТА:

I can't think of a reason why you don't want this.

LEG. BROWNING:

I do believe that the Federal Investigators and the U.S. Attorney's Office will do their job, and you know they will, and it will be done, and they will do everything that they need to do and they'll prosecute to the fullest. Let them do their job, because even if you get this information, there isn't a damn thing you can do. You cannot prosecute. There is absolutely nothing you can do. They're going to --

LEG. TROTТА:

Maybe --

LEG. BROWNING:

But even if you get the information --

LEG. TROTТА:

Maybe they did nothing wrong.

LEG. BROWNING:

-- what do you propose to do with that when you get it?

LEG. TROTТА:

Maybe we'll give it to the Feds. Maybe they don't have it, we'll give it to them.

LEG. BROWNING:

What makes you so sure they don't have it?

LEG. TROTТА:

What makes you so sure they do?

LEG. BROWNING:

Well, maybe you can make a phone call.

P.O. GREGORY:

Okay. All right. So what are we doing? Are we making a change or what?

D.P.O. CALARCO:

Nope.

LEG. TROTТА:

Make a change.

D.P.O. CALARCO:

There's no way.

P.O. GREGORY:

Making a change on or about --

D.P.O. CALARCO:

It's your resolution, you can do whatever you want.

MR. NOLAN:

What is the change you want, Legislator Trotta?

LEG. TROTТА:

Just on or --

LEG. FLEMING:

Before.

MR. NOLAN:

And the date?

LEG. MC CAFFREY:

On or before.

LEG. TROTТА:

On or before whatever the date of the meeting is, August 14th at 10:30.

LEG. KENNEDY:

On or before.

LEG. TROTТА:

Before the meeting.

D.P.O. CALARCO:

If it's on or before, they may not bring it until the day of.

P.O. GREGORY:

All right.

MR. NOLAN:

That's fine.

LEG. TROTТА:

That's fine. Only -- it's only 20 pages, so we can read it.

D.P.O. CALARCO:

You asked for 15 years worth.

LEG. TROTТА:

Well, you'll know quickly, believe me.

D.P.O. CALARCO:

It's 20 pages, 15 years worth of disclosure statements.

P.O. GREGORY:

Okay. Well, while we have the new amendment, let's take a five-minute recess.

(*The meeting was recessed at 11:22 p.m. and resumed at 11:29 p.m. *)

P.O. GREGORY:

Okay, everyone, we're back in session. We have the amended procedural motion with the added addition. The last line is to Ways and Means Committee of the Suffolk County Legislature on or before October 14th, 2020.

*(*Laughter*)*

2016. All right. So do we have to do a -- we have a motion. Do we have to do another motion?

MR. NOLAN:

No.

P.O. GREGORY:

With the amended? We have a motion and a --

MR. NOLAN:

Make a motion.

P.O. GREGORY:

All right. I need a motion by -- a motion by Legislator Trotta.

LEG. TROTTA:

Motion.

P.O. GREGORY:

Second. Who's the second?

LEG. BARRAGA:

I'll second.

P.O. GREGORY:

Second by Legislator Barraga. Legislator Barraga.

LEG. BARRAGA:

I have questions. I'm reading the Resolved Clause, but I can see them coming back -- I can see them coming back and saying, "You know, we're not going to give you the financial disclosure statements. The only way we're going to do it is if you authorize it through a super-majority. Otherwise, we're not going to give to a committee. We want to see the Legislature as a whole getting that 12 votes that are necessary, then we'll release the documents." I can see them easily coming back and not giving you the financial disclosure predicated on what they've already told you.

P.O. GREGORY:

That's what this is. You need 12 votes to pass this.

LEG. BARRAGA:

All right. If this covers it, but all right.

P.O. GREGORY:

On the motion, Legislator Kennedy, and then Rob.

LEG. KENNEDY:

Is this our purview, since not one of us on the Legislature has requested -- has FOILED the

information? It was Newsday that FOILed. So my question is, is it in our purview to even do this until one of us files a FOIL?

MR. NOLAN:

We don't have to file a FOIL to pass a resolution like this, it's not a precondition.

P.O. GREGORY:

Legislator Calarco.

D.P.O. CALARCO:

I was told we need to vote for this so we have these documents before the meeting. If they bring these documents at 5 o'clock on the 14th of October, what does that mean, George?

LEG. FLEMING:

It's says before --

D.P.O. CALARCO:

No, it doesn't. It says on or before October 14th. We often get documents at the end of the day.

MR. NOLAN:

Rob, you're very smart.

LEG. TROTТА:

Should it be 10 a.m. on October --

MR. NOLAN:

Yeah, it should be in there.

LEG. TROTТА:

Print out another one?

MR. NOLAN:

Sure, here we go.

P.O. GREGORY:

Legislator Krupski.

LEG. TROTТА:

On or before 10 o'clock.

LEG. KRUPSKI:

So I'm not -- I'm still not clear on when the committee gets these documents, then what their responsibility is. And then as a -- as an elected body, what our responsibility is to do with that information that's -- that we -- that we get.

LEG. D'AMARO:

Can I answer that?

LEG. KRUPSKI:

I would be happy to have Legislator D'Amaro answer that.

LEG. D'AMARO:

Through the Chair, I'll just take a shot at that. So, for example, so we have an Ethics -- a Board of

Ethics that issued an opinion; in the first four paragraphs of that opinion site numerous cases about revealing identity and how that could be dangerous and threaten someone in a law enforcement or undercover position. So I'd like to have that financial disclosure statement in front of me and point to it and say, "Show me in this document what name is going to be disclosed that you're referring to in this decision. Show me. I want to see what you're talking about." Can't do that without the document.

LEG. KRUPSKI:

No, no, I'm not -- I'm not saying that. But you're going to -- after you review that and you get an answer, then what do you do with the information that you have? So you might -- there's two scenarios, then, and correct me if I'm wrong, George. There's -- scenario one is you say, "My goodness, we've had an exhaustive conversation with the Board of Ethics and we agree with them, they shouldn't be released." Right? Scenario two is, "We disagree with the Board of Ethics and we think these should be released." And at that moment, are they -- do they become completely open and public?

LEG. D'AMARO:

I would suggest to you that, as our Counsel noted, that the provision of the code that we're looking at is silent as to whether or not any documents that this Legislature obtains under this statutory provision, it's silent as to what -- whether or not we can publicly disclose those documents. So my answer would be that the code provision doesn't prevent us from disclosing it publicly. However, if there's some other provision in the law that protects these documents, no matter whose possession they're in, then I want to know about that. But that is the -- that is a determination that can be made later on. We don't need to make that in order to have perhaps an Executive Session with this committee to ask very pointed questions to justify this decision, because I think that what the Board of Ethics did here is very suspect when it comes to a public document.

LEG. KRUPSKI:

So you're saying there's -- the third course, then, would be to just withhold public disclosure until you got further clarification?

LEG. D'AMARO:

No. I think -- I think that, at that point, we would either ask our Counsel, or if we needed an expert legal opinion as to if there's any other provision in our code that prevents us from disclosing, or we may just agree with the Board of Ethics and say, you know what, they had valid justification under law and we're going to abide by that as well. I mean, that may be an outcome. So I think we don't -- I don't think we're at that point of getting to the decision of what to do with it publicly. I'm more concerned about just having the document in front of us or this committee, so that when you're going to ask questions, you have as much information as you can have in front of you to get to the bottom of this decision.

LEG. KRUPSKI:

So thank you. Now I'd like to ask, if I could through the Chair, we've got the County Attorney here, Dennis Brown, and I'd like to ask him a question, if we could. So, Dennis --

MR. BROWN:

Yeah. I'm sorry, I was talking to Legislator Cilmi.

LEG. KRUPSKI:

That's okay. Sometimes we all do that.

*(*Laughter*)*

MR. BROWN:

I tried to keep him from getting me to come up here.

LEG. KRUPSKI:

Tried not to, I understand. So it's a -- I've got to rely on your legal experience here. So the Board of Ethics said that they're not going to release this financial disclosure form. At what point did the County Executive not want to FOIL it?

MR. BROWN:

I'm sorry. Can you -- can you --

LEG. KRUPSKI:

Why didn't -- why didn't the County Executive FOIL this?

MR. BROWN:

Oh, I -- you'd have to ask Jon that question. Sorry.

LEG. KRUPSKI:

Oh, okay. So here's another question for you. If we get it on the 14th, at -- before 10:30, what do you think our responsibilities are with that document?

MR. BROWN:

I'm not trying to dodge your question, but to be very honest with you, I agree with virtually everything that George has said tonight. So if the document is now in the possession of the committee or in the possession of the Legislature and then there was a FOIL request, for example, for the release of the document, there are actually many different sections of the law, of the code that would have to be examined to determine if there would be any violations of any other confidentiality provisions. But that, of course, necessarily involves some type of analysis as to whether or not some type of confidentiality provision in the code actually applies to it, because there are a couple in the section that we're talking about with respect to financial disclosure. There has to be really a reconciliation as to what the code says with respect to it's a public document to these areas of confidentiality that are still preserved in the code. So once it's in the possession of the Legislature, it really is a question for another day as to how to best address its public aspect of it.

LEG. KRUPSKI:

So someone could FOIL us, then, at that point. After that, after the 14th, anyone could FOIL us to find out -- to try to find out -- for us -- to make us release the documents, then.

MR. BROWN:

That's absolutely true, somebody could FOIL it.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

So, Dennis -- I just forgot my question.

*(*Laughter*)*

So what is it that they -- what is the expectation, right? I mean, you know, the story is about, you know, "X" person is, you know, renting out, leasing out his boat for services, which may be a conflict of interest. So I think obvious to me would be we're looking to see, because there were sections in the financial disclosure, if you have other business, what the income is, there's value ranges. But it

won't say Al Krupski, Jr. gave me \$1500 to release my boat on "X" date. It will say "X" person LLC, or whatever, has a business for this purpose, and the total income is \$20,000, right? So I'm not even sure if this expedition will provide the information that they're looking for, right, because you can't -- because the article specifies certain people that leased out the boat, which could cause a potential conflict of interest, but the financial disclosure form should not, I would think, and maybe I'm wrong, would not disclose that information.

MR. BROWN:

And I -- of course, I don't have committed to memory all of the questions on the financial disclosure form, but on its face, I think that your -- I think that your hypothetical is correct. And I even think that Legislator Trotta said the same thing. It may very well say that, you know, there's company, ACME Company --

P.O. GREGORY:

Right.

MR. BROWN:

-- and there was \$100,000 in income, hypothetically --

P.O. GREGORY:

Right.

MR. BROWN:

-- but still don't know the details behind that.

P.O. GREGORY:

Right. And if that company is -- you know, maybe some of their income is up above board and maybe some of it isn't, but on the face of the document, you won't know that.

MR. BROWN:

That's correct.

P.O. GREGORY:

So to have us go through this exercise for information that will not accomplish the outcome for which it seems obvious that it's trying to achieve I think is really a fruitless exercise.

MR. BROWN:

And that's really your internal debate.

P.O. GREGORY:

Right.

MR. BROWN:

That's like really the whole -- I guess that's really the underlying merits of what's the issue that's before you.

P.O. GREGORY:

Right. So that's why I will not be supporting this.

LEG. SPENCER:

DuWayne.

P.O. GREGORY:

Who's that?

LEG. SPENCER:

Right here.

P.O. GREGORY:

Oh, Legislator Spencer, and then --

LEG. SPENCER:

I have a little bit of a different view, and I view the scope of the Ways and Means Committee in this particular instance is to answer one question, and was it appropriate or not for this FOIL request not to be honored. The contents of the disclosure only helps with regards to answering that question. And the last official position of this information is that it's confidential. And I view the -- it should be handled by Ways and Means in Executive Session, as we do with confidential information. And we're not looking to necessarily change that status, but I think we need that information, and I think we're asking one simple question. Based on this letter, having the information in front of us, was it appropriate not to honor the FOIL request?

And I think that that's a -- you know, I don't think we're getting into an investigation or anything, and I think that we have an obligation to treat that information confidentially. I think it should be very limited, I think it should be handled in Executive Session. And we're looking to see, based on this letter that you've sent publicly, are you acting within your scope, and we're exercising our oversight authority just to answer that one simple question. We're not getting into necessarily the contents or opening an investigation of this. That's kind of my perception of this. And we should treat it confidentially, and we're really addressing, "Did you act appropriately?" We're looking at the Ethics Committee's decision in terms of the action that they took.

P.O. GREGORY:

But with all due respect, Doc, I think there's several people that have stated, I know Legislator Trotta had mentioned it, I know Legislator Fleming had mentioned it, that because of this person's high position in the District Attorney's Office, he has the ability to influence investigations or determinations of investigations, and they wanted to seek if this person is using the influence of his office as he carries out his duties. I think it's absolutely on point that seeing -- having the ability to see where this person is earning his income, which you can't determine, by an individual basis anyway, on the financial disclosure form is exactly on point, because showing that Mr. Prudenti has some company that leases out a boat does not get to the point that Legislator Fleming and particularly Legislator Trotta was saying, that would determine that he's using his office in an undue manner, an unethical manner.

LEG. SPENCER:

But I think that I'm not necessary looking to get into those questions specifically of Mr. Prudenti. I think because of his influence and the special circumstances here, that in a sense we are just addressing the simple question of the Ethics Committee, did they act within what their bounds were, or -- and we're just exercising our oversight because of how powerful this individual is. I think we're looking at this confidentially, and we're just making a determination, "Why didn't you honor the FOIL request," and that's all I think we're doing in that particular committee. We handle it confidentially, we respect the bounds of that, we keep it. We've done it all year long in Ways and Means on open investigative items and I think we're within our jurisdiction to exercise that oversight.

P.O. GREGORY:

But, if you look at the County Executive's letter to us, to me, says, "Considering the serious allegations brought to public light by news stories about renting of the boat by Mr. Prudenti, possibly

in conflict with his duties as a prosecutor, it is important that there be prompt and public review of financial disclosure statements. Unfortunately, that review has been stymied by the Board of Ethics application of FOIL exemptions to the requested release of the forms." So specifically speaking to his duty and his conflict of interest and his carrying out, potential conflict of interest in his carrying out of his duties by receiving monies that could cause that conflict. So the request being, well, let's look at the financial disclosure form to see if there is a conflict, but the financial disclosure form will not point out the conflict for which this letter points out.

LEG. SPENCER:

I don't think we're responding to the County Executive's letter.

P.O. GREGORY:

We are. We wouldn't even have this conversation for five hours, or whatever it's been, it seems like.

LEG. SPENCER:

But I think we're responding to the denial of the FOIL. We're responding to the denial of the FOIL and this high level position. And I think we're simply answering that question, did the Ethics Committee stay within bounds, and I think we're in a position to do that. I don't think the County Executive's letter influences me one way or the other, and I sit on that committee. I'm simply answering that question, should this information have been released.

LEG. FLEMING:

May I be heard? Can I just clarify --

P.O. GREGORY:

Well -- and if I just may. Well, if you are seeking to clarify the Ethics Committee or the Board of Ethics' decision --

LEG. SPENCER:

Yes.

P.O. GREGORY:

-- I would submit to you that you wouldn't even need the financial disclosure forms, because the argument for which they made is that because he's a law enforcement officer, we know that. There's no -- there's no other disclosure that I'm aware of that would be disclosing the financial disclosure form that would give more insight as to what his position is. We know what his position is.

LEG. SPENCER:

But that's not all they say in that letter. They allude to a lot of other items --

P.O. GREGORY:

Okay.

LEG. SPENCER:

-- in the letter that I think we can only answer those questions as to their denial of the request by having that information before us in Executive Session in Ways and Means.

P.O. GREGORY:

Okay. Legislator Calarco, and then Legislator Fleming.

D.P.O. CALARCO:

Thank you. And, you know, guys, I guess part of the reason why there's some hesitancy here in this

discussion we're having, because it's not really about Prudenti. It's really not -- it's not about the person whose form has been FOILed, it's about whether or not our Ethics Board that we just revamped four years ago is acting appropriately or not.

LEG. SPENCER:

That's it.

D.P.O. CALARCO:

Both in terms of the FOIL request, but it goes beyond the FOIL request, because you have to understand, on May 30th, there was an allegation lodged with the Ethics Board about this individual, asking them to do an investigation. Our law says very specifically, and even though this Board talked to the Page 3 to get through their gobbledygook to say that our code says to them very clearly that they cannot disclose any information that's pertaining to their investigation when they're doing an investigation, and they're citing both State Law and our law in saying that. And these Ethics Board forms that they're filing, these financial disclosure forms are going to be a part of their investigation into this individual, that they feel they're complying with our law. And that is probably also why they said, "If you want a remedy to this, you've got to come to us," because it's in the exact same section of the code that says that they have to keep confidentiality, that tells them that the only way they disclose this information is by a 12-vote of this Board.

So we're talking about the Ethics Commission and the Ethics Board and whether or not they're doing their job, not this individual, because that's not what this investigation is about. But if we're going to go to the lengths that we want to start asking them to come in and tell us why they're not disclosing it to Newsday, then I think that we have to take into real consideration whether or not they've got an investigation going on, which we know they do.

So then it brings the next stage of this, which is then we are, by asking them to give us their forms, and by calling them in, getting into their investigation, and we're getting into whether or not they performed their investigation. Now I know some people around this Board feel that that's what we need to do, but -- and I know that five months is five months, but as some of us know, just asking for an opinion from this Board can take three to four months to get back. So if we think they're going to complete an investigation in under five months, I think we're kidding ourselves. But that's what we're talking about here.

LEG. SPENCER:

I respectfully disagree. The Ways and Means Committee, we look at items all the time that are an active investigation in Executive Session, and I think that we can --

D.P.O. CALARCO:

Legislator Spencer, I'm not saying that our Ways and Means Committee cannot do this. Our Ways and Means Committee and everyone around this body is certainly capable of undertaking our job, and our job is certainly part of it, determining whether or not the Board of Ethics is doing their job.

LEG. SPENCER:

Okay.

D.P.O. CALARCO:

But when we are talking about what we're doing here, I want us all to realize what we're doing. We're not looking at Mr. Prudenti, we're not looking at the D.A.'s Office, we're looking at whether our Board of Ethics is doing their job.

LEG. SPENCER:

I agree and I --

LEG. TROTTA:

Motion to approve.

P.O. GREGORY:

Legislator Fleming.

LEG. FLEMING:

Yeah.

P.O. GREGORY:

We'll call the vote after you speak.

LEG. FLEMING:

Okay. I just wanted to clarify with regard to the question of the purpose. My purpose is, as the letter has been distributed, will be to exam the decision articulated in the letter of July 11th and that's it. And I do think -- I'm going to have to disagree with you, respectfully, Mr. Presiding Officer. I do think that the substance of what is in those forms may help us to determine whether it made sense to deny that FOIL request. And that's a kind of in camera, you know, review that a Judge does all the time; that you're judging why somebody took action based on the evidence they had before them. And if the evidence on those -- on those financial forms is inconsistent with the arguments that they put forth in the letter of July 11th, then we've got a problem with regard to how they're carrying out their duties, and I think that's the primary purpose of our inquiry. If we find that the disclosure forms reveal something that triggers another responsibility on our part, like making a referral to the U.S. Attorney's Office, that may be the case. But the primary responsibility, from my perspective, is to really take a look at why they made that decision and whether that was a proper exercise of their duties.

P.O. GREGORY:

Okay. Anybody?

LEG. TROTTA:

Motion to approve.

P.O. GREGORY:

So we have a motion and a second already, right?

MR. RICHBERG:

Yes, we do.

P.O. GREGORY:

Okay. To approve?

MR. RICHBERG:

Yes.

P.O. GREGORY:

All right. Roll call.

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

LEG. TROTTA:

Yes.

LEG. BARRAGA:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. KENNEDY:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

I have faith in the U.S. Attorney's Office. No.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

No.

D.P.O. CALARCO:

Yes. You want to do it, let's do it.

P.O. GREGORY:

No.

MR. RICHBERG:

Fourteen.

P.O. GREGORY:

Okay. Where are you guys going? We're not finished yet.

*(*Laughter*)*

Oh, we're just getting started. This is the lunch break.

*(*Laughter*)*

All right. I'd like to waive the rules and lay the following resolutions on the table: I.R. 1931, Public Works; I.R. 1933, EPA; 1934, EPA; 1935, Public Works; 1936, Ways and Means; set the public hearing November 22nd, 2:30 p.m. in Hauppauge; 1937, Public Safety; 1938, EPA; 1939, Ways and Means; 1940, Public Works; 1941, Public Works; 1944, Public Works. Second by Legislator Martinez. All in favor? Opposed? Abstentions? All right. That's our agenda.

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

We stand adjourned. Have a good night.

*(*The meeting was adjourned at 11:54 p.m. *)*