SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FOURTH DAY

March 28, 2017

Verbatim Transcript

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING

IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM

725 VETERANS MEMORIAL HIGHWAY

SMITHTOWN, NEW YORK

Minutes Taken By
Alison Mahoney & Lucía Braaten - Court Stenographers

Minutes Transcribed By
Alison Mahoney, Lucía Braaten & Kimberly Castiglione - Legislative Secretary

* Index Included at End of Transcript
(The following was taken by Alison Mahoney - Court Stenographer & transcribed by Kim Castiglione - Legislative Secretary)

(*The meeting was called to order at 9:32 a.m.*)

P.O. GREGORY:
Good morning, Mr. Clerk.

MR. RICHBERG:
Good morning, Mr. Presiding Officer.

P.O. GREGORY:
Please do the roll call.

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

LEG. KRUPSKI:
Here.

LEG. FLEMING:
Here.

LEG. BROWNING:
(Absent).

LEG. MURATORE:
(Absent).

LEG. HAHN:
Present.

LEG. ANKER:
Here.

LEG. LINDSAY:
(Not Present).

LEG. MARTINEZ:
Here.

LEG. CILMI:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. TROTTA:
Here.

LEG. McCAFFREY:
Here.
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LEG. STERN:
(Not Present).

LEG. D'AMARO:
Here.

LEG. SPENCER:
(Not Present).

D.P.O. CALARCO:
Present.

P.O. GREGORY:
Here.

MR. RICHBERG:
Thirteen.

P.O. GREGORY:
Okay. Will you all please rise for salute to the flag led by Legislator D'Amaro.

Salutation

Please remain standing as -- oh, sorry -- as Legislator D'Amaro introduces our Clergy for today. The invocation will be given by Deacon Philip Mills, Jr., of SS. Cyril and Methodius Roman Catholic Church in Deer Park, guest of Legislator D'Amaro.

LEG. D'AMARO:
Good morning. Good morning. This morning it's my honor to introduce to you Deacon Phillip A. Mills, Jr., of Our Lady of the Assumption Roman Catholic Church in Copiague, and also St. Cyril and Methodius in Deer Park. Deacon Phil has lived in the Village of Lindenhurst since 1986 with Donna, his wife of 37 years, and they are blessed with three daughters. Deacon Phil retired from the New York Police Department in February of 2002 as a Sergeant in the Intelligence Bureau. He was ordained as a Deacon in May of 2003 and has served at Our Lady of Assumption ever since 2003.

In 2006, Deacon Phil became the Pastoral Associate for Administration at St. Cyril. He is also the Chaplain of the Copiague Fire Department and past Chaplain of Our Lady of the Assumption Knights of Columbus. Deacon Phil also serves as the Chairperson of the annual St. Cyril Family Festival and also of the church's golf outing. As the Deacon, he assists at mass each weekend, performs baptisms and weddings, and of course does wake services and funerals. He's also a very passionate advocate for the local homeless ministry. Ladies and Gentlemen, Deacon Phil is a man dedicated to his church and our community. It is an honor to have him here today. Please welcome Deacon Phil.

Applause

* Index Included at End of Transcript
DEACON MILLS:
God of all creation, we come before you today to give you honor and praise. You are worthy of praise. You are the source of all that is good, you are the source of all our blessings. Thank you for every gift that we have been given. We thank you for the opportunity to come and gather together this day. We ask your hand a blessing on this meeting. We ask that you guide and direct our legislative meeting so that it is full of wisdom, productivity and respect for one another. Thank you for helping us to accomplish our work and our goals this day.

"Amen" said in Unison

P.O. GREGORY:
Please remain standing for a moment of silence in memory of Audrey Ann Fleming, mother of Legislator Bridget Fleming, and Helen Sidor Krupski, mother of Legislator Al Krupski who passed away recently. Also remember Sarah Robles, mother-in-law of Robert Martinez, Legislative Aide in Legislator Muratore's Office and Lynn Marie Weiner Heidtman, mother of Mari Pryor, Legislative Aide in Legislator Anker's Office, who also passed recently. We extend our heartfelt sympathy and prayers to them and their families.

Let us remember the victims of last weekend's horrific tragedy in London and vow through our actions and words to promote peace and tolerance in this world. And as always, let us remember all those men and women who have lost their lives in service to our country and those who continue to sacrifice to ensure our freedoms.

Moment of Silence Observed

Okay. We have several Legislators that have to make presentations this morning. The first will be Legislators Anker and Hahn. Okay. The Mt. Sinai Girls Varsity Basketball team, winners of the Suffolk County "Class A" Championship in February, and also with them is their team coach, Michael Pappalardo. Please come forward.

LEG. ANKER:
Come on, girls. Come on up. Go ahead and stand right around the horseshoe. Okay, so we have here this morning Mount Sinai girls -- High School Girls Basketball Team being recognized for their outstanding achievements during the season, including winning the "Class A" Suffolk County Championship for the first time in school history.

In addition, they've been named the Suffolk County Small School Champions, also Section XI New York State Regional Finalist and League VI Champions. Their hard work and dedication throughout the season has made all the girls role models for their peers and for other teams throughout Long Island. Their league recorded a 13 win and one loss, unparallel to any other team. And their overall record, 23 wins and only three losses.

So, again, I'm very happy to have before us Coach Michael Pappalardo and Assistant Coach John Mees and Tom Walker. These are our coaches that have brought these girls to championships. And
again, I am just so proud being a Mt. Sinai resident, knowing some of these girls here that went to school -- that is going to school with my daughter. So again, I'm very proud and I'd like to also have Legislator Hahn, would you like to comment on these amazing young woman?

LEG. HAHN:
Absolutely. Congratulations, girls. I also represent a little bit of Mt. Sinai so I am so pleased to see you all here. You know, this just proves to everyone and hopefully proves to you what hard work, teamwork, dedication, how it can pay off. You work hard all your life on something and you can achieve your goals. And so you probably remember your Mom, Dad driving you to basketball practice when you were young throughout the years and you probably remember working hard on Saturday mornings and after school, and it all pays off. So congratulations and keep up the hard work.

Applause

(*Photograph Taken*)

Applause

P.O. GREGORY:
Congratulations, girls and coaches. Next we will have -- Legislator Kennedy will present a proclamation to Daniel Claxton, who set a high jump record.

LEG. KENNEDY:
Daniel, come on up.

LEG. TROTTA:
Let's see him jump over the podium.

LEG. KENNEDY:
They want you to jump over the podium. Can you do that? Right over here, that's fine. Daniel is an amazing young gentleman. I will read off what Daniel has done. He's a senior at Smithtown High School and for all four years he's been on the Boys Track and Field Team. He successfully jumped seven feet.

Applause

(*Photograph Taken*)

That is amazing. Absolutely amazing. I cannot get over -- you're tall, but seven feet is quite a number. You -- you're -- hold on -- the highest jumper in New York State and placed first in New York State. You're extremely talented, that's obvious, you're dedicated. One of the best long jumpers and high hurdlers in Suffolk County, and Dan plans on taking his academic and athletic abilities to the University of Connecticut in the fall. I'm sorry we're losing you to Connecticut, Daniel, but you really did us well. Congratulations.

Applause
LEG. KENNEDY:
Okay. Mr. Trotta, would you like to join us over here? Rob?

LEG. TROTTA:
Oh, sorry.

LEG. KENNEDY:
We're very blessed in both of our communities to have I think it's four semifinalists in the Regeneron Science and Public Talent Search. We also have a finalist, so that is extremely rare to have that many. This project was started in 1942 by the Society for Science and the Public. It began as a science talent search. It is the oldest and most prestigious science and math competition in the United States for high school Seniors. The current sponsor is Regeneron Pharmaceuticals and that is why it is titled the Regeneron Science Talent Search. So I'd like to call up Emily Peterson.

Applause

Emily is the finalist, and I also know Emily's grandmother so I am doubly excited. Congratulations, Emily. You want to talk about your project?

MS. PETERSON:
Sure.

LEG. KENNEDY:
Step over here.

MS. PETERSON:
Hi, everyone. I'm Emily and I was recently in Washington D.C. to present my research to a lot of different scientists and dignitaries there. I worked with the Suffolk County Volunteer Firefighters Burn Center since 2009, and I volunteered with pediatric burn victims there, and because of that I wanted to do something that would help people with large scale wounds and other skin health problems. So I worked on a protein that's related to wound repair, but also is not expressed in skin cancer, and I found that there's a very interesting relationship between wound healing and skin cancer progression. And my research will hopefully lead to better treatment of people with skin health problems like large scale burns and skin cancer.

Applause

LEG. KENNEDY:
So on behalf of myself, Rob Trotta and the entire Legislature, congratulations. And just stay up here for a second. Erika Nemeth? And I'll call you all up. Abbigayle Cuomo, Jordon Cooper, Vishrath Kumar, and Russi -- I hope I say this correctly -- Zhong.

MR. ZHONG:
Close enough.

Applause
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LEG. KENNEDY:
And I also want to call up their teacher, Maria. Is she here? Where is she? There she is. These are the semifinalists. Just to read off quickly, Erika did cell based delivery of gene silencing -- I can't even read it -- products via gap junction. Well above all of our levels, maybe not Doc Spencer.

(*Laughter*)

Abbigayle did a study of westward recurving tropical cyclone tracks in the Atlantic. Pretty impressive. Jordon Cooper did the ethicacy of a rational combination of BCL6 BTB and surviving inhibitors in diffuse large B cell lymphoma. Vishrath did tune up quadruple strength optimization for AGS polarization preservation, and Russi did a project on activation of ventral subiculum neurons by cued emotional learning. Pretty good.

(*Laughter*)

All right. Does everyone want to be a physician? Pretty much? Congratulations.

Applause

LEG. TROTTA:
For the record, I fed my dog this morning.

(*Laughter*)

That's my accomplishment. Guys, clearly this is a great accomplishment. You're probably the cream of the crop for Smithtown and if not Long Island, and clearly you will not be in politics. And I want to just point something out here. Their teacher, Maria Zeitland, clearly is part of the reason they're here today. She was named 2017 Distinguished Teacher of the Year by the Harvard Club of Long Island.

Applause

I mean, clearly these kids had a great guidance and I'm awed by your intelligence and hard work and keep it up because we need you. Thank you.

LEG. KENNEDY:
We definitely do.

(*Photograph Taken*)

Applause

P.O. GREGORY:
Next we have Legislator Trotta will make a presentation to Christopher Koch. But before Legislator Trotta does his presentation, we -- a wallet for Reyes Chavez has been found. So if you're looking for your wallet, we have it. Thank you.
LEG. TROTTA:  
Okay. I'd like to call up Christopher Koch. Is that your teacher?  
Come on up. Christopher is, again, one of the top 300 science  
research students in the nation and the only Catholic high school  
student in New York State named. And now having -- my son went  
there and my daughter went there -- that the science program is  
just starting to develop now.

MR. KOCH:  
Yes.

LEG. TROTTA:  
They're working in conjunction with St. Francis Hospital and I  
think Cold Spring Harbor and I think Brookhaven actually now. I  
would talk about what you did, but I don't want to sound stupid.  
It is clearly something that is well beyond my realm of thinking  
and you're doing this at such a young age. All I ask is that you  
continue the hard work and come back to Long Island and start a  
company here. Thank you very much and congratulations.

Applause

(*Photograph Taken*)

P.O. GREGORY:  
Okay, next we have Legislator Spencer will present proclamations to  
18 members of the Northport High School Girls -- oh, I'm sorry.  
Legislator Kennedy has another presentation.

LEG. KENNEDY:  
And Trotta.

P.O. GREGORY:  
Oh, okay. I'm sorry, I missed that.

LEG. KENNEDY:  
Okay. We have Erika Nemeth and Anjali Balamurugan. These ladies  
are more amazing products of our school district. Erika is a  
Siemens Regional Finalist, and Anjali is a Siemens Regional  
Semifinalist. The projects that they worked on; Erika worked on  
cell based delivery of gene slicing products via gap junction  
channels, and Anjali worked on blood metal concentration in  
association with thyroid hormones and auto antibodies in avid  
seafood consumers. That's interesting. Very good. Ladies, we are  
pride of you and obviously so is one of the most prestigious  
organizations in the United States. As Rob said earlier, come back  
to us after college. We need your brains, we need you to assist  
us. And do you two ladies look forward to becoming physicians  
also? No? What do you want to be?

STUDENT:  
I want to study mathematics.

LEG. KENNEDY:  
You want to study mathematics? Wow.
LEG. TROTTA:
We can use you here with the budget.

(*Laughter*)

LEG. KENNEDY:
Excellent. Excellent. So congratulations, ladies.

Applause

LEG. TROTTA:
I have nothing to say other than I fed my dog this morning.

P.O. GREGORY:
Legislator Spencer.

LEG. SPENCER:
Good morning. I'd like to invite the Northport High School's Field Hockey Team to please join me at the podium. And Legislator Trotta if he could come up. Legislator Trotta and I have the privilege of having all of these young women reside in our Legislative districts, and I think we may have -- if there was a competition, we may have one of the smartest, most athletic districts in Suffolk County, so we're pretty excited. And the reason for that is because today I'm joined here by the Northport Girls Field Hockey Team and their coach, Gina Walling. Where's Gina? Hi, Gina. Thank you. And they've done something pretty incredible. Each year the National Field Hockey Coach's Association, they recognize high school Juniors and Seniors who have a minimum general GPA, unweighted GPA, of 3.5 through the first quarter of the 2016-2017 year. This year through their hard work and dedication to their academics while participating in field hockey, the entire team of 18 girls successfully accomplished this achievement and was recognized by the association. In addition, Gabriella Bica, who has been named Scholar of Distinction for the second year in a row.

Each of these girls brings great pride to their community, their school and the entire Northport community. On behalf of all the residents of Suffolk County, it gives me great pleasure to present these proclamations to honor the significant accomplishment of these fine young women.

Applause

So these proclamations are presented on behalf of Legislator Trotta and myself. And the first one is for Gabriella Bica.

UNKNOWN AUDIENCE MEMBER:
She had a test today.

LEG. SPENCER:
Amelia Cusack?

UNKNOWN AUDIENCE MEMBER:
She's at the test.
LEG. SPENCER:
Elizabeth Caccavale. Angela Vivona. Congratulations, Angela.
Josephine DeTolla. She's at the test. See, they're real scholars.
Some of them have a test this morning. That's great. Ryan
Sophia Onufrik. Congratulations, Sophia. Theresa Reinesch and
Meghan Smith. Congratulations again.

Applause

(*Photograph Taken*)

LEG. SPENCER:
I have another proclamation that I'd like to give this morning.
I would like Tracy Trypuc to please join me at the podium.

Applause

Good morning, Tracey.

MS. TRYPUC:
Good morning, Legislator Spencer.

LEG. SPENCER:
Tracy Trypuc is a remarkable person that has served Suffolk County
for a number of years. I see our Commissioner with us. I would
like Dr. Tomarken if he could join me, please.

Applause

Tracy Alexis Trypuc, who has a lot of initials after her name, RN,
MPH, MBA, BSN. So that's Registered Nurse, Master's of Public
Health, Master's of Business, Bachelors of Science and Nursing.
Did I get them all correct.

MS. TRYPUC:
Yes.

LEG. SPENCER:
So it extends her name quite a bit. She's been a passionate
advocate for public health since her youth. She was particularly
inspired by her Dad, who became blind during World War I. As life
moved forward, Tracy moved to San Diego to raise her family, and
after getting through some difficult challenges, Tracy decided to
take a course in medical assistant training and discovered not only
that she excelled at it, but she wanted to learn more. She
enrolled at Point Loma Nazarene University and graduated with
honors, a Bachelor of Science in Nursing, and she also received a
Certificate in Public Health from the State of California.

Relocating back to Long Island to be near her aging parents, Tracy
enrolled in Stony Brook University, where she graduated with a
Master's in Public Health and a Master's in Business
Administration. She is a member of the Sigma Theta Tau International Honor Society of Nursing. Meanwhile, during this period she was donating her time and expertise to numerous advisory councils and other organizations mostly associated with public health activity.

Her reputation earned her an invitation to become a member of the Suffolk County Board of Health, a position she assumed in January of -- in February of 2007. For seven years she served as the Board's Vice-President and investigated important matters affecting the lives of Suffolk County residents over her ten-year term. She researched and advocated the issue on energy drinks, powdered caffeine, hookah lounges, tattoo regulations, e-cigarettes, water quality and more.

I credit Tracey with helping us pass some of the first energy drink legislation and also our Presiding Officer passing the Powdered Caffeine Law that allowed us to go to Washington and be with the families and testify to numerous Senators on this particular legislation that led the FDA to take action on powdered caffeine. That all stemmed from the work on our Board of Health and with Tracy's support, guidance and leadership.

Today the Suffolk County Legislature welcomes the opportunity to pay a well-deserved tribute to Tracy for her dedication and commitment to our community. As a colleague on the Board of Health and as a County Legislator, it gives me great pleasure and pride to present this proclamation to Tracy Alexis Tripod with utmost thanks and recognition for your service and participation over the past decade. Thank you very much.

Applause

COMMISSIONER TOMARKEN:
Thanks, Dr. Spencer. I just wanted to add that people like Tracy are vital to keeping public health in the forefront and protecting the environment and individual residents of the County, and we are very appreciative of all seven years that Tracy gave to us and we know she will be a great asset as she moves forward in her career in public health. Thank you.

Applause

(*Photograph Taken*)

P.O. GREGORY:
Okay. Legislator Fleming.

LEG. FLEMING:
Good morning. Before I start, I just want to thank you, Mr. Presiding Officer, and all the Legislators for all your kindness in the kind words this morning, and it's been an incredibly rough couple of weeks for me and for Legislator Krupski and our families. And I have to say the outpouring of support from our colleagues on the Legislature has been really remarkable. So thank each and every one of you for your kindness.
I would like to call Aubrey Peterson and his family up. You can just stand right here. So, you know, here at the Legislature when we're discussing public policy and in the news we hear so often about bad things that have happened in the lives of our young people and bad choices that our young people have made and the dangers that they face in this unique and difficult time, it's just really delightful to have the opportunity to recognize a young man who consistently makes very good choices and has really put his shoulder to the wheel and done a lot of great work in his short time in school. And so I would like to just honor Aubrey Peterson.

To tell you a little bit about Aubrey, he is a 14-year old eighth grader at East Hampton Middle School. He's been enrolled in honors classes, well this year, and has maintained a spot on the principal's list with a 95 or above average throughout seventh grade and so far in eighth grade. Aubrey was recently accepted into the National Junior Honor Society. He's a member of the Science Olympiad Team for the middle school that completes in Island-wide competitions, and he's participated in the school play for the last five years. I know he's a soccer player and a tennis player. He's a volunteer docent at the Sag Harbor Historical Museum and gives tours. He's a member of St. Andrew's in Sag Harbor, the Catholic Church, and he's also been a yearly volunteer at the East Hampton Food Pantry.

But none of that is why we're honoring Aubrey today. We're honoring Aubrey because he has won the national Geography Bee for East Hampton Middle School in both sixth grade and this year in eighth grade. After taking and passing a test at the State level, Aubrey qualified to compete in the New York State National Geographic Bee, which is this Friday.

So we wish you the best of luck. We're so proud of everything you've done so far, and the entire Legislature wants to honor you for the good choices you've made and all the great -- the great role model that you serve for all the young people in the district. So congratulations. Thank you.

*Applause*

(*Photograph Taken*)

P.O. GREGORY:
Next we'll have a presentation, a joint presentation by Legislators Martinez and Cilmi.

LEG. MARTINEZ:
Good morning and welcome to today's session. First of all, I want to thank all the ladies as we saw a lot of the winning teams today were all ladies, so good job for doing that and putting the women on the board.

*Applause*

But today with my colleague we have the honor of recognizing our Lady Musketeers from the Central Islip School District.
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Appraise

If you ladies can come up. And if your coaches are here, I know that Mr. Philips is here as well. He is the Athletic Director of Central Islip School District. And they have their shirts on, I love it.

All right. So just at little brief background. Earlier this year in February the Lady Musketeers went on to win Suffolk Class AA Title in the Semifinals against Half Hollow Hills West with a score of 63 to 53 at Stony Brook University. This win put our Lady Musketeers to play against Commack, where they won the large school championship. After that win they continued going on to winning against Mt. Sinai, who was just here, but they had to go back to school which you'll be doing soon as well, where they had a victory of 51 to 42, giving the school their first Suffolk County Championship in over 57 years.

Appraise

The first two titles were back in 1935 and 1960. So Lady Musketeers you should be so proud of yourselves. Your coaches, parents, your community, I am so proud of you and so is Legislator Cilmi, which is why we're here today to honor you for the work that you have done for our community and making everybody know that you guys rock as Lady Musketeers.

Appraise

LEG. CILMI:
Thanks, Monica. It is such a joy, it's such a joy to celebrate the accomplishments of our young people, of our students. And you can see on our faces as Legislators, each and every one of us who have the privilege of congratulating young people for the great work they do, whether it be academic or athletic or work in our communities, that it's really so special for us to be able to do this.

Ladies, the accomplishment and all the work that you've put in, the values that you've learned to achieve, this championship, don't only help you with athletics, but they help you in life. And so if you take all of that learning and apply it towards life, there's no doubt that each and every one of you will be tremendously successful. So congratulations on a wonderful effort. We look forward to next year's championship.

Appraise

LEG. MARTINEZ:
That's right.

Appraise

LEG. CILMI:
Monica and I have a proclamation for the school, for the team and certificates for all the girls.
All right. It's now my pleasure, as I do from time to time on behalf of the entire Legislature, to welcome and to congratulate a couple of our great Probation Officers here in Suffolk County. So if I could ask Probation Officers Jessica Brennan and Shayla Pagan to join me at the podium along with Probation Officers President Matt Porter.

So I've said it many times before, I'll say it again. Our Probation Officers are such an integral part of our public safety team here in Suffolk County and so it's an honor to recognize the both of you for the great work that you do for all of our residents and certainly for us in County Government. We honor Probation Officer Jessica Brennan, a ten-year veteran of the department and Probation Officer Shayla Pagan, a five-year veteran of the department today.

These two officers on September 8th of last year were assigned to work at the Victim Impact Panel, a presentation by Mothers Against Drunk Driving at which family members share their stories of loss resulting from a drunk driver held at the Suffolk County Legislative building here. Upon arriving to the Legislature, they assisted an individual who was lost in the complex and happened to be looking for the Legislative building. During check in, all probationers are required to present identification and submit to a breath test prior to admission. Probation Officer Brennan noticed the same individual and asked him for his identification. At that point he admitted that he did not have a drivers license. As his English was limited, Probation Officer Pagan communicated with him in Spanish and he admitted to driving without a license and the keys to the vehicle were still in the car.

Both Probation Officers accompanied him to the car where Probation Officer Pagan found an empty beer can and a full beer can sitting next to the driver's seat. It was also noticed that the probationer had not installed the ignition interlock device in the vehicle as required by law. It was further noted that there was a child's car seat in the back. The probationer submitted to a breathalyzer test and his reading was over the legal limit. The officers transported the probationer to the 4th Precinct where he was arrested and again submitted to the breathalyzer test, providing a reading of .25 blood alcohol content, over three times the legal limit.

The probationer was charged with felony driving while intoxicated. Probation Officers Brennan and Pagan testified before the Grand Jury on September 15th of last year, and he was subsequently indicted for aggravated DWI and felony aggravated unlicensed operation of a motor vehicle.

So the story serves to really, really underscore the impact that our Probation Officers have on the safety of our residents here in Suffolk County. Who knows, were it not for the work that they did, their perceptiveness that day, going sort of the extra mile, this fellow could have taken his car home and who knows what sort of
tragedy we might be reading about in the news. So God bless each
and every one of you -- both of you, for the work that you do for
Suffolk County over the years and may you continue to save lives
and do the great work. Thank you.

Applause

On behalf of the Legislature I have a proclamation for Shayla as
well as one for Jessica Brennan.

(*Photograph Taken*)

P.O. GREGORY:
Okay. Congratulations, Officers. In recognition of Women's
History Month, in 2002 the Legislature passed Resolution Number
786 of 2002 to select a Woman of Distinction in each -- in March,
excuse me, of every year. I, with the assistance of Deputy
Presiding Officer Rob Calarco, will read the names of those who
were nominated this year by Legislative District. District 1,
Legislator Al Krupski, Leslie Weisman. If any of them are here,
please stand to be recognized. District 2, Legislator Bridget
Fleming, Ann Riceman; District 3, Legislator Kate Browning, Karen
Lambert; District 4, Legislator Tom Muratore, Ellen Okvist;
District 5, Legislator Kara Hahn, Julie Watterson; District 6,
Sarah Anker, Priscilla Arena; District 7, Legislator Rob Calarco,
Lori Devlin; District 8, Legislator William Lindsay, Lenore
Ringer-Prezioso; District 9, Legislator Monica Martinez, Nelsena
Day.

D.P.O. CALARCO:
In District 10, Legislator Tom Cilmi, Doris Kennedy; for District
11, Legislator Tom Barraga, Maria A. McNamee; in District 12,
Legislator Leslie Kennedy, Maria Camassa; in District 13,
Legislator Rob Trotta, Rose Mangogna; in District 14, Legislator
Kevin McCaffrey, Jacqueline DiDonato; in District 15; Presiding
Officer DuWayne Gregory, Sandra Hawkins Thomas.

Applause

In District 16, Legislator Steve Stern, Gail Jospa; in District 17,
Legislator Lou D’Amaro, Dawn Spano; in District 18, Legislator
William Spencer, Debbie Loss Rimler. And congratulations to all of
the women who have been nominated by your Legislator for this
award.

Applause

And now Presiding Officer Gregory will present the award to this
year's Suffolk County Woman of Distinction.

P.O. GREGORY:
Okay, it's my pleasure to bring up my nominee and this year's
Suffolk County Woman of Distinction, Sandra Thomas. Sandy.

Applause

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Sabrina Lacey, the Chair of the committee, is here with me as well. Sandy Thomas has been an advocate and social activist for over 40 years. She is a retired licensed clinical social worker from the Eastern-Suffolk BOCES. Her activism in her job included creating and developing innovative programs to dispel racism, build esteem and assist parents with parenting. Many of her ideas and programs have become adopted by other schools within the Eastern-Suffolk BOCES region. Along with nine other individuals from her church she founded and established the Resurrection House, which is a community based shelter for homeless families. Since its inception Resurrection House has grown to six houses; one for the shelter and five for transitional housing for 13 apartments.

She is the immediate past-President of the Concerned Taxpayers of Wheatley Heights-Dix Hills Civic Association. She is currently a member of the Suffolk County African Advisory Board. She is a member of the Delta Sigma Theta Sorority Incorporated. She is also a charter member of the Eastern Shore Links, is an original founding active member of the Mothers Club of Wheatley Heights. She is also former Co-Chairperson of the Half Hollow Hills School District's PTA Council Diversity Committee and the originator of the district’s Unity Fair. She was a former trainer for the Suffolk County Sheriff's Department, assisting Correction Officers with identifying and handling mildly mentally challenged prisoners and many, many other things.

Sandy is -- she is very busy. When she's not doing all that she travels a lot with her husband, Doug, who's here. And she's just been a tremendous asset, not only to the Wheatley Heights community but the greater Town of Babylon community. It's my pleasure to honor her here today. She is a friend and a colleague and it's really my honor. Congratulations, Sandy.

* Applause *

**MS. LACEY:** Congratulations, Sandra. On behalf of the Suffolk County Women's Advisory Commission, we all would like to congratulate you today for all of the wonderful, amazing work that you do. Thank you for being who you are.

**MS. HAWKINS:** Thank you.

**D.P.O. CALARCO:** Congratulations, Sandy. And a big thank you also to all the members of the Women's Advisory Board who had the tough job of picking through so many exceptional women who give so much to their communities to choose our winner this year, so congratulations and thank you to all.

Next Presiding Officer Gregory will present the Employee Excellence Awards to three employees for their perfect work for the County.
General Meeting - March 28, 2017

P.O. GREGORY:
And just before I make my remarks, as you saw, she has three
beautiful daughters. They're all professionals. Angie used to
intern for me. She worked in the UN, she traveled the world, but
she is now settled in SUNY Farmingdale. Her other daughter is a
teacher. Her other daughter is a principal. Her daughter Crystal
is a physical therapist, right? So they're all -- she's done good, they done good.

So for the second month we are issuing awards for -- Employee
Excellence Awards. And I'm going to ask that Legislator Anker and
Lindsay both join me.

LEG. SPENCER:
Can I come up?

P.O. GREGORY:
No.

LEG. SPENCER:
("Laughter").

P.O. GREGORY:
So we're honoring Patricia Bergmann, Lourdes M. Diaz and Jean
Gordon, Registered Nurses from the Bureau of Chest Disease, if they
could please come forward, Chest Disease is in the Suffolk County
Department of Health Services, as outstanding Suffolk County
employees with the Suffolk County Legislature's Employees
Excellence Awards. Dr. Tomarken, is he still here?

I would like to thank Dr. James Tomarken and Dr. Iftikhar, Director
of the Public Health and Acting Director of the Patient Care
Services for participating by nominating Patricia, Jean and Lourdes
for the Suffolk County Legislature's Employee Excellence Award.

Patricia Bergmann has been an employee for 31 years, Lourdes Diaz
for 23 years and Jean for 21 years, with Suffolk County's
Department of Health Services. Nursing is a noble profession
filled with wonderful people and with the support of each other
they continue to provide great care to vulnerable patients
throughout the County. The Bureau of Chest Disease staff maintains
an active surveillance program for tuberculosis that includes
tuberculosis interviews, contact investigations, case management of
each and every tuberculosis patient, directly observed therapy,
education to hospital and office space health care providers and
maintenance of tuberculosis registry.

Working effectively as a team, these three employees go above and
beyond their job requirements, taking care of the community's
residents with compassion, understanding and cultural sensitivity.
These dedicated nurses travel throughout the County making home
visits to residents, accompanying tuberculosis patients to doctor
visits, traveling to hospitals to reassure patients and making sure
that they receive the best possible care. They often perform their
duties outside of normal operating hours and are dedicated to
protecting the public from serious communicable disease.
Patricia, Lourdes and Jean are consistently dependable, punctual, hard-working, organized, compassionate, empathetic, selfless and strive to provide a safe and high quality of patient care. These three nurses have a wonderful relationship with patients, the public, coworkers and an excellent rapport with the New York State Department of Health and Bureau of Tuberculosis Control.

Our County employees deserve our appreciation and recognition. Nursing is a truly inspiring and thoroughly rewarding career. RN's Patricia Bergmann, Lourdes Diaz and Jean Gordon are deserving of the Suffolk County Employees Excellence Award. Congratulations for all that you do and thank you.

Applause

I also want to thank Christina DeLisi and Barbara Musacchio from my office for helping to coordinate this very important program to recognize our employees that I believe as many of you, if not all of you I should say, that our employees don't get enough recognition. So thank you for your support as well. Congratulations, ladies.

(*Photograph Taken*)

Okay. That is all the presentations that we have for today. Next we will go into our Public Portion. I have several cards, first being Mr. Pressman.

MR. PRESSMAN:

Good morning, Legislators. I just wanted to -- first of all, I wanted to thank Legislator Browning and Legislator Fleming for going up to Albany and fighting for State money for the transportation in this County. From what I understand, rumor has it that we may be getting up to $3 million this year from Governor Cuomo's budget somehow. I don't know how he figured out how we can spend $3 million on our County since he's only spending 1.6 billion to make a railroad station in New York City.

But anyway, I just wanted to also say that we need to keep fighting for transportation in Suffolk County. The Governor and everybody else, including Mr. Bellone, they want to push everything to the Long Island Railroad, which is well and good if you're going east-west, but how do you go north-south in Suffolk County without a viable bus service?

I appreciate that the Department of Public Works and Transportation have been able to secure some money so that we at least are getting new buses which would definitely help. I've been on the new buses with the new fare boxes, which have a lot of issues, but it is a better improvement than what we had, and if we get all the kinks out, it will definitely help the ridership and the fact that people that do not have the actual change will be getting a card back that gives you change to be able to use the buses. The problem right now is that the card reader does not know if you're a senior citizen or if you're a regular rider, and unless -- the bus driver now has to actually ask the person what -- you know, how they're
paying because if they do not do that, the bus reader automatically takes out the 2.25 and then if somebody says they're a senior or disabled to get the 75 cent fare, the card reader now adds it instead of changing it. So there are kinks that need to be worked out. I know they are working on it. I appreciate that. I appreciate the effort, you know, and I do appreciate -- unfortunately we're losing Mr. Lenberger. I appreciate the money that he has put in to the SCAT service because I will still say that the SCAT service in Suffolk County is probably the best in the State.

I want to bring up one point and I want to -- would like to get an answer as to why has Suffolk County not looked into using NOVA bus in Plattsburgh, which is a company that the State is pushing all over the airwaves of getting businesses here because they are making hybrid buses, yet we went out of the State to buy hybrid buses.

(Timer Sounded)

And I brought this up to all the State Senators and all the State Senators would also like to set up a meeting with this County Legislator here in Suffolk County.

D.P.O. CALARCO:
Mr. Pressman, your time is up.

MR. PRESSMAN:
Okay, fine.

D.P.O. CALARCO:
I have to keep everybody to three minutes.

MR. PRESSMAN:
I understand. No problem.

D.P.O. CALARCO:
Thank you, Mr. Pressman. Our next speaker is Bill Pearson.

MR. PEARSON:
Good morning, Legislators. I'm here today again to talk about fees. Last -- maybe a week or so ago an article in Newsday that came up about fees and taxes, it's another word for tax. Well, the one that bothered me the most out of all the fees, and there's numerous fees from last year and this year that you guys are initiating, is the one that says you're increasing the parking and traffic tickets fees, doubling them. That's good. If you pass it what's going to happen, it has an unintended consequence, probably an intended one. The Chief of Police is going to be instructed by, if it passes, by the County Legislators and the County Executive to go out and aggressively start handing out summonses. I know because I personally worked for a law enforcement department in the past that pretty much had the same idea. Get money by getting more public fee pay up. Thirty percent or forty percent or whatever, that's a windfall for you guys. This is -- one of the statements that was in this article says that officials like to justify moves
by saying they are being imposed only on the ones that use the services. Well, you got a windfall here. Almost everybody uses the highways.

So, again, this is just one of the fees that really is going to make you guys a profit. It doesn't -- and don't tell me that the police aren't going to be told to aggressively go out and hand out summonses. Don't tell me that ain't going to happen. So, again, thank you for giving us all these fees. That's enough.

D.P.O. CALARCO:
Thank you, Mr. Pearson.

MR. PEARSON:
You're welcome.

D.P.O. CALARCO:
Our next speaker is Skip Wade followed by Michael McDermott.

MR. WADE:
Thank you. I'm here to talk about the nitrogen in the water. I have nine grandchildren and one on the way. I'm a golf course Superintendent and my business is turf. I've looked at your law on reducing pesticides and I have some answers for that and I have some questions. First question is who enforces these laws? You can get back to me on that. And then the next question is the fertilizer is being sold before April first. April first is when you're supposed to put it down. The third thing is a required sign from anybody who distributes fertilizer, like Home Depot, ACE Hardware, Lowe's. There's only -- I looked around, there was only one ACE Hardware who had the sign up to be visible for the public.

The other thing about April first it's, in my opinion, it's too soon to apply fertilizer because the soil temperatures are not yet high enough and the biology is not active enough to absorb the nitrates for nutrients, and that the opportunity for leaching is much greater because the root zone is not active and it's going into our bays and our groundwater. I believe that May first or May 15th is a much better time to apply any product like that.

I also want to know what the -- what is the procedures or what is your plans for reducing nitrogen and pesticides in Suffolk County. And what programs do you have or in place for the leased golf courses that you have on your properties? We should be -- I could -- we could be an example of golf courses in doing the right thing by reducing the pesticide load, which I have done. I have reduced my pesticide load from 1,500 pounds down to 500, and my nitrogen from four pounds of nitrogen to one pound of nitrogen using organic methods.

Give me the opportunity to take nine holes of one of your golf courses and I will show you how to reduce the nitrogen and the pesticide loads because I have done it and give educational talks to whoever, landscapers and homeowners and yourselves, and drastically reduce the nitrogen load in this County.
I currently have a golf course which I am running a compost facility, which has no smell, no turning, no pathogens. I also, there's a new product coming up on the market which is called Biochar, which we can make in Suffolk County, and Biochar is going to revolutionize the organic -- the fertilizer industry. So that's what I have to ask and that's what I wish for you guys to get in contact with me. I'll go to each one of you guys and I'll show you and I'll explain to you what I can do. Thank you very much.

D.P.O. CALARCO:
Thank you, Mr. Wade. Our next speaker is Michael McDermott followed by Tom Bove.

MR. McDERMOTT:
My name is Michael McDermott. I'm the Chairman of the Suffolk County Libertarian Party and more recently I was the candidate for Governor of New York State in 2014. Douglas Redmond, have you heard that name? Well, a couple of weeks ago I spoke before the Legislature while you were out in Riverhead and I begged, pleaded, I made an impassioned plea to suspend the Red Light Camera Program. I asked Doc Spencer, Bob Trotta, Mrs. Kennedy, Tom Cilmi, I've asked you all to please suspend this program before somebody else is killed. I explained that soon, inevitably, somebody that was sitting home with their family for dinner would no longer be sitting with their family for dinner and another family is torn apart.

Well, that family is the family of Douglas Redmond, who died last Friday at the intersection of Middle Country Road and Coram Mount Sinai Road. He's gone. It's a red light camera intersection. I was at a rally Sunday and when I was at the rally for another fellow, another young boy that passed away, terrible tragedy, and as I was making a left hand turn, I was in the left hand turn signal where this child was hit, and there was a green arrow. When the light turned green there was one car in front of me. That car went through. As I started to follow him, the light abruptly turned yellow and then red. The young lady in the car with me said, "You better hurry because you're going to get a ticket". Now this was not rehearsed, this is just what happened. And I went through and I probably did get a red light ticket because there was no chance not to. Only one car ahead of me, and had I gunned it or tried to get through or jammed on my brakes and there were children crossing that intersection like it was a few weeks ago, somebody else or more than one could have been killed.

Now I am asking, I am demanding that Bob Trotta, Doc Spencer, Tom Cilmi and the rest of you make a motion to suspend this program. Suspend this program because I don't want to talk about another family that's not going to be together next week or the week after. They cannot -- we cannot live with this. Suffolk County residents are at risk. Some of you will argue oh, it's not the yellow lights, we didn't do it, somebody else did it. Or some of the people that are killed was not because of the red light cameras. Well, you know what? There have been accidents, many accidents, at other lights, because nobody knows where the red light cameras are. They're there, the yellow lights are all different times. That's a
navigational tool for drivers to know when they can go and when
they can stop. Bob Trotta put a bill forth in Public Safety
Committee. Bob, remember that bill?

    (Timer Sounded)

And he asked to please suspend the flawed program. Bob's words.
It didn't get out of committee. Kate Browning had some camera
people come to say, "No, it's not the camera's fault". Well, what
do you expect them to say? So Mrs. Kennedy, Tom Cilmi, Bob Trotta,
Doc Spencer, Steve Stern, I'm asking you, I'm asking you please
make a motion and vote on this. Just suspend the program and get
the yellow lights back to five seconds. Nobody died from a five
second light

D.P.O. CALARCO:
Mr. McDermott, your time is up.

MR. McDERMOTT:
Yes, I know. Please, okay, Mr. Calarco?

D.P.O. CALARCO:
Thank you for your time. Our next speaker is Tom Bove followed
by Gail Lynch-Bailey.

MR. BOVE:
Good morning. My name is Tom Bove. I'm the President of the
Longwood Youth Sports Association. This is in regard to the
purchase of the property that's known as the K-Mart property in
Middle Island for the purpose of turning it into a sports complex.
As you know, you've already approved the appraisal portion of this
procedure, so I'm sure you're anxious to move on to approving and
submitting it to the builder. So I'm going to reiterate a little
bit of our need.

    We're currently one of the largest, if not the largest, sports
association for youth in Suffolk County. LYSA was born out of
baseball league from 1962 and in 1985 we turned it into LYSA
bringing on nine sports. I have been doing this since 1979, trying
to achieve land to build some fields so we don't have to rely on
the schools, who it's almost a competition on getting permits. You
know, we have to stand behind the sports teams, the special events.
Our group is in excess of 3,000 children. We can't even expand at
this point because we have no place to play, so these fields would
be a great boom to the community. We also want to put in
additional playgrounds and hiking trails so that other Suffolk
County resident can use it any time, especially during our
off-seasons.

When I starting doing this in 1979 I had black hair and a big
pompadour. My son was seven years old. He's now 44 and you can
see the condition of my hair. I'd really like to see this come to
fruition some time before I pass away, maybe my grandchild can play
on the fields. But it is really great for the community. Like I
said, we have nine sports of which five of them play on fields. We
need to get them off the school fields. We need to get them into
their own space. It will be a great community benefit and it will look great, too, better than what we have there right now. Thank you very much.

D.P.O. CALARCO:
Thank you, Mr. Bove. Our next speaker is Gail Lynch-Bailey followed by Mark Romaine.

MS. LYNCH-BAILEY:
Good morning. On behalf of the Middle Island Civic Association and the Long Island Alliance, I'm here to express support for the Procedural Motion No. 3, which if adopted would allow an offer of the real property value as determined by two appraisals and the Environmental Trust Review Board to then be made to property owners Wilber Breslin and Fred Colin. And this is indeed the 21-acre southwestern section of the parcel commonly known as the old K-Mart. Happily, that building is gone, but unfortunately the blight continues.

This is a huge, empty tract of really like a sea of crumbling asphalt that sits on the north side of Middle Country Road. Thousands of people live right across the street from it at Artist Lake, and even more of us pass it each day along our Main Street corridor. It has been sucking the life out of our community for more than a decade.

Today all of you here at the Suffolk County Legislature can take the next important step in ending this blight for good. We have a wonderful opportunity to create a beautiful park at that site, a great green space that will last longer than a decade. Our Field of Dreams Park will serve generations to come. It's going to provide the playing fields for our Longwood Youth Sports Association, which Mr. Bove has spoken about, and will also include amenities for all ages, including walking trails, playgrounds and a scenic overview of Artist Lake. We are developing an amazing plan for this space and we're eager to emulate the public-private partnership with Suffolk County and the Town of Brookhaven that has proven so successful at Mt. Sinai's Heritage Park, which of course everyone loves and enjoys so much.

The support for this type of park in Middle Island is overwhelming and widespread. I know that, Legislator Anker, you've received a number of e-mails for support for this from all sorts of groups, including the Coram Civic Association and many others, families with young children and senior citizens alike. And I'm not going to talk about what the real color of my hair is either, Tom, because we've been doing this for a long time. We're all thrilled by the prospect of transforming an ugly eyesore into what we will call a mini Central Park right in our own backyard. So please pass this motion and join me in praying that the offer is accepted by the owners. While I understand the need for the confidentiality surrounding this offer, I sincerely hope it's an offer they can't refuse. Thanks, everybody.
D.P.O. CALARCO:
Thank you, Gail. Our next speaker is Mark Romaine followed by Joe Loffreno.

MR. ROMAINE:
All right. Three minutes. Good morning. I come to speak to you this morning about a recent decision by the Legislature to approve the Ronkonkoma Hub Project. After learning of the approval, I spoke with my representative to this body as well as a number of people at Parks. In those conversations I learned that a number of important considerations hadn't been brought to this board. Additionally, the Long Island State Parks Commission hadn't been consulted as to the potential adverse consequences that could result to their public parks as a result of this approval.

In 1870, Genio C. Scott wrote in his book, *Fishing in American Waters*, that "There is not any subtle portion in the United States, another piece of territory where the trout streams are comparatively so numerous and productive as they are throughout Long Island. It is scarcely possible to travel a mile in any direction without crossing a trout stream, whether from Coney Island to Southampton on the south side or from Newtown to Greenport on the north side. Anglers who have never visited Long Island are comparatively innocent in the real zest of trouting. The climate is charming and surroundings are most inviting. I love Long Island inveterated trout streams".

What many fail to realize is that our trout streams are proverbial canaries in a coal mine and, unfortunately, from the Nassau-Suffolk border to the East River, almost all the canaries are either dead or on their last legs. This has occurred because of the extensive build-out of sewers and the resulting drawdown of the aquifer in these areas.

Last but not least, I took a hike through Massapequa Preserve. Mr. Scott had written also in his book Lake Massapequa at South Oyster Bay on Long Island is probably the best trout preserve in the United States. Today Massapequa Lake is a warm water fishery that can no long propagate trout. In the summer it's soaked by spadderdock, which is a floating plant similar to water lilies. Mostly all of the entire outflow there, they've actually notched all the waterfalls because the water isn't high enough to continue to flow.

The Great South Bay, in addition to this, is the only place on earth where bluepoint oysters existed. The fishery was so unique that New York State passed a law to finding exactly the minimum days of residency and where in the Great South Bay an oyster needed to be considered a bluepoint. As the salinity of the bay increased because of population growth and the opening of a new inlet in 1938, oyster populations dropped and clams came to the fore. In the mid-1960's over half the clams eaten in the United States came from the Great South Bay. The primary reason for the collapse of the industry and its continued inability to recover is because of the degradation of water quality in the Great South Bay.
I don't believe it's a coincidence that the South Shore Sewer District went online in 1981 and the bay suffered its first significant algae bloom in 1985. Today there's quite a bit of discussion concerning a potential 1% water bill surcharge in order to address the nitrogen problems in our waters. Has anyone considered how an additional drawdown of potentially 1.5 million gallons per day will increase the concentrations of nitrogen? The Great South Bay's water quality is dependent on cold, clean, oxygenated fresh water entering the bay from our aquifer-fed streams and springs.

I'll just quickly draw your attention -- I'll skip the first handout, but if you notice on the second handout I've indicated -- highlighted where the aquifer actually flows in the direction of the Connetquot River. In the proceedings that you had had, the mention was that the nearest surface body was the Carmen's River, which is actually fed by a different area. The water flow is generally southwest in this area.

(Timer Sounded)

So the impact would not be to the Carmen's River, it would be to the Connetquot River, and losing all that water into the Great South Bay would actually further degrade the water qualities of that bay. Thank you very much.

D.P.O. CALARCO: Thank you, Mr. Romaine. I would like to make a motion to extend the Public Portion; second by Legislator Cilmi. All those in favor? Opposed? Abstentions?

MR. RICHBERG: Fifteen.

D.P.O. CALARCO: The Public Portion is extended. Our next speaker is Joe Loffreno followed by Tammy McGuire.

MR. LOFFRENO: Hello. My name is Joe Loffreno. I currently live in Brookhaven Town, originally from East Hampton. A little background. I was one of the people who were instrumental in securing the resignation of Bill McGinty, which was a corrupt Town Supervisor and also -- the Budget Director was also arrested on 14 felonies. Anyway, yeah, I brought a lot of that stuff to light and now I'd like to talk about the red light cameras.

So in Arizona, Arkansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Jersey, South Carolina, South Dakota, Utah, California, West Virginia, Wisconsin, parts of Florida, including Miami, Broward County, Naples, they either banned or restricted the use of them basically making them inoperable. Most of that was for safety issues and a lot of it was because of the unconstitutionality of the whole program in general.
MR. LOFFRENO:
As we both know, all of us know, is recently had another murder, and I'm going to call it a murder because someone else died at the corner of Mount Sinai Road and Middle Country Road. Supposably, he had a walk light, the white light, and the other cars had the green light to go, so he was caught in the intersection. These red light cameras won't operate if they are legally programmed, because they only give a two-second or three seconds to get across that intersection, and nobody even sprinting could get across an intersection in two to three seconds. So they're caught in the middle and they're being murdered.

There's no doubt in my mind that Suffolk County is valuing revenue over public safety, and that the Red Light Camera Program is nothing more than murder for profit. Please do away with the Red Light Camera Program completely before someone else gets killed. Thank you.

(*Applause*)

P.O. GREGORY:
Okay. Tommy McGuire. Tammy, I'm sorry.

MS. McGUIRE:
Hi. I'm Tammy McGuire, a Miller Place resident, and I'm here because Nico Signore is dead. If you will, stay with me for a second, because he was one of four boys on a very nice spring day who pushed a crosswalk button and was given the go. And at that same time, a car turned on a green light making a left, hitting him and dragging his body over 100 feet, where he was taken to the hospital. And as I sat on my knees with my son and his family, we waited to hear them tell me and them that he was gone. He was a lamb waiting to be slaughtered, and he's not the first. I had the privilege of holding my son every night in my arms sobbing, trying to explain this to him, because he knows who John Luke was who died at that same intersection before on 25A in Miller Place on Miller Place Road.

There is absolutely no reason that is explainable or excusable that someone should have a green light to run over a pedestrian that has a "go" sign. And I'm here to tell you or to plead about the red lights, the cameras, that every person in this room knows it has a behavioral effect on the way you proceed in an intersection.

I held a rally for public awareness, and I have to say I was a little disappointed, because Sarah Anker reached out to me and she offered any help possible to make this better, safer, and I requested those flashing message boards down the street to say "Caution, Pedestrians Ahead". When I went before the rally, nothing had changed. There was no message warning any driver that we were out there on that corner. And as I stood at this rally with about 100 residents, six different occasions, six, the same thing almost occurred. And it's only by the grace of God that I am
grateful that no one got hit, but it is only by the grace of God. So I am imploring, I am begging you guys, before someone else's child is dead, to do something. You need red arrows after green, and you have got to evaluate this program. And if nothing else, the millions and millions of dollars that this brings in affords us the benefit of having a proper signal to ensure everybody's safety. Thanks.

(*Applause*)

AUDIENCE MEMBER:
Come on, Bob, make a motion.

P.O. GREGORY:
Hector Gavilla.

MR. GAVILLA:
Hello. My name is Hector Gavilla, and it's very heartbreaking to hear that previous person speak.

I have children that are 15 and 16 years old, the same age as the children that are dying crossing the streets. And we have been begging you for many years to reevaluate the Red Light Camera Program, but the dishonest Democrats in this room continue to say that it's a safety program and it's not about revenue. I have met with you personally, Steve Stern, I like you, but I disagree with the way you voted. I've tried to talk to you, Lou D'Amaro, but you're obnoxious, because you say -- you said two years ago in front a live group of people that the red light cameras actually save lives.

LEG. D'AMARO:
You ain't seen nothing yet, buddy.

MR. GAVILLA:
First of all --

LEG. D'AMARO:
You ain't seen nothing yet.

MR. GAVILLA:
First of all, friend, you're not supposed to speak back to me. I request an extra thirty seconds. Okay? Well, you're a disrespectful person, obviously.

MR. CLAMPET:
D'Amaro you work for us. You work for us.

P.O. GREGORY:
Hold on. Hold on. Hold on.

MR. GAVILLA:
Thank you, Charles. Thank you, Charles.
LEG. D'AMARO:
Don't shout me down, buddy.

MR. GAVILLA:
Okay. The red --

MR. CLAMPET:
I'm not your buddy.

LEG. D'AMARO:
You got that right.

MR. GAVILLA:
Okay.

P.O. GREGORY:
Hold on.

MR. CLAMPET:
DuWayne, he knows he's got to stop it.

P.O. GREGORY:
He's speaking. He's speaking. Please make your comments. Don't direct your comments at particular Legislators, particularly insults. You have a comment, please state it.

MR. GAVILLA:
Well, I didn't direct it exactly to him.

P.O. GREGORY:
You did. All right. We're not going to debate this. You have time. You have three minutes, please make your --

MR. GAVILLA:
Mr. Gregory, I just mentioned his name. I didn't ask him to have a dialogue.

P.O. GREGORY:
You said he was obnoxious.

MR. GAVILLA:
That's my opinion.

P.O. GREGORY:
All right.

MR. GAVILLA:
I'm entitled to an opinion.

P.O. GREGORY:
All right. Just, please, just make your comments.

MR. GAVILLA:
First of all, there is a -- I have a freedom of speech, right?
P.O. GREGORY:
You certainly do.

MR. GAVILLA:
Is that -- do I still -- or do we still live in tyranny here? I mean, what's going on? Okay? I have a right to speak for three minutes. I'd like it to be reset, because, obviously, there's been a distraction. Can you reset it for me?

P.O. GREGORY:
Speak.

MR. GAVILLA:
Okay, I'm speaking. Thank you. All right. I'm not here to say that red light cameras themselves may cause the accidents themselves, but you ignore every plea that we have to evaluate the intersections, and you just go ahead and say that it's saving lives, that it's a safety program. It is not.

I have witnessed myself, as a pedestrian, trying to cross the street and what I see is that as I have -- I press the button for the crosswalk to cross and I see cars are able to also make left turns. So as I'm walking, a car can make a left turn and hit into me. Also, as a driver, I have seen where I could drive and make a left turn and there's pedestrians who have the right-of-way and they press the button correctly, too. So what you're trying to do here is you're trying to say that in 2014, whenever you installed that camera at that intersection where those two young boys died, that was the answer, that was going to make it safe for everyone, and it is not, that is not the answer. There are solutions that nobody here wants to listen to, because, quite frankly, we don't have the money to spend for it.

I took a recent trip to Florida in Key Biscayne, and what I saw was that when pedestrians cross in the crosswalk, there is a motion sensor where the lights go bright yellow, and that allows the drivers to immediately know that there's a pedestrian in the crosswalk. I've suggested this to a few people, but it goes on deaf ears, because you're making so much money on this program that you don't really care about the safety, it's really about the revenue. And this is just one of many fees. We've got mortgage fees, we have the alarm code -- the alarm fees and other fees, because you're trying to make up for mismanagement of a budget. And in November, the people in this room, you have to talk to everybody. We cannot continue to vote for the Democrats in Suffolk County, we have to vote for Republicans.

I wanted to be there Sunday at the rally, but I'm screening currently for the Sixteenth District, and if I am elected --

P.O. GREGORY:
Please wrap up.

MR. GAVILLA:
-- I am going to vote against this program as well. Now besides those two pedestrian accidents that's happened within the past --
P.O. GREGORY:
Mr. Gavilla, please. Please wrap up, your time is up.

MR. GAVILLA:
All right. Give me another 30 seconds, please.

P.O. GREGORY:
No. Please wrap up.

MR. GAVILLA:
But he distracted me.

P.O. GREGORY:
Wrap up.

MR. GAVILLA:
Okay. There were accidents at Deer Park, there was accidents in East Patchogue --

P.O. GREGORY:
Mr. Gavilla, wrap -- wrap up.

MR. GAVILLA:
-- in Huntington at Jericho Turnpike and Route 110 --

P.O. GREGORY:
Mr. Gavilla, your time is expired. Wrap --

MR. GAVILLA:
-- and on Commack Road and the South Service Road.

P.O. GREGORY:
Mr. Gavilla, please. Your time's expired, please wrap up your comments.

MR. GAVILLA:
Okay. I'm just asking you to no longer make it about profits over public safety. Thank you very much and have a great day.

P.O. GREGORY:
Thank you, you, too.

(*Applause*)

All right. Mr. Clampet, you're up next.

MR. CLAMPET:
I was on the corner of 101 and Station Road. Every one of you County Legislators should all take a bus ride and just sit on that corner. That left turn was a two-second arrow. Left turn was a two second arrow. Only one car was able to go through, then another car was -- two cars were able to go through the next time. Two seconds is not the number.
General Meeting - March 28, 2017

I want to know, on a snow day, when Bellone said no driving, Supervisors all said no driving, how much money did the County, the residents have to pay for those red light cameras? That's what I want to know. I want to know each and every day how much those cameras are making. You want to make it transparency, then do transparency. Mr. Gregory, please do a transparency. Let the people know how much money is being made on each camera every day since its inception, and then follow the money and then we can follow the crime.

Where is the money going to? Is it going into the PBA, which the guys that are sitting in the back right here. And I can point at him all I want. He's sitting here to learn how to squeeze another dollar out of the taxpayers. This is unbelievable that nobody here has the balls to stand up against the PBA. Why? Because the PBA backs you guys. PBA puts all the money into your -- into your campaign. Am I right or wrong? Let one person tell me that's not right. Let one person here on this Board tell me it's not right. I know that some of them are not getting it, but most of the Democrats here are getting it.

And the casino, the casino is a mess. Why would we have a casino? You have the Chairman, the president of OTB, let's see, what's his name, and then you have the other -- what's his name? And then you have the other guy, Democrat, Republican. And if they make $300,000 a year for their top three years, we have to pay their retirement. Tell me that's not true. Look into that.

It's a shame what this County has fallen into. And I think we all have to move. If we don't move, you all are not going to get paid. And remember, you all, each and every one of you work for us. We pay your salary, not your mother, not your father, not the PBA. We pay your salary. Thank you.

P.O. GREGORY:
Okay. Thank you. That's all the cards I have. Is there anyone else that would like to speak that hasn't signed a card?

MR. RUTH:
Yeah, I'd like to speak, please.

P.O. GREGORY:
Please come forward. Okay.

MR. RUTH:
I'd like to have these handed out, please. Can I keep one for myself? I have enough for everyone. Also, if you could show the Legislators this. This is your unsigned installation plan of the camera system.

What she's giving out is the New York State Executive Law. Oh, you started me? Okay. Well, I wanted to know how -- my name is Stephen Ruth. I wanted to speak against the red light cameras, and the particulars in regards to the installation plans of the cameras and all of our traffic signals.
How do you justify the deaths and injuries of innocent people at intersections, which, by New York State Education Law and Engineering Law, are not even allowed to exist? You have been notified in notices of claim that these traffic signals have not been authorized to be constructed. The traffic signals have not been authorized to be constructed, according to New York education and engineering practice law. They have not been signed and sealed by licensed professional engineers, which, by New York State law, requires for any traffic control device. Also, every single red light camera in Suffolk County has been constructed on a public right-of-way, also without the signatures and seals of professional engineers.

When I go to build a house, everything has to be stamped and sealed. Why do I have to pay for licensed engineers to stamp and seal all my plans, all my surveys, everything, but you guys don't have to? That's not right. And people are dying and there's no one to hold responsible for the engineering malpractice. Okay?

Nowhere in the USA has this degree of negligence been seen, and I work with people throughout the nation. Traffic control engineers throughout the nation reach out to me and give me this information. I'm not a traffic engineer. I'm being told this by the foremost executive professionals in the industry that our state, our county in particular is the most fraudulent corrupted county. And what I handed out is the New York State Executive Law stating that any one of you that speaks out and exposes this fraud will not lose your jobs. I urge you all to sign it and acknowledge that you've been given the New York State Law and that you're acknowledging that I've handed it to all of youse. Please sign it and give it back to me. And I urge you to step forward and defend your constituents. These are children.

And there was another person killed on Friday night, a gentleman. I posted his picture on Facebook. He was a good looking gentleman, he was 31 years old, and he had his whole life ahead of him. And he died in front of a very short yellow light in front of Astoria Bank in Coram again, after the boy in Miller Place, after John Luke, after the one on Suffolk Avenue in Central Islip. James Emanuel, Suffolk police officer, described that intersection and said that they were less than two seconds, so around two-second yellow lights. And now another girl got hit by two cars, both hit and runs. Where's the videos? No video ever released by the private company who recently changed their name. Do you realize the impropriety of how that looks, how Xerox goes and changes their name? They changed their name, because they don't want to be associated with the stigma, the stigma associated with these deaths in these intersections. Thank you.

(*Applause*)

P.O. GREGORY:
Okay. Anyone else that hasn't spoken already? No, okay. I'll take a motion from Legislator Anker to close the Public Portion, I'll second. All in favor? Opposed? Abstentions?
General Meeting - March 28, 2017

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

P.O. GREGORY:
Okay. Mr. Clerk, I had forgotten to acknowledge Legislator -- Legislators Muratore and Browning have excused absences.
Okay. Let's go to our agenda. We have, let's see, the Consent Calendar. I make a motion to approve.

LEG. BARRAGA:
Second.

P.O. GREGORY:
Second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

TABLED RESOLUTIONS

P.O. GREGORY:
Okay. Tabled Resolutions: I.R. 1870 - To expand the scope of the Energy Utility Legislative Oversight Committee (Martinez). Motion to table by Legislator Martinez, second by Legislator Calarco.

LEG. D'AMARO:
Mr. Presiding Officer, please note my recusal.

P.O. GREGORY:
Yes.

LEG. D'AMARO:
Thank you.

LEG. HAHN:
Same here.

P.O. GREGORY:
Yes.

LEG. HAHN:
Please note my recusal.

P.O. GREGORY:
Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Fourteen. (Absent: Legislators Browning and Muratore/Recusal: Legislators Hahn and D'Amaro)

P.O. GREGORY:

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LEG. CILMI:
Motion to table.

P. O. GREGORY:
Motion to table.

D. P. O. CALARCO:
Second.

P. O. GREGORY:
All in favor -- oh, second by Legislator Calarco. Motion to table by Legislator Cilmi, second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

P. O. GREGORY:
Okay. I. R. 2051 - Adopting a Local Law amending Chapter 818 of the Suffolk County Code to modify the fees which may be applied by the Suffolk County Traffic and Parking Violations Agency (Co. Exec.).

LEG. HAHN:
Motion to table.

P. O. GREGORY:
Motion to table by Legislator Hahn, I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

INTRODUCTORY RESOLUTIONS

BUDGET & FINANCE

P. O. GREGORY:
Okay. Introductory Resolution: I. R. 1031 - Approving the 2017 funding for a contract agency (Northport Historical Society) (Spencer). Motion by Legislator Spencer?

LEG. SPENCER:
Yes, absolutely.

LEG. D'AMARO:
Second.

P. O. GREGORY:
Second by Legislator D'Amaro.

LEG. SPENCER:
I was agreeing. I'm sorry. Motion.

P. O. GREGORY:
All in favor? Opposed? Abstentions?
MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

ECONOMIC DEVELOPMENT

P.O. GREGORY:
I.R. 1139 - Amending Resolution No. 453-2016, authorizing the sale of tax lien certificates on the former Steck Philbin Landfill Site (SCTM Nos. 0800-042.00-01.00-001.000 and 0800-042.00-01.00-002.002) --

LEG. CILMI:
Motion.

P.O. GREGORY:
-- to the Suffolk County Landbank Corporation (Co. Exec.). Motion by Legislator Cilmi, second by Legislator -- oh, I'll second.

LEG. TROTTA:
Just note my recusal.

P.O. GREGORY:
Legislator Trotta is recused. All in favor? Anyone have any questions? All in favor? Opposed? Abstentions?

MR. RICHBERG:
Fifteen. (Absent: Legislators Browning and Muratore)

P.O. GREGORY:
I.R. 1180 - To reappoint Corrieann M. Young as a member of the Suffolk County Citizens Advisory Board for the Arts (Stern).

LEG. STERN:
Motion.

P.O. GREGORY:
Motion by Legislator Stern.

LEG. LINDSAY:
Second.

P.O. GREGORY:
Second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

ENVIRONMENT, PLANNING & AGRICULTURE

P.O. GREGORY:
I.R. 1118 - Adopting a Local Law to increase the penalties for illegal dumping in Suffolk County (Hahn).

LEG. HAHN:
Motion.
P.O. GREGORY:
Motion by Legislator Hahn.

LEG. ANKER:
Second.

P.O. GREGORY:
Second by Legislator Anker. On the motion, anyone? All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

LEG. LINDSAY:
Cosponsor.

LEG. ANKER:
Cosponsor.

P.O. GREGORY:
Me, too.

D.P.O. CALARCO:
Jason.

P.O. GREGORY:
I.R. 1165 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) open space component - for the John G. And Roberta Marinuzzi property - Hampton Hills County Park addition/Pine Barrens Core - Town of Southampton - (SCTM No. 0900-241.00-01.00-001.000) (Co. Exec.).

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:
Sixteen. (Absent: Legislators Browning and Muratore)

P.O. GREGORY:
I.R. 1182 - Making a SEQRA determination in connection with the proposed Port Jefferson - Wading River Rails to Trails Pedestrian and Bicycle Path, (CP 5903), Town of Brookhaven, Town of Riverhead and Village of Shoreham (Pres. Off.).
LEG. ANKER:
(Raised hand)

LEG. HAHN:
(Raised hand)

P.O. GREGORY:
Motion by Legislator Anker, second by Legislator Hahn. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

P.O. GREGORY:
I.R. 1183 - Making a SEQRA determination in connection with the proposed Improvements to Suffolk County Sewer District No. 7 - Medford, (CP 8194), Town of Brookhaven (Pres. Off.). Motion by Legislator Calarco, I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

P.O. GREGORY:
I.R. 1184 - Making a SEQRA determination in connection with the proposed Suffolk County Sewer District No. 22 - Hauppauge Municipal Recharge Facilities Project, (CP 8171), Town of Smithaven -- Smithtown, excuse me (Pres. Off.).

LEG. KENNEDY:
Motion.

P.O. GREGORY:
Motion by Legislator Kennedy, I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

P.O. GREGORY:

LEG. FLEMING:
Motion.

P.O. GREGORY:
Who was that? Motion by Legislator Fleming.

LEG. HAHN:
Second.
P.O. GREGORY:
Second by Legislator Hahn.

LEG. KRUPSKI:
On the motion.

P.O. GREGORY:
On the motion, Legislator Krupski.

LEG. KRUPSKI:
Thank you. So this is a -- I think this is a pretty important
document. We should all pay attention to it. This is going to
really affect how a lot of these wastewater treatment systems are
going to be placed.

A gentleman just spoke at the Public Portion on the removal of
fresh water and the dumping it into the saltwater, which affects
the salinity and the water quality of our bays, and then, of
course, that affects the shellfishing and finfishing.

So I think this is something that we should all take a look at
within our district and countywide. Certainly work with our towns
to see if it’s going to affect how their land use and zoning goes.
It's very important, as long as we manage it well, so -- and there
was an awful lot of good work put in by the Department of Planning,
Public Works and the Health Department on this.

P.O. GREGORY:
Okay. Bridget. Legislator Fleming, excuse me.

LEG. FLEMING:
Thank you, Mr. Presiding Officer. I just want to echo Legislator
Krupski's points with regard to the importance of this document. I
will say I know that the East End towns, which are working very
hard on legislation to require or incentivize nitrogen-removing
onsite septic systems are waiting anxiously for this document to be
produced. They will be relying on it in terms of policy-making and
prioritization, that really important effort to try to get the
nitrogen out of our water, in support of our finfishing and
shellfishing, and, you know, general health of our waters.

So it has been a terrific process so far. I compliment the
administration and the Health Department for their hard work on it.
And, certainly, offer the support of the East End towns for all the
good work, and, you know, we've got to just keep moving forward.
Thank you.

P.O. GREGORY:
Okay. Anyone else? Okay. We have a motion and a second on
I.R. 1191. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)
PARKS & RECREATION

P. O. GREGORY:
I.R. 1140 - Authorizing use of Indian Island County Park in Riverhead by North Fork Environmental Council, Inc., for its Earth Day 5K Fundraiser (Co. Exec.).

LEG. KRUPSKI:
Motion.

P. O. GREGORY:
Motion by Legislator Krupski.

LEG. FLEMING:
Second.

P. O. GREGORY:
Second by Legislator Anker. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

P. O. GREGORY:
I.R. 1141 - Authorizing use of Blydenburgh County Park in Smithtown by the Northport Care Center, Inc. for its Walk for Life Walk-A-Thon (Co. Exec.). Motion by Legislator Cilmi. Second by Legislator Kennedy?

LEG. KENNEDY:
Sure.

P. O. GREGORY:
All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

P. O. GREGORY:
Did you call it?

MR. RICHBERG:
Yes.

P. O. GREGORY:
You did? Okay. I.R. 1142 - Authorizing use of Southaven County Park in Brookhaven by American Cancer Society for its Bark for Life Walkathon (Co. Exec.).

LEG. MARTINEZ:
Motion.

P. O. GREGORY:
Motion by Legislator Martinez, second by Legislator Calarco. All in favor? Opposed? Abstentions?
MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

P.O. GREGORY:
Ruff, ruff. All right. I.R. 1143 - Authorizing use of Smith Point County Park by the Long Island 2 Day Walk to Fight Breast Cancer, Inc., for its Hope Runs Here 5K Run/Walk (Co. Exec.).

LEG. KENNEDY:
Motion.

P.O. GREGORY:
Motion by Legislator Calarco, second by -- oh.

LEG. CILMI:
Go ahead, second by?

LEG. ANKER:
(Raised hand)

P.O. GREGORY:
Second by Legislator Anker. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

P.O. GREGORY:
I.R. 1157 - Authorizing use of Sears Bellows County Park and the County owned portion of the Paumanok Trail by Jayasports for its Paumanok Pursuit Fundraiser (Co. Exec.).

LEG. HAHN:
Motion.

P.O. GREGORY:
Who was that?

MR. NOLAN:
Kara.

P.O. GREGORY:
Motion by Legislator Hahn, second by Legislator Fleming. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

PUBLIC SAFETY

P.O. GREGORY:
I.R. 1050 - Adopting a Local Law amending County restrictions on outdoor restraint of pets (Martinez).

LEG. MARTINEZ:
Motion.
P.O. GREGORY:
Motion by Legislator Martinez.

LEG. ANKER:
Second.

P.O. GREGORY:
Second by Legislator Anker. On the motion, anyone? All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

P.O. GREGORY:
Congratulations.

LEG. ANKER:
Jason, cosponsor.

P.O. GREGORY:
I.R. 1094 - Adopting a Local Law to increase certain administrative fees for the Department of Probation (Co. Exec.).

D.P.O. CALARCO:
Motion.

P.O. GREGORY:
Motion by Legislator Calarco, I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

P.O. GREGORY:
I.R. 1108 - Adopting a Local Law to increase Medical Examiner fees (Co. Exec.). Same motion, same second.

LEG. TROTTA:
On the motion on this one.

P.O. GREGORY:
On the motion, Legislator Trotta.

LEG. TROTTA:
This is just going from 60 to $75, right?

P.O. GREGORY:
Yeah.

LEG. TROTTA:
And 30 to 40. Is someone here from the --

MR. MARAFINO:
Good morning. The Medical Examiner is actually on his way over. You know, he shares the parking lot with us. But yes, you're correct. This is just increasing two different fees, one from 60
to 75, and the autopsy report from 30 to 40.

LEG. TROTTA:
How long have they been at these other figures?

MR. MARAFINO:
The autopsy report, I believe, has been at that number since inception. So in 2000 -- either 2004 or 2005, so it's been awhile. And the $60 fee was increased in 2012 last.

LEG. TROTTA:
From what?

MR. MARAFINO:
In 2012, I believe -- it was created in 2004 at 30, it went up to 60, and now it's being increased from 60 to 75 to cover our administrative costs in the Medical Examiner's Office.

LEG. TROTTA:
Has there been an analysis by Budget Review as to the increased costs?

MR. LIPP:
I don't have the number on me in the notes file, but I'll take a look. It's in the adopted 2017 budget, though. I'll get back to you on what the impact is.

LEG. TROTTA:
Okay. So if it was just raised in 2000 -- actually, it's five years ago, right?

MR. MARAFINO:
Collect.

LEG. TROTTA:
Inflation. And so this is a cremation fee that we -- we don't cremate people, do we?

MR. MARAFINO:
Correct, we don't. This is a cremation clearance paperwork that the Medical Examiner has to clear. So, if you'd like, I would rather not mess this up.

LEG. TROTTA:
You don't know what it is either.

MR. MARAFINO:
No, it's not that. I just would like a person smarter than myself, Dr. Caplan, who's driving over from the parking lot over here, to answer that question better than I. But he has, you know, stated to us that administrative costs have increased for this, and they feel it's appropriate, the increase.

LEG. TROTTA:
All right. Do we know how much this raises, M.E.?
MR. FREAS: I'm sorry. I'm sorry, Legislator, I didn't quite hear you.

LEG. TROTTA: How much -- how much money are we raising from these increases?

MR. FREAS: $125,500. That's for all of the stuff that we already said, all right?

MR. NOLAN: Okay. So it's -- you don't know what the fee is for? I just don't know --

MR. FREAS: I can actually answer that question.

LEG. TROTTA: Okay.

MR. FREAS: The cremation clearance fee is required in order for a -- in order for a funeral home to proceed with a cremation, what happens -- I know this because we had to do it a couple of years ago personally. One of the medical forensic investigators will actually call the family of the decedent, or whoever's responsible for it, they'll ask a few questions, and then they'll sign off the cremation clearance fee, and then the cremation can proceed by the -- by the funeral home, or whoever is doing the cremation,

LEG. TROTTA: So we have to -- we have to -- the County approves a --

MR. FREAS: The Medical Examiner is required to approve the cremations. Not all counties charge this. We've been charging it, I think, for about 15 years now. Our recommendation in the review was to raise it basically based on the increase in salaries for the medical forensic investigators is about 25%, therefore, we raised the fee from the initial fee from 60 to $75. That was our --

LEG. TROTTA: I just -- I want to understand why we -- why we have a fee to do that. I mean, is there some kind of -- have we ever not allowed someone to be created?

MR. FREAS: I believe -- that question I couldn't answer, but the reason that the Medical Examiner has to clear a cremation is so that a body is not overexpeditiously destroyed.

LEG. TROTTA: Well, it wouldn't be in a funeral home if it was. Well, why don't we just wait to hear.
MR. FREAS:
Hopefully not, but that's why.

MR. MARAFINO:
Legislator Trotta, I believe the Medical Examiner just walked in
the building, so if you want to hold for 30 seconds.

LEG. TROTTA:
Okay.

(Members Whistling the Theme to Jeopardy)

P.O. GREGORY:
Okay. Here he is. This is the music portion of our agenda?
Hello, Doctor. I think the question --

DR. CAPLAN:
Yes.

P.O. GREGORY:
-- before us, before you walked in, is why do we charge this fee,
and what is it for?

DR. CAPLAN:
Okay. So just to summarize here, so the cremation clearance
process, just so you all know, is -- actually can be a very
complicated process. And what happens is, is that -- I'll just
kind of guide you through this, is that with a cremation clearance,
we receive notification from funeral directors that they need
cremation clearance, and so that basically is a safeguard so that
any death that should be reported to the Medical Examiner's Office
is not overlooked.

And so the way that this works is that we get the call from the
funeral home, and then we will then investigate the circumstance of
the case. And it may be as simple as looking at the death
certificate and determining that it is clearly a natural death
that's not -- not a death that needs to be reported to our office,
or it may be a situation where it may be a death that does need to
be reported to our office or needs to be investigated further.
That may involve several hours of investigation, which may include
our investigators having to contact the hospital, the doctors, the
nurses, anyone familiar with this patient's care. And so that can
take -- as I said, it can be a simple matter, but it can also take
several hours for that to -- you know, to go through that whole
process.

LEG. TROTTA:
So my question is this: A 100-year-old woman dies in her house of
natural courses, the doctor signs off on the death certificate,
goes to the funeral home. If the family decides to cremate them,
they have to contact you?

DR. CAPLAN:
That's correct.
LEG. TROTTA:
Okay. So every -- it's required by law. So now if they bring this body to where it's cremated, they have to have a form signed by you, or how does that work?

DR. CAPLAN:
Yes. There's a cremation -- there's a cremation clearance form that the funeral home faxes to our office, and then our investigator reviews the case. And, as you said, in that circumstance, that would just be a routine matter of our investigator signing off on that authorizing that cremation. On the other hand, if it's a cremation from somebody where it's listed as the underlying cause is a hip fracture or some injury, then that sets off a whole chain of investigations, which means that before we can clear that, we have to find out, first of all, if that death needs to be reported to our office, and if it does, we may not be able to clear that cremation. As a matter of fact, we may have to actually bring that person's body into our office.

LEG. TROTTA:
So when they get to the crematorium, I assume that's what it's called, they have to have this form? You sign it and fax it back?

DR. CAPLAN:
Yeah. This is before they ever get to the crematorium.

LEG. TROTTA:
All right. But let's say -- let's say it's a normal death. Now you sign it and you fax it back to the funeral home.

DR. CAPLAN:
If we -- that's right. If we --

LEG. TROTTA:
If you approve it. If it's the 100-year-old woman, you approve it and you send it back.

DR. CAPLAN:
That's right.

LEG. TROTTA:
And now they go to the crematorium. They're not going to cremate this person unless they have that form?

DR. CAPLAN:
That's correct.

LEG. TROTTA:
So if I go to one of these crematoriums, they're going to have a record, they make a copy of it, of every person they cremated?

DR. CAPLAN:
That's correct. Well, every -- yes. And I can -- I can show you, Legislator Trotta. I've actually got a copy of the form.
LEG. TROTTA: 
I think I'm good.

DR. CAPLAN: 
Okay. I mean, just so we have a document, if you need it.

LEG. TROTTA: 
Okay.

DR. CAPLAN: 
Yeah, so that's right. So every cremation, every cremation that is 
going to be performed is cleared by our office. Now I will tell 
you that in some states there are actually, you know, laws on the 
books that demand that this -- that this happen.

LEG. TROTTA: 
That was my next question.

DR. CAPLAN: 
Yeah.

LEG. TROTTA: 
Is there a law in New York State?

DR. CAPLAN: 
I'm not aware that there's a law in New York State. We do this, 
though, as a safeguard to make sure that there are -- that there 
are not cases that slip through the cracks that should have been 
reported that are not reported.

LEG. TROTTA: 
So if it's not a law in New York State, if a funeral home shows up 
with a 100-year-old body and doesn't have that form, they're under 
no obligation not to cremate them.

DR. CAPLAN: 
That's correct. However, again, as I said, we do it -- we do it as 
a safeguard, okay, to make sure that if --

LEG. TROTTA: 
But it's no safeguard if the funeral home can -- there's no 
legal -- there's no legal obligation for them to have it, the 
safeguard is not a safeguard.

DR. CAPLAN: 
I'm not sure I understand.

LEG. TROTTA: 
Because if I own a funeral home and I just don't get that form and 
I send the person to the crematorium, they're going to get 
cremated. There's no -- they're not breaking any law.

LEG. CILMI: 
Is it a legal obligation from Suffolk County, perhaps?
LEG. TROTTA:
Is it a legal obligation? I don't obviously know. I don't think it would be. There's no legal obligation in Suffolk County to do that.

DR. CAPLAN:
That I don't know.

LEG. TROTTA:
So we're charging a fee for something that really isn't required.

DR. CAPLAN:
Well, this is -- first of all, let me clarify this. This is -- this is something we have -- this has been a fee that's been charged. This was last -- this has been going on since two thousand and --

LEG. TROTTA:
And my point isn't -- I don't care about -- I don't care about that. I just -- we were explaining the situation and there's really no requirement for it. So we're charging people a fee for something --

DR. CAPLAN:
I'm not aware that there's a legal requirement in New York State. I can tell you that there is a legal requirement in some other states. And I can also tell you that the reason that we charge the fee is to justify the cost that it takes for our investigators to investigate these cases in which --

LEG. TROTTA:
I know, but what I'm saying, you don't even know what you're investigating.

DR. CAPLAN:
Excuse me?

LEG. TROTTA:
I mean, there could be a funeral home that never does this, we'd never know.

DR. CAPLAN:
I'm telling you about the cases that -- I'm trying to explain to you the reason, the rationale why we require this.

LEG. TROTTA:
I understand the reason, I understand all of that. It's just there's no ends to the means here. I mean, I can have a funeral home in Sayville that just doesn't do it and you would never know. So, I think, you know, while I think it's admirable you're trying to do this, clearly, there's no -- there's no requirement.

DR. CAPLAN:
Well, I can tell you this, that the Nassau-Suffolk County Funeral Directors Association, which is a -- which is a body over these, they certainly know.
LEG. TROT TA:
That doesn't do anything for me.

DR. CAPLAN:
Well, I'm saying that they're a regulatory body for those funeral homes.

LEG. TROT TA:
It's not a -- it's not a government regulatory body, it's just a --

DR. CAPLAN:
It's a --

LEG. TROT TA:
An association, yeah. All right.

DR. CAPLAN:
Okay.

P. O. GREGORY:
I'm sorry. Legislator McCaffrey? Or were you next, Tom? McCaffrey, okay.

LEG. MC CAFFREY:
Thank you. Hello, Doctor. I had a quick -- I heard you say that the reason for this is in case there may be a slip-up. What do you mean by that?

DR. CAPLAN:
No, I'm sorry, and I apologize. I didn't mean to use the term "slip-up". What I -- you know, what I mean to say is that if -- if there is a death -- so there are certain deaths that by law have to be reported to the Medical Examiner's Office, Suffolk County and New York State. What I was saying, Legislator McCaffrey, is that what I mean by slip-up is that if there is a death that should have been reported to the -- to our office, but was not, the way -- one of the mechanisms by identifying those cases is through cremation clearance, okay, in other words. So, you know, to take the contrast to Legislator Trotta's 100-year-old person with an obvious natural death, what if you have a 100-year-old person who dies, but they died of a fall, or there was an injury? In that situation, by law, that death has to be reported to our office. If -- by the cremation clearance, that's the mechanism which is the safeguard which allows us to identify those deaths which otherwise might not be reported to us.

LEG. MC CAFFREY:
Okay. And so how many times has this come into play where you've caught something at the cremation clearance process; you said that, "This should have been reported to us and it was not, stop the cremation"?

DR. CAPLAN:
I can give you not an exact number, but an approximate number. I would say it would not be unreasonable to say that approximately five to ten times a month is when we -- is when we get cremations...
that we cannot authorize cremations based on the form that they're presented to us.

LEG. MC CAFFREY:
Okay. And then -- and what's happened after that? Those five or ten a month, what has happened after that?

DR. CAPLAN:
Okay.

LEG. MC CAFFREY:
What is the resolution of those cases?

DR. CAPLAN:
So then what happens is this, is then we notify the funeral home. These are a couple of things that happen: Either the wording of the death certificate has to be changed, okay, in which case we need to -- they need to contact the attending physician, or we need to contact the attending physician, that's one option. A second option is clarification. If there was an injury that's listed on the death certificate, did that actually contribute to the death? If it did not, then we can revise the death certificate and go on. If it did contribute to the death, then we have to accept medical legal jurisdiction of that case. So in which case not only is there not a cremation permit issued at the time, but not until we are done with our examination of the body and had assumed legal jurisdiction, that's when the cremation can go forward.

LEG. MC CAFFREY:
Okay. And out of all these things that have happened, okay, when you've investigated those five or ten, then you've investigated them -- investigated them, how many times has something come back where you said, "Hey, we have a problem here"?

DR. CAPLAN:
Well, we don't have a problem because of the fact that we have this mechanism in place.

LEG. MC CAFFREY:
Okay.

DR. CAPLAN:
That's my point.

LEG. MC CAFFREY:
And in terms of people that are not cremated and are buried, I guess it's your position that you could always go back, and if you need to, and the term escapes me --

DR. CAPLAN:
Yeah, exhume.

LEG. MC CAFFREY:
Exhume. Exhume the body to determine if, in fact, that it was something that needed to be examined further.
DR. CAPLAN: That's correct. And I will say this in response to that, to that scenario, we probably get -- we probably get -- and this is -- it's a very small number, but, yeah, there are a few cases each year where we'll get a call after the fact somebody's been buried and there's a suspicion of foul play, usually some subtle form, poisoning or something like that, and then we would investigate that, you know, based on the report that's made to us.

LEG. MC CAFFREY: Okay. And out of the amount that's happened outside of cremation, and we're talking about burials, and how many times have you had to exhume the bodies to follow up to make sure there was no foul play or everything was in compliance?

DR. CAPLAN: Since I've been here, and since 2014, it has not happened since I have been here. I know it has happened with other Medical Examiners who have been here before me. I don't have an exact number.

LEG. MC CAFFREY: All right. So here's my problem with the whole -- you know, the fee structure and everything. This is -- and this isn't you. We're just looking at we have fees for the alarm, your fees for mortgage filing, and now we're having fees even for when people are dying beyond there, you know, and we're increasing those fees. Are you aware of -- you said Nassau or Suffolk. Does Nassau also have a similar fee?

DR. CAPLAN: Not that I'm aware of.

LEG. MC CAFFREY: Okay. Or anybody else in New York State that you're aware of?

DR. CAPLAN: Not in New York State that I'm aware of. In -- yeah, not that I'm aware of. In other states, but not that I'm aware of in -- specifically in New York State.

LEG. MC CAFFREY: So we're the only county in New York State that is requiring that this fee be paid for this cremation clearance process?

DR. CAPLAN: That I can't agree to, because I haven't queried all of the different counties in New York State. (Cell phone rang ) Excuse me, I'm sorry. What I can say is of the counties -- and I've made some queries of a few of the counties, some Upstate, some down here, and, yeah, I have -- none of them do charge.

LEG. MC CAFFREY: Okay. So do you think -- when this fee gets charged, I would have to assume that this fee would then get tacked onto the families --
DR. CAPLAN:
No.

LEG. MC CAFFREY:
-- who have to pay for the burial?

DR. CAPLAN:
No, not at all.

LEG. MC CAFFREY:
Well, who's going to pay the fee?

DR. CAPLAN:
Well, this fee is to the funeral homes.

LEG. MC CAFFREY:
But don't you -- do you think the funeral home is not going to put that fee on top of the cost of their doing business?

DR. CAPLAN:
I would hope not.

LEG. MC CAFFREY:
(Laughter) You would hope -- Doctor, I mean, there's an additional fee. You think that they're not going to assess that fee when they go in there in their cost of doing business? I mean, if they had to -- if they had to pay an extra fee for the burial, or the cost of a cremation went up, don't you think that they would pass those fees on to the -- on to the cost of the funeral itself?

DR. CAPLAN:
I think that a -- if a funeral home -- if the fee that we're charging is for a duty that -- yeah, I suppose it's possible, but, you know, I -- yeah, it's possible.

LEG. MC CAFFREY:
Okay. Thank you.

LEG. CILMI:
DuWayne.

P.O. GREGORY:
Legislator Cilmi.

LEG. CILMI:
So, Cilmi, just to follow up on a couple of questions. As always, you know, sometimes things come up during questioning that we didn't think about previously. But to follow Legislator Trotta's questioning a bit, so is there no consequence, then, if a funeral home fails to request a clearance from your department?

DR. CAPLAN:
There may not be an immediate consequence, but there certainly is the potential for a consequence down the road.
LEG. CILMI:
Well, I mean, a consequence for the funeral home. If a funeral
home says, "Ah, that's Suffolk County, it's just a" -- you know,
"It's not mandatory, "I'm just going to" -- "I'm just going to pass
this, I'm not going to do the clearance," is there a consequence to
that funeral home to do that?

DR. CAPLAN:
I suppose not.

LEG. CILMI:
Okay. And to follow up on Legislator McCaffrey's questioning, I
believe he was asking you about whether or not other counties in
New York State charge a fee for this. You said you didn't know of
any, but you weren't sure, because you don't --

DR. CAPLAN:
Right.

LEG. CILMI:
Haven't polled every county.

DR. CAPLAN:
I've queried a few of the counties --

LEG. CILMI:
Right.

DR. CAPLAN:
-- Downstate and Upstate, and the ones that I've queried do not.

LEG. CILMI:
Do -- the ones that you've queried, to the best of your knowledge,
do any of them require these clearances and you just don't charge
for it, or do they just not require the clearances?

DR. CAPLAN:
Yeah. Some of them Upstate do require clearances, but they don't
charge for them, and then there's some that don't, that don't
require the clearances, so it's a combination.

LEG. CILMI:
Okay. In the cases of the ones that don't require the
clearances -- does Nassau County, do you know, require the
clearance?

DR. CAPLAN:
I'm not -- I'm not sure of that. Sorry.

LEG. CILMI:
You're not sure. What would be the reasoning for not requiring the
clearance?

DR. CAPLAN:
Well --
**LEG. CILMI:** They must -- I mean, they must not -- I'm sure they wouldn't say that their system of checks and balances is lacking because they don't have this clearance process. Why would they -- how would they defend their checks and balances if they don't have this process?

**DR. CAPLAN:** It's an excellent question, and I -- all I can speculate is that if their -- if the death is not referred to their office, you know, and that the criteria -- you know, again, if the criteria for referring a death to the Medical Examiner's Office is -- they're not getting that, then I guess -- I guess the Medical Examiner's Offices feel that it's just not their responsibility to identify, you know, any potential cases that could have been missed, you know, by the cremation clearances.

I will say that, you know, and, again, I realize it's not in New York State, but in other jurisdictions where I have worked, we have required -- there has been a legal precedent, you know, for statute for requiring these.

**LEG. CILMI:** Presumably, the reason you would require this clearance is to determine whether or not there's some negligence or criminality associated with the death.

**DR. CAPLAN:** Either negligence, criminality, or just even a death that by law needs to be referred --

**LEG. CILMI:** Right.

**DR. CAPLAN:** -- to the Medical Examiner that we would have to certify.

**LEG. CILMI:** Right. And, ultimately, the reason that you would have to do that is to, you know, dismiss any potential of criminality or negligence.

**DR. CAPLAN:** Either criminality or workplace hazard.

**LEG. CILMI:** Right.

**DR. CAPLAN:** Either criminal or civil.

**LEG. CILMI:** Right.

**DR. CAPLAN:** Something of public interest, public safety.
LEG. CILMI: So, to your knowledge, have any of the instances where your office has had to deny the clearance in the initial submission, have any of those cases led to some finding that there was negligence or criminality in recent history?

DR. CAPLAN: Yes.

LEG. CILMI: In your term?

DR. CAPLAN: Yes, they have, and there's --

LEG. CILMI: Any that you can cite as an example?

DR. CAPLAN: Well, I can give you an example. You know, I can give you an example of we've had some cases that have involved people in group homes, okay, where the death has been reported for a cremation clearance, and then it says on the death certificate "choking". Okay? So choking is, you know, occlusion of the airways by a full bolus, okay, which, you know, by law statute would have to refer to our office. And some of these cases involve the New York State Justice Center for the Protection of People With Special Needs. So that would be, you know, one example of a kind of case that where the cremation clearance is issued and we can't accept that because of the fact that this -- again, while it may not involve criminal, it certainly involves, you know, public safety.

LEG. CILMI: So that then would generate some sort of investigation on the group home or the nursing home, or whatever, to ensure that proper practices are in place to prevent, you know, unnecessary deaths, etcetera?

DR. CAPLAN: That is correct.

LEG. CILMI: And that's happened?

DR. CAPLAN: Yes, it has.

LEG. CILMI: Okay. Thank you.

P.O. GREGORY: Legislator Trotta.

LEG. TROTTA: If a death goes to the Medical Examiner, you know, for whatever, gunshot wound, and they want to have the body cremated, do they
have to pay this fee?

**DR. CAPLAN:**
If they -- yes. If there's a -- if there's a -- now the issue here
and then once we release the decedent's body back to the funeral
home, okay, if they decide to do cremation after that, then we do
not charge a fee.

**LEG. TROTTA:**
You don't charge a fee.

**DR. CAPLAN:**
What I'm talking about is a fee where the funeral home is looking
to cremate a person.

**LEG. TROTTA:**
That's what I'm getting to. So it's sort of counterintuitive that
you don't charge when you hear, yet you're going to charge and
Nassau doesn't charge, Westchester doesn't charge, and there's no
requirement. I just -- you know, I don't know. Why are we
charging for this?

**DR. CAPLAN:**
Well, my answer that -- my answer to that, Legislator Trotta, is
it's not counterintuitive if you accept the premise that the fee is
based on the time that it takes to investigate these cases. In
other words --

**LEG. TROTTA:**
You're not investigating.

**DR. CAPLAN:**
Yes, we are.

**LEG. TROTTA:**
You're looking at a piece of paper.

**DR. CAPLAN:**
No, no, no, it's much more, it's much more than that.

**LEG. TROTTA:**
Look, if it -- if it goes to the Medical Examiner and if it was a
shooting, it could be a -- or, you know, a drug, a poisoning, it's
a massive thing, you don't charge for it.

**DR. CAPLAN:**
No.

**LEG. TROTTA:**
You're charging for something that's not.

**DR. CAPLAN:**
But that's not what I was talking about.
LEG. TROTTA:
Well, that's what I'm talking about. I'm talking about you charging people in a time of grief a fee to cremate people essentially for no reason.

DR. CAPLAN:
No, that's --

LEG. TROTTA:
Well, let's say --

DR. CAPLAN:
Not what I said.

LEG. TROTTA:
Let's say the people -- you can't get to the funeral home unless you have someone sign off on it, a physician sign off on a death certificate.

DR. CAPLAN:
That's correct.

LEG. TROTTA:
So you have a professional person who's saying -- you know, putting their license on the line, saying, "Listen, as far as I can tell, this is natural causes," blah, blah, blah, blah, blah. Now you're charging a fee. Now what's to prevent those doctors from saying, "You know something, this is close. I'm going to save you $75, I'm going to send them to the Medical Examiner"? It actually would flood your place with bodies to save $75. It's not logical. I cannot support this.

DR. CAPLAN:
All I would -- all I would say is that I just want to make sure that you understand the process here.

LEG. TROTTA:
I understand completely.

DR. CAPLAN:
Is that when we get these cremation clearances, we're getting the death certificates from these physicians, okay? And, again, if it's a natural death that's not -- that doesn't --

LEG. TROTTA:
If you're charging people -- I'm not saying you, by the way. I'm not blaming you, it's before you. The County is charging people, other counties don't do it, in the time of grief. And I just called a funeral director I know. They put it -- they have to pay that fee up front, and they charge their customer, the person in grief right away, and I am not doing that. It should be nothing, and I will be putting a bill in to eliminate it.

P.O. GREGORY:
Legislator Cilmi.
LEG. CILMI:
Just one more question. Is it possible, would you consider only charging in those cases where we have to decline the application for some reason?

DR. CAPLAN:
Yes, I would.

LEG. CILMI:
So if you're -- if you've developed this program administratively, and the Legislature presumably didn't -- didn't approve the original fee, or did we? I'm not -- I'm not --

DR. CAPLAN:
The original fee was -- Legislator Cilmi, the original fee was approved back in 2011, Resolution 1119-2011.

LEG. CILMI:
Okay, okay. So it was approved by an act of the Legislature.

DR. CAPLAN:
Yes.

LEG. CILMI:
Then rather than approve this today, my question would be to the -- to you, to the Administration, would you consider tabling this today? And I recognize it's not a big deal from a financial -- you know, overall financial point of view, but it's interesting conversation. Would you consider tabling this today, and then amending the resolution or reintroducing a resolution that says that we don't charge when there are cases where it's a simple signoff, and only in cases where there has to be a denial for some reason?

DR. CAPLAN:
Yes. To the degree that I can speak for -- as the Chief Medical Examiner, yes, I would, I would be okay with that.

LEG. CILMI:
Would the Administration be okay with that at this time?

MR. MARAFINO:
I mean, if that's the will of the Legislature.

LEG. CILMI:
I'll make a motion, then, to table this bill.

LEG. TROTTA:
I'll second it.

P.O. GREGORY:
Okay. Legislator Calarco, you had a question?

D.P.O. CALARCO:
Dr. Caplan, the fee that we're talking about is to cover the manpower hours it takes to do the investigation?
DR. CAPLAN: That's correct, Legislator.

D.P.O. CALARCO: Do you need to do an investigation of some sort on every one of these, or is it only the people that you're rejecting that you do an investigation for?

DR. CAPLAN: Well, that's the thing. It's -- yeah, that's the point right there, is that if it's -- to go back to Legislator Trotta's example, if it's a 100-year-old person who's clearly died of a natural disease process, it's a matter of just looking at the death certificate and saying, "That's a natural disease case, that's not a Medical Examiner's case, I'll approve the cremation." On the other hand, if it's something that either requires -- it is a possibility that it could be a Medical Examiner's case, or, obviously, is a Medical Examiner's case and demands much more, then it will require more man-hours of investigation.

D.P.O. CALARCO: But the fee is for the investigation to determine whether or not you can clear the body for cremation.

DR. CAPLAN: That's correct.

D.P.O. CALARCO: Which you have to do for every single cremation that comes to you, every request, right? You have to --

DR. CAPLAN: Yes.

D.P.O. CALARCO: You have to have somebody look at the form to say, "Okay, this 100-year-old person in all likelihood died from natural causes and there's no reason for us to need to investigate this." What's the proportion? How many of these cases are you talking about where you get -- where it's a pretty routine thing where -- I mean, do they sign off?

DR. CAPLAN: Yeah.

D.P.O. CALARCO: But even on the most routine cases, they have to make a couple of calls, right, or no?

DR. CAPLAN: Right, yeah. I can -- and, no, some of them we don't -- actually don't have to make any calls.

D.P.O. CALARCO: Okay.
DR. CAPLAN:  
But I would -- but to give -- to answer your question, I would say that, conservatively, at least a third, at least a third of these cases we either have to make one or several follow-up phone calls, or we have to deny the cremation clearance outright.

D.P.O. CALARCO:  
So how much manpower do you have to devote to this, total? Well, how many cases do you have? How many cremation cases do you get in a year.

DR. CAPLAN:  
Well, we have over six -- right now, we have over 6,000 cases that are reported, you know, to our office.

D.P.O. CALARCO:  
Six thousand cases. How many people do you have working on those 6,000 cases?

DR. CAPLAN:  
We have 11 investigators.

D.P.O. CALARCO:  
Eleven investigators. Do they spend all their time on these cases?

DR. CAPLAN:  
Well, no. They spend their time pronouncing deaths at scenes, talking to families.

D.P.O. CALARCO:  
How much manpower do you devote just to clearing cremations?

DR. CAPLAN:  
Well, I can tell you that -- so an investigator has a 12-hour shift, okay? And, again, depending on which shift it is and what time of the day, you could be talking about several hours of a 12-hour shift, depending on the complexity of the case.

D.P.O. CALARCO:  
So every day they're processing claims, they're processing these --

DR. CAPLAN:  
Yes, yeah. We have cremations that were always -- yeah, that's --

D.P.O. CALARCO:  
Because there's 6,000 a year. I don't know what that works out to.

DR. CAPLAN:  
No, no. There's 6,000, 6,000 calls that are referred to our office. I'm not saying that there's 6,000 cremations.

D.P.O. CALARCO:  
Okay. How many cremations do you have in a year?

DR. CAPLAN:  
I don't have an exact number for you on that.
D.P.O. CALARCO:
Well, I guess what I'm getting at is even if you have the most
time clearing that case, right?

DR. CAPLAN:
If it is a request for cremation, that's true.

D.P.O. CALARCO:
So if we only wanted to put the cost on those people who need to
generate referred to you for further investigations in terms that you
believe it should be an M.E. case, then we should be increasing the
fee even more to compensate for all those man-hours. I mean, that's the point of the fee, is to cover the cost of the man-hours
spent processing these certificates.

DR. CAPLAN:
Absolutely agree.

D.P.O. CALARCO:
And whether the person is spending 15 minutes just reviewing the
form, or the person is spending multiple hours making calls, that's
man-hours spent clearing, you know, their request.

DR. CAPLAN:
That is correct.

D.P.O. CALARCO:
Okay. That's what I thought. So I don't know why we would want to
charge only a portion of those cases, where you really don't know
until you actually have a person assigned to a request and doing
the investigation before -- that whether or not there's an issue.
But by that point in time, you're spending manpower.

DR. CAPLAN:
Correct.

D.P.O. CALARCO:
Yeah, that's what I thought. Okay. Thank you.

P.O. GREGORY:
Legislator Trotta.

LEG. TROTTA:
How many cases that you had to bring -- that you didn't clear and
had to bring the bodies in, in the past year?

DR. CAPLAN:
I can't give you an exact number. It's --

LEG. TROTTA:
Five, three, one, a hundred?

DR. CAPLAN:
Certainly less than that. Probably 10 to 20 is probably --
LEG. TROTTA:
Okay. I'd like a list of the 10 to 20 that you brought in.

DR. CAPLAN:
Again, I'm just giving you an estimate here, so it may not be 10 or 20. I'll give you --

LEG. TROTTA:
Okay. It might be three, it might 100. Okay.

DR. CAPLAN:
I'll give you what number we have.

LEG. TROTTA:
In your opinion -- you're a doctor. In your opinion, who is better to determine the cause of death, someone like the doctor or Medical Examiner who's there at the scene, or some reading a one-page form about the death?

DR. CAPLAN:
In my opinion, the Medical Legal Death Investigator in our office has far more expertise on determining cause of death than the attending physician. And I'm sorry to say that, but --

LEG. TROTTA:
From a piece of paper that they faxed over?

DR. CAPLAN:
I can give you some direct examples if you'd like.

LEG. TROTTA:
I would love to see them. As a matter of fact, why don't you send me over the past 200 --

DR. CAPLAN:
Yeah.

LEG. TROTTA:
-- and I'd like to see what those forms look like.

DR. CAPLAN:
One of the problems is, is that physicians are not trained systematically on how to certify deaths.

LEG. TROTTA:
See, what I'm concerned about here is we are taking dead people's money. We are getting people at a time of grief and we are charging them a fee. When someone plows my road and it snows a little extra, I don't have to send them a fee for it. You know, this should be budgeted in, and we shouldn't be doing this to our people when they're grieving. It's ridiculous, it's absurd.

And let's get on to the next fee here. What is the autopsy -- and I'm not blaming you. I am not blaming you. Clearly, this is the administrative's -- the Administration's bill. What is the autopsy report fee? Why did that go up 40% in one shot?
DR. CAPLAN:
Forty percent.

LEG. TROTTA:
From $30 to 40. Maybe it's not 40%, but 30%.

DR. CAPLAN:
Well, just to -- just to reassure you, so the autopsy report fee is -- you know, by law in New York State, next of kin, District Attorney's Office, commissioners of public agencies in New York State are entitled to receive those autopsy reports. We do not charge this fine to any next of kin, any family. These fines are exclusively for third party consumers of autopsy reports, such as insurance companies, private attorneys, mainly, those two groups, after written authorization from the next of kin. And so that's the basis for it, and so it's really administrative fees.

LEG. TROTTA:
So it's $40 to make a copy of a report?

DR. CAPLAN:
Well, it's --

LEG. TROTTA:
The report's done.

DR. CAPLAN:
It's not -- no, it's not just to make a -- it's not just to make a copy. It's to certify each individual page as a true copy. It's to make sure that, you know, that -- you know, that it's proofread, that the autopsy is in its correct form.

LEG. TROTTA:
But wait a minute. Wait a minute. So the report that you give to the family isn't proofread?

DR. CAPLAN:
I don't remember saying that.

LEG. TROTTA:
No, but you just said that if some insurance company looks at it, you proofread it. So you don't proofread the other ones?

DR. CAPLAN:
We -- yeah.

LEG. TROTTA:
So it's proofread before.

DR. CAPLAN:
We proofread it.

LEG. TROTTA:
Okay. So that wasn't really --
DR. CAPLAN: But for --

LEG. TROTTA: We're charging $40 to make a copy. How many --

DR. CAPLAN: Not just to make a copy.

LEG. TROTTA: How many pages is a normal autopsy report?

DR. CAPLAN: Okay. It can vary. It can be anywhere from five or six pages to over 20 pages.

LEG. TROTTA: So it's about eight bucks a page for a copy. You know, I can't support any of this, this is insane.

P.O. GREGORY: All right. So we have a motion to approve.

LEG. MC CAFFREY: Motion to table.

P.O. GREGORY: Oh, right, and a motion to table. And you guys said you're okay, whatever. All right. Motion to table goes first. Roll call.

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

LEG. CILMI: Yes.

LEG. TROTTA: Yes.

LEG. KRUPSKI: (Not Present)

LEG. FLEMING: No to table.

LEG. BROWNING: (Absent)

LEG. MURATORE: (Absent)

LEG. HAHN: No.

LEG. ANKER: Yes.
LEG. LINDSAY:  
No.

LEG. MARTINEZ:  
(Not Present)

LEG. BARRAGA:  
Yes.

LEG. MC CAFFREY:  
Yes.

LEG. STERN:  
No.

LEG. D'AMARO:  
No.

MR. RICHBERG:  
Sorry, Kennedy.

LEG. KENNEDY:  
Table.

LEG. MARTINEZ:  
Mr. Clerk.

LEG. SPENCER:  
No.

LEG. MARTINEZ:  
Yes.

LEG. KRUPSKI:  
No to table.

D.P.O. CALARCO:  
No.

P.O. GREGORY:  
No.

MR. RICHBERG:  
Ten -- sorry, six.

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

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

D.P.O. CALARCO:  
Yes.

P.O. GREGORY:  
Yes.
LEG. KRUPSKI: Yes.

LEG. FLEMING: Yes.

LEG. BROWNING: (Absent)

LEG. MURATORE: (Absent)

LEG. HAHN: Yes.

LEG. ANKER: No.

LEG. LINDSAY: Pass.

LEG. MARTINEZ: Yes.

LEG. CILMI: No, thank you.

LEG. BARRAGA: No.

LEG. KENNEDY: No.

LEG. TROTTOA: No.

LEG. MC CAFFREY: No.

LEG. STERN: Yes.

LEG. D'AMARO: No.

LEG. SPENCER: Yes.

LEG. LINDSAY: Yes.

MR. RICHBERG: Nine. (Absent: Legislators Browning and Muratore)
P.O. GREGORY:
Okay. All right. Is the P.D. here? No, not yet. Okay. We're passing over 1129.

I.R. 1172 - Accepting and appropriating federal funding in the amount of $13,315 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the FBI Joint Terrorism Task Force with 79.4% support (Co. Exec.). I make a motion to approve.

LEG. CILMI:
We skipped.

P.O. GREGORY:
We did, 1129 we skipped.

D.P.O. CALARCO:
Second.

P.O. GREGORY:
Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

P.O. GREGORY:

I.R. 1173 - Accepting and appropriating federal funding in the amount of $17,753 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the FBI Financial Cyber Crimes Task Force with 79.4% support (Co. Exec.). Motion by Legislator Trotta, second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

P.O. GREGORY:

I.R. 1175 - Accepting and appropriating federal funding in the amount of $16,000 from the United States Department of Justice, U.S. Marshals Service, for the Suffolk County Police Department's participation in the Regional Fugitive Task Force with 79.4% support (Co. Exec.).

LEG. CILMI:
Motion.

P.O. GREGORY:
Motion by Legislator Cilmi.
LEG. KENNEDY:
Second.

P.O. GREGORY:
Second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

P.O. GREGORY:
I.R. 1777 -- excuse me, 1177 - Accepting and appropriating a grant in the amount of $66,745 in federal pass-through funding from the State of New York Division of Criminal Justice Services for the Suffolk County Police Department's STOP Violence Against Women Formula Grant program with 75% support (Co. Exec.).

D.P.O. CALARCO:
Motion.

P.O. GREGORY:
Motion by Legislator Calarco, second by Legislator Cilmi? Or who was that?

LEG. CILMI:
Leslie.

P.O. GREGORY:

MR. RICHBERG:
Sixteen. (Absent: Legislators Browning and Muratore)

P.O. GREGORY:
I.R. 1178 - Authorizing the donation of surplus Meals Ready to Eat to municipalities and/or recognized not-for-profit entities (Co. Exec.). I'll make a motion.

LEG. MC CAFFREY:
Second.

P.O. GREGORY:
Second by Legislator McCaffrey. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Fifteen. (Not Present: Legislator Krupski/Absent: Legislators Browning and Muratore)

P.O. GREGORY:
I.R. 1194 - Appointing Terence Mawn as a member of the Suffolk County Vocational, Education, and Extension Board (Kennedy).

LEG. KENNEDY:
Motion.
P.O. GREGORY:
Motion by Legislator Kennedy.

LEG. CILMI:
Second.

P.O. GREGORY:
Second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Fifteen. (Not Present: Legislator Krupski/Absent: Legislators Browning and Muratore)

PUBLIC WORKS, TRANSPORTATION & ENERGY

P.O. GREGORY:
I.R. 1047 - Adopting a Local Law prohibiting billboards on Suffolk County roadways (Krupski).

LEG. KRUPSKI:
Motion to pass.

P.O. GREGORY:
Okay. Motion to approve by Legislator Krupski. Is there a second? I'll second. Anybody on the motion?

LEG. SPENCER:
On the motion.

P.O. GREGORY:
Legislator Spencer.

LEG. SPENCER:
This to the sponsor. And, Al, I understand, I think, the Legislative intent, and I see the letter of support from the -- Supervisor Romaine. A couple of questions, and we were discussing this a little bit yesterday as we were looking at this.

One of my concerns with the legislation is where we have a Local Law prohibiting billboards on County roadways. You know, we have ten townships and you can -- that vary from residential to commercial, to industrial, to agricultural. And we have roads that -- I think with County roads, we have I guess some of the system road controversy, too. So one of my concerns is in the current system road debate -- and maybe this question might be directed to George. Would this Local Law apply to, when we say County roads, roads that are designated, that are agreed upon as County roads, or what were County roads in the Federal -- I guess listed as County roads in the Federal designation of County roads? I know that there is some controversy that's going on right now as far as the Town asking us to take over some of these roads that are technically designated County roads. So would this just be for any -- what would be the definition of a County road?
MR. NOLAN:
Well, the law doesn't define a County road. But are you talking about roads that are in the County road system, which we, the County believed belonged to the Towns and the Towns said, "We don't own these roads"?

LEG. SPENCER:
Yes.

MR. NOLAN:
In the County road system, there's still -- I would say there are County roads, because the courts have said they're in the County road system, they're a County road. But, of course, they all said we could apportion out cost to the Towns for the upkeep of the roads and the maintenance. But in terms of the application of this bill, yeah, if it's a County road system and it's a County road, it applies to that.

LEG. SPENCER:
So, Al, my concern is relating to when we make a policy that's prohibiting. And I did run this by some of the people in my Town or the Town Board. And what if a Town wants a billboard on a County road, are they supported? And the reason I say this is that would a better policy be for us to say that there has to be an approval process? Because once we put the prohibition, I think that, in general, that's the way that we may want to go, but there may be circumstances where there may be the need for a billboard in the future for some particular item. So could we make it restrictive?

MR. NOLAN:
Could I -- Legislator Spencer, if I might. Just so it's clear, this law applies to commercial billboards only. It came up in committee in terms of community groups sometimes like to put a sign along a roadway. This law not ban that. And those groups still have to go to Department of Public Works to seek permission to put their sign up, and they'd have to comply with whatever DPW requires in terms of signage.

LEG. SPENCER:
No, I --

MR. NOLAN:
Just so we're clear what the bill does, that's all.

LEG. SPENCER:
No. I appreciate that, and I know we had some debate yesterday, and we -- we mentioned we may bring this -- bring this up, but -- and, again, we may say it's the opinion of this Legislature that we don't want it -- want commercial billboards. But my concern would be a County road within a Town jurisdiction where there is some sort of future desire or need for a billboard for some particular reason. Does this prohibition not allow any remedy for that to occur?
LEG. KRUPSKI:
So thank you, and that is a good question. And I'm sorry. For personal reasons, I was not at the committee last week to explain this better. And then I was still, you know, in contact with DPW also to clarify commercial billboards, because it is to prevent the commercialization of the highways, just in case. And you see it with, you know, like selling ad space on County bus shelters, that sort of thing, where we don't allow that. This is the same kind of bill that would prevent the commercialization of the County right-of-way.

As George explained, if Little League wants to put up the sign that says, you know, they want -- registration is open now for the season, that's something that is considered different than a commercial sign. So this is just so that it can't happen on the County roads, because there is currently no law, oddly enough, after all these years.

LEG. SPENCER:
No. I appreciate that, and I think we're of the same mind set, that we don't want unnecessary commercialization. And, you know, recently I'm dealing with an issue in one of my villages where the Town passed -- the Village passed a law against rooftop dining, or they were considering it. And I think the philosophy of what was discussed is that, well, they don't want this particular item because of the loud noise, and things like that, and -- but one of the concern was we can make it overly restrictive. We can make it where there is a permit process, but -- and, you know, I've learned through extensive experience, being called "Dr. Ban" in the past. I think that sometimes with a prohibition, that I just want to make sure that there's enough flexibility that's allowed that I could see a Supervisor working on a particular project where there would potentially be the need for a billboard, and I would hope there would be. I wish this legislation gave some vehicle of appeal to allow if there was a particular circumstance that was appropriate for a Town to allow it to happen.

LEG. KRUPSKI:
But don't forget, this is only for County right-of-ways. So this is on private property, if there's any kind of project, whether it's a commercial, or a private, or any kind of event, or anything. You can put -- you can appeal to the Town, and the Towns have sign ordinances to put signs up, temporary or permanent, on private property which is adjacent to the County right-of-ways, which are visible from the County right-of-ways, and to do -- so you have -- that whole option still exists. This is only for County right-of-ways that we own and, by the way, maintain. You know, it takes away the liability, also, of having more infrastructure on our right-of-ways, you know, the guys who -- from the guys who mow the lawns to the guys who clean up the trees, storm damage, to the motorists who, unfortunately, occasionally run off the road. This is less liability all the way around.

LEG. SPENCER:
I can see your points there. I think that if there arose a situation where there was a need in a right-of-way where there
would be potentially an agreement, or payment, or -- to the County for that, for that need. But I support you, I support your idea, I just have concerns. I don't know if I can support this legislation at this time, but thank you for answering my questions.

P.O. GREGORY:
Okay. Legislator Hahn.

LEG. HAHN:
Yes. I just -- oh, wait, did anybody make -- I'm going to make a motion to table, if you don't mind, because I think that there were a number of questions on here that a number of us had that we may still need to define the term "commercial". I don't think "commercial" is defined in this. And that we might need to define the word "temporary", just so that it's, you know, clear what we're talking about here, and we're not ruling out some of the community type signs that the community counts on, and we just want to make sure that that's clear in this.

LEG. KRUSPE:
George, could you -- Mr. Presiding Officer, could I? Thank you. George, could you define again what this -- the difference between commercial and community signs?

MR. NOLAN:
You know, a commercial sign is a sign where a business is advertising their product for sale, they're trying to sell something. A community group is -- they put up the type of signs we've been talking about during this debate. They do not come within this law's prohibition.

LEG. HAHN:
Is that defined in the bill?

MR. NOLAN:
Well --

LEG. HAHN:
Is there a definition of "commercial" in the bill?

MR. NOLAN:
It does not define "commercial". I'm just giving you what I think is a pretty well accepted understanding what a commercial billboard is, and doesn't include a community group sign saying, "Come to our pancake fundraiser." I think the Department of Public Works understands that distinction; certainly, they indicated that at committee.

LEG. ANKER:
Second to table this.

P.O. GREGORY:
Okay. And I have you next on the list, Legislator Anker.
LEG. ANKER:
So I'm thinking about, you know, signs in my district, and one specifically is on the corner of 25 and County Road 21, and it's a chamber. So it gives a list of the different chambers, it talks about the Little League. It's a substantial sign, it doesn't go away, it's permanent. And, again, that could be considered a commercial. You know, so I think we need to look into what Legislator Spencer suggested, was, you know, have a vetting or a sitting committee, just like we do with memorials, because, you know, like memorials, they can be distracting, there's concerns. But I like that idea, I do. So I just want to, again, mention that specific spot, but there are probably other places like in Kara's district on Nicolls Road and 347, there's that large structure with the different chambers and information on it, and that is not a temporary structure.

MR. NOLAN:
I would just add, by the way, the Department of Public Works also testified that currently there are no billboards on County road right-of-ways.

P.O. GREGORY:
Okay. Legislator Fleming.

LEG. FLEMING:
Yeah. I guess I just don't share the concern with regard to temporary or commercial. I support Legislator Krupski's bill, I think it's a good one. I think we've got, as is noted in the Legislative intent, you know, especially in our communities, which are so beautiful, and rural and suburban. Billboards are dangerous, distracting, ugly, and this bill clearly prohibits any freestanding commercial sign, etcetera. So I think the concerns here are -- have been met by the drafters of the law. I think it's a good law and it has my full support.

LEG. SPENCER:
DuWayne.

LEG. KRUPSKI:
Can you share with the rest of the class?

P.O. GREGORY:
So is there -- I think what I'm hearing is some concerns would be reduce or eliminated if there was a better definition or a definition of what "commercial" is in the bill, so it's not left at the discretion of the Department of Public Works? Is that going to --

LEG. HAHN:
Yes.

P.O. GREGORY:
Okay. So would the sponsor be willing to put a definition, so that gives clear direction to the Department of Public Works so that there is no subjective, you know, discretionary criteria in implementing, you know, the law?
LEG. KRUPSKI:
I think the -- I was told that Public Works made it very clear at
the committee meeting last month -- last week, that I was unable to
attend, and I'm satisfied with their understanding of it, since
they're the ones who manage the roadways.

MR. MARAFINO:
I apologize. The Commissioner actually was coming from Riverhead,
so he's about five minutes out. So I don't know if you want to
continue this conversation or hold off to continue it. I
apologize, he's on his way.

P.O. GREGORY:
Okay. All right.

LEG. KRUPSKI:
I'd be happy to hold off the conversation and move on and come back
to this later.

P.O. GREGORY:
All right. Well, Legislator D'Amaro has a question, unless you
want to hold off, Legislator?

LEG. D'AMARO:
Well, if there's only five minutes, I'll try and be five minutes.

P.O. GREGORY:
Okay.

(Laughter)

Six minutes for good measure, right?

LEG. D'AMARO:
I'll fill my time being obnoxious. So --

LEG. KRUPSKI:
Don't disappoint us.

(Laughter)

LEG. D'AMARO:
So to our Counsel, Mr. Nolan, in talking about a commercial sign, I
agree with you, that I think it's pretty apparent what's commercial
and what's not commercial. But, for example, would a billboard
that says "King Kullen Urges You to Drive Safely" be commercial or
not commercial?

LEG. KENNEDY:
Did they pay for it?

LEG. D'AMARO:
And should we be judging it based on the content or the message
delivered? Should it be based on perhaps is a profit derived or a
fee derived, you know, something like that?
LEG. TROTTA:
Come on, George.

MR. NOLAN:
I can think, can't I? If it's a public safety -- a public message like that from a private entity, is that considered a billboard? I don't consider that a commercial billboard, no, because they're not trying to sell a product. So if you're asking me, I would say probably not.

LEG. D'AMARO:
But trying to promote the good will of the business.

MR. NOLAN:
It's a close call.

LEG. D'AMARO:
It is, I agree. So, you know, I'm just wondering if we are going to prohibit just commercial billboards, I think it is important on how we define commercial. You know, I'm not sure that should be based on the content of what it says either. You know, the examples that you gave were, you know, the Little League or the pancake breakfast, but --

MR. NOLAN:
I think you can come up with probably those type of examples that would be close calls of what's commercial, not -- but I don't know necessarily that's really the issue we're dealing with. I think the intent -- I think the intent of the law was clear, and I know it certainly wasn't intended to cover community groups putting up signs temporarily to a Little League or --

LEG. D'AMARO:
Right.

MR. NOLAN:
So I didn't know that this was a big point of contention. I didn't think the Department of Public Works -- they didn't say, "Hey, we need more definition in this bill for us to be able to carry it out."

LEG. D'AMARO:
We don't have any billboards on County --

MR. NOLAN:
This is according to the Department of Public Works. I don't think they're fond of the idea of having billboards in our right-of-ways.

LEG. D'AMARO:
What is -- do you know offhand if there -- or maybe the sponsor knows. Is there a procedure now if I wanted to put a billboard on County right-of-way? Who would I contact? How would that be done?

LEG. KRUPSKI:
I think we should wait for the Commissioner.
LEG. D'AMARO:
Yeah.

LEG. KRUPSKI:
Because your point about the King Kullen tells you to have a nice
day is a good point.

LEG. D'AMARO:
Yeah. And, also --

LEG. KRUPSKI:
So how would we prevent --

LEG. D'AMARO:
Is there a fee schedule for billboards, or anything like that?

LEG. KRUPSKI:
I don't believe so?

LEG. D'AMARO:
Who makes -- who gets the fee?

LEG. KRUPSKI:
I don't believe so. I don't believe there's a fee schedule, but we
should wait for the Commissioner, because he should be able to
answer that question about a business putting up a message for the
community and using that as a -- as a way to put up billboards all
over the place.

LEG. D'AMARO:
Right.

LEG. KRUPSKI:
So I think that's a very good point, and we should get an answer in
five minutes -- four minutes.

LEG. D'AMARO:
George, wasn't there a -- can we outright ban billboards? Wasn't
there a case where the MTA had that issue? And maybe I'm not
remembering correctly, but I thought it had already been decided
that it's problematic to ban billboards.

MR. NOLAN:
I don't think it would -- if it's our County road right-of-way, I
don't think there's any issue.

LEG. D'AMARO:
Right, because the signs that you see on -- mounted on the railroad
trestles were challenged, and then through the courts were
permitted, if I recall.

MR. NOLAN:
Not -- I don't remember the circumstances. I think we could do
pretty much whatever we want on County road right-of-ways.
LEG. D'AMARO:
I think in that case it was that the MTA owns the trestle and they
were in favor of the billboards.

MR. NOLAN:
And maybe a town was trying to prevent them.

LEG. D'AMARO:
Right, right.

MR. NOLAN:
Right.

LEG. D'AMARO:
Yeah.

MR. NOLAN:
Don't know.

LEG. D'AMARO:
Well, there you go.

MR. STRAUSS:
The answer man.

P.O. GREGORY:
Commissioner, just in time.

COMMISSIONER ANDERSON:
Good morning.

P.O. GREGORY:
So it's -- we're discussing I.R. 1047, prohibiting billboards in
County roadways. And I guess the crux of the concern is how are we
defining commercial billboard as to a local chamber, or Little
League, you know, being able to put up a billboard to advertise
local events?

COMMISSIONER ANDERSON:
If the signage refers to a commercial or an advertisement, and is
not community oriented, that's where we would look for it to be --
you know, we'd consider it a commercial sign rather than a
community sign. So community signs are signs that advertise about
an upcoming Boy Scout thing, or there's a meeting about -- from the
chamber, whereas the commercial signs are, you know, either
referring to a -- you know, again, an advertisement. I don't
really have any --

P.O. GREGORY:
Someone had mention the point, so say King Kullen has a sign up
that says, "King Kullen Wishes the Babylon Community a Beautiful
Day", so would that be -- they're obviously a commercial entity,
but it's not advertising their product.

COMMISSIONER ANDERSON:
I mean, I would consider that to be, frankly, a commercial sign.
You know, a sign that identifies a community oriented event, things like that, or welcome to a certain community, that's something I would consider noncommercial.

P.O. GREGORY:
So I think the concern is not having a definition, so that there is some subjective discretionary, you know, decision-making as to what fits this criteria. So we were debating whether we'd table it, define more clearly what commercial sign is, as opposed to noncommercial sign. So we were waiting for you for your guidance.

COMMISSIONER ANDERSON:
Such as it is.

P.O. GREGORY:
And -- oh, and the other question was are there any commercial signs now, because someone said there wasn't.

COMMISSIONER ANDERSON:
There are none. The ones that have been identified recently were found to be on private property just outside the right-of-way.

P.O. GREGORY:
Okay. All right. Legislator Calarco had some questions.

D.P.O. CALARCO:
Thank you. And maybe I have a suggestion that may be the solution to the issue, because I have billboards in my district. And if I'm not mistaken -- I don't want to speak for the sponsor, but the Supervisor in the Town of Brookhaven brought this issue up in the past, and that I think maybe helped spark the idea of doing this here in the County. And several of the billboards I have in my district are on Montauk Highway, County Road 80, or along that roadway. They're not on -- in our right-of-way. Some of them are actually on MTA property, some of them are on private property. But I think the difference is, because I have one where the Chamber of Commerce advertises their Saint Patrick's Day Parade every year on the billboard. But the billboard in my mind is this: It's a permit structure, right, typically -- and we discussed this at committee, right, Commissioner?

COMMISSIONER ANDERSON:
Correct.

D.P.O. CALARCO:
That we're talking permanent structures that are in the ground with concrete, they're not breaking away when a car hits it, it's a permanent obstruction to a vehicle.

COMMISSIONER ANDERSON:
Correct.

D.P.O. CALARCO:
Okay? So it's a permanent structure, and there's -- to me, it's a sign that has some sort of profit being driven from it. Somebody is paying the owner of that structure to put their message on that
COMMISSIONER ANDERSON:
Right.

D.P.O. CALARCO:
Sounds about right? Because we're not judging the content of the
message, we're just saying that somebody is being paid to place
that message on that structure. So that's a commercial sign, in my
opinion. And maybe that -- using that definition would help clear
this all up, because then we're talking about permanent structures
where the owner of that structure is being paid in order to put
advertising on it. Well, but the owner is being paid to put it on.

MR. NOLAN:
It's our property, so nobody's being paid.

D.P.O. CALARCO:
Well, whoever owns the structure. That's what we're talking about
banning, right? We're not talking about banning the signage that
the Little League puts up so that people know that open
registration is coming up in a week, or the sign that's saying that
the local chamber is having a concert series, that's, you know,
made out of two-by-fours and comes down when the event's over,
we're talking about permanent structure, right?

MR. NOLAN:
I'm saying nobody's going to be paid for that, Legislator Calarco.

D.P.O. CALARCO:
Whoever owns the structure gets paid for it. The billboards in my
district, they don't put those signage up for free. The signs come
down and they go back up.

MR. NOLAN:
But those are on private property.

D.P.O. CALARCO:
No, I understand, but those are what we're talking about blocking
from coming on our properties, right? Am I mistaken, to the
sponsor? The question is probably better for the sponsor on this
than Counsel, it's his bill. You're talking about those signages
that people are, you know, putting up that are permanent structures
that are being paid to put advertising up, whether it's -- whether
it's a political ad, a community ad, or, you know, Budweiser.

LEG. KRUPSKI:
That currently don't exist on County right-of-ways.

D.P.O. CALARCO:
Yeah.

LEG. KRUPSKI:
Yeah.
D.P.O. CALARCO: Okay.

MR. NOLAN: I don't think the Department of Public Works would allow that.

COMMISSIONER ANDERSON: No. And keep in mind --

D.P.O. CALARCO: Well, I think you -- Commissioner, you have a policy in place that you don't allow it, but it's not codified right now.

COMMISSIONER ANDERSON: Well, first off, any signage that comes and gets permitted, everything has to be permitted through this Department; also has to conform to the Manual on Uniform Traffic Control Devices. So in that particular sense, right now, we don't permit any commercial billboards. I mean, we're not anticipating doing so in the future.

D.P.O. CALARCO: Well, so, because you don't -- because they don't meet that code that you follow.

COMMISSIONER ANDERSON: Correct.

D.P.O. CALARCO: Because, basically, the code you follow is the Federal standard on whether or not, you know, when you're posting, you know, speeding limits --

COMMISSIONER ANDERSON: Break-away.

D.P.O. CALARCO: -- and no parking signs, and those kinds of things.

COMMISSIONER ANDERSON: Correct.

D.P.O. CALARCO: Okay. So there would be no harm in passing something that says we are not going to allow any of these things on our right-of-ways, it's more a belt and suspenders type of thing.

COMMISSIONER ANDERSON: Certainly we don't oppose the bill.

D.P.O. CALARCO: Because I know in the past Nassau County has looked at leasing space on their roads for billboards.

COMMISSIONER ANDERSON: I think the State did as well, I think both.
D.P.O. CALARCO:
Sure. So this is just that kind of belt and suspenders approach to that. I think if we maybe fine tune that definition so everybody's comfortable with it and it can't be misconstrued in the future. Thank you.

P.O. GREGORY:
Okay. All right. I have -- I have a growing list. I have about 20 women that are waiting for us at our luncheon, so I'm getting -- I'm getting the evil stare. So we're going to break for lunch and we're going to adjourn to 2:30.

(*The meeting was adjourned for the lunch recess at 12:33 p.m.*).

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

(*The meeting was reconvened at 2:30 p.m.*)

P.O. GREGORY:
Okay. Good afternoon, Madam Clerk. Please do the roll call.

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

LEG. KRUPSKI:
Here.

LEG. FLEMING:
Here.

LEG. BROWNING:
(Absent).

LEG. MURATORE:
(Absent).

LEG. HAHN:
Present.

LEG. ANKER:
Here.

LEG. LINDSAY:
(Not Present).

LEG. MARTINEZ:
Here.

LEG. CILMI:
Here.

LEG. BARRAGA:
Here.

* Index Included at End of Transcript
LEG. KENNEDY: Here.

LEG. TROTTA: Here.

LEG. McCAFFREY: Here.

LEG. STERN: (Not Present).

LEG. D'AMARO: Here.

LEG. SPENCER: (Not present).

D.P.O. CALARCO: Present.

P.O. GREGORY: Here.

LEG. FLEMING: Here.

LEG. KRUPSKI: Here.

LEG. BROWNING: (Absent).

LEG. MURATORE: (Absent).

MS. ELLIS: Thirteen (Not Present: Legislators Lindsay, Stern & Spencer - Absent: Legislators Browning & Muratore).

P.O. GREGORY: Okay, we are at the public portion -- Public Hearing, excuse me, portion of our agenda. We have multiple Public Hearings. The first Public Hearing is IR 1998-16 - Adopting Local Law No. -2016, A Charter Law to reduce the number of County Legislative Districts (Lindsay). Each person will have three minutes to speak. And I do not have any cards. Is there anyone here that would like to speak on this public hearing? Please come forward. Legislator Trotta said he would, he's the first to volunteer.

LEG. TROTTA: That was not me.

P.O. GREGORY: Oh, okay (laughter). Okay, motion to -- where is Legislator Lindsay?
D.P.O. CALARCO:
He wants it recessed.

P.O. GREGORY:
Motion to recess by Legislator Calarco. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Fourteen (Not Present: Legislators Lindsay & Stern - Absent: Legislators Browning & Muratore).

P.O. GREGORY:
(Public Hearing on) IR 1007-17 - Adopting Local Law No. -2017,
A Local Law to eliminate alarm registration renewal fee for Residential Buildings (Browning).

LEG. HAHN:
Motion.

P.O. GREGORY:
I do -- I don't have any cards for this public hearing as well. If anyone would like to speak on it, please come forward. No? Okay.

LEG. HAHN:
Motion to recess.

P.O. GREGORY:
Motion to recess by Legislator Hahn. I'll -- second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Fourteen (Not Present: Legislators Lindsay & Stern - Absent: Legislators Browning & Muratore).

P.O. GREGORY:
(Public Hearing on) IR 1025-17 - Adopting Local Law No. -2017,
A Local Law to ensure continuity of farmland preservation and agricultural production in Suffolk County (County Executive).
I thought this was withdrawn, no?

LEG. KRUPSKI:
I thought it was withdrawn also. John?

MR. MARAFINO:
We would like to recess this public hearing today.

P.O. GREGORY:
Okay. All right, motion to recess by Legislator Calarco. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Fourteen (Not Present: Legislators Lindsay & Stern - Absent: Legislators Browning & Muratore).
P.O. GREGORY:
(Public Hearing on) IR 1030-17 - Adopting Local Law No. -2017, A Local Law to improve the real property auction process to encourage smart revitalization by towns and villages (Calarco). I don't have any cards for this public hearing. Is there anyone that would like to speak on it? Please come forward. Everyone's so quiet, okay.

D.P.O. CALARCO:
Motion to close.

P.O. GREGORY:
Motion to close, Legislator Calarco. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Fifteen (Not Present: Legislators Lindsay - Absent: Legislators Browning & Muratore).

P.O. GREGORY:
(Public Hearing on) IR 1107-17 - Adopting Local Law No. -2017, A Charter Law to limit County fee increases (Trotta). I have several cards, the first being Mr. Mike Armstrong; are you here? Okay. Second, on deck is Pam Farino. Reminder, you have three minutes.

MR. ARMSTRONG:
All right, thank you. My name is Mike Armstrong. I am the Long Island Regional Director with Reclaim New York Initiative. We are a non-profit 501(C)4 organization that works on issues across the State, fiscal issues. So I'm here to support Resolution 1107 which will essentially cap fee increases annually at 2%.

If you look at last year's fee increases here in Suffolk County, we saw more than $42 million in fee increases; this year we'll be seeing $50 million in fee increases on top of millions of fees the taxpayers are already paying. It is no secret that Suffolk County residents are struggling. You saw probably recently in Newsday that the population of Suffolk County is decreasing and those folks are moving to other states, they're moving to other places. Part of that is because they are being nickeled and dimed by politicians here in Suffolk County, and this is an issue that needs to stop.

These fees are not necessarily related to the cost it takes to administer that fee. Not only is that a back door tax, an issue that we're essentially taking -- you know, we have a tax cap which essentially works to keep taxes low, we're now using that -- surpassing that by raising fees and using this as revenue. Not only is this bad practice and bad policy, according to New York State Comptroller General, their office has often called it unlawful. So this is an issue that we take issue with using these fees, not necessarily to pay for a service that's provided to the public, but using these fees more so to increase revenue here in Suffolk County.

Taxpayers have, frankly, paid too much already. And I know the comment's been made that people are not going to move out of Suffolk County over $500, but that could be the straw that breaks
the camel's back. So with that, I thank you. And please, I urge you to consider please passing Resolution 1107. Thank you.

P.O. GREGORY:
Okay, thank you, sir.

LEG. TROTTA:
I have a question.

P.O. GREGORY:
Yes.

LEG. TROTTA:
I have a question. You mentioned the Comptroller's report; can you be more specific and give me some details about the New York State Comptroller's report?

MR. ARMSTRONG:
I don't have a lot of ideas on the Comptroller's report, but what he did say was essentially that whenever you have a fee that is increased past the point or sort of is no longer attached to the cost to administer the fee, so an example would be a Civil Service exam; the cost of the fee should be directly related to the cost it takes to administer the exam. Whenever we see fees that are doubling and tripling here every year, can we really say honestly that those fees are actually increasing at a cost that it takes to pass that.

So the issue is we are essentially putting in a back door tax, and the reason that the Comptroller's Office says that that it is illegal or unlawful is because it is not an approved tax, right? So that was the opinion of their office.

LEG. TROTTA:
Okay. Your organization is Reclaim New York.

MR. ARMSTRONG:
Right.

LEG. TROTTA:
Have they considered any legal action against any counties across the state to stop this type of thing?

MR. ARMSTRONG:
So we have sued six government entities here on Long Island over transparency issues.

(Timer Sounded)

That is something that we do sort of as regular practice whenever a government entity does violate the law. And so we've sued six government agencies here, two towns and a school district here in Suffolk County; the Southampton School District, the Town of Babylon and the Town of Islip
LEG. TROTTA:  
So this is something that your organization may consider suing over; would that be a fair statement?

MR. ARMSTRONG:  
We will consider any sort of lawsuit that's related to illegal activity. So we cannot -- we do not have standing to sue, necessarily, in this kind of situation. However, you know, if it turns out that a fee increase is indeed illegal and taxpayers want to do that, that is definitely something that we would help with.

LEG. TROTTA:  
Thank you very much.

MR. ARMSTRONG:  
You're welcome.

P.O. GREGORY:  
Okay, thank you. Pam Farino; and then on deck, Winnie Esoff.

MS. FARINO:  
Good afternoon. I'm coming at the fees from a different way, a different perspective. I recently was the proud owner of paying the new mortgage tax fee, that one hurt. Anyways, my name is Pam Farino and I'm a resident of Suffolk County, and I'm here before you today to once again ask the Suffolk County Legislature to ask why we continue to look the other way when it comes to prolonging the County Criminal Court System profess. We can change that by fees.

I spoke to this Legislative board on November 17th, 2014, regarding the adverse actions the Criminal Courts are causing to our communities, and today I witnessed it yet again. However, instead of postponing a drug addict turned felon, your judge allowed a drug-dealing osteopath by the name of Kurt Silverstein to go home to be with his family for another five weeks. Why? Because his attorney asked for and was granted a postponement due to an issue with post-verdict report, a 330 motion, standard. Mind you, a jury of his peers found him guilty on January 26th. Judge Mazzie gave this criminal another 35 days to be with his family, sleep in his own bed, enjoy another Passover with his family, all the while there are families throughout Suffolk County that no longer have an option of having their loved one with them at dinner or any more holidays. So why do these families no longer have their loved one? Because Dr. Silverstein violated the most sacred of all oaths, to do no harm.

Did anyone read the December 234rd, 2016, report from the Suffolk County Medical Examiner? You know, the little Opioid problem we have in Suffolk County. Three hundred and eighty-one. Three hundred and eighty-one. One more time, 381 children lost their lives in Suffolk County due to the Opioid addiction in 2016. Now, do you know how many residents actually die on average in Suffolk County due to car fatalities? A hundred and twenty-one. That's 152% more that we're losing to the Opioid addiction.
So I ask our Legislative leaders, what are you willing to do to strongly encourage these judges to stop showing so much consideration and compassion to these drug dealers and start thinking of almost the 400 families here in Suffolk County that do not have the ability to have their loved one with them this coming Easter or Passover.

It's budget time and we all -- all we ever hear from Suffolk County is *We need more money. We need more money for this, we need more money for that.* We need to institute a new fee, we need to increase a new tax, we need to increase the fee. How about this? Unclog the Criminal Court System calendar. We keep hearing how the caseloads are piling up. Well, of course they're piling up when postponement after postponement occurs every day in every courtroom, and that is a complete waste of taxpayer money as well as a complete disregard for the communities that are expecting these criminals to be sentenced to their punishment. So please, I beg of you, get creative, come up with a new fee that will force the judges to sentence the criminals that are clogging up the County Court System. I don't care if you charge a fee to the judge or the criminal defense attorney, but for God's sakes, something must be done. Justice is not being served to the people of Suffolk County. Thank you.

P.O. GREGORY:
Okay. I apologize, Ms. Esoff, I had you under the wrong public hearing. So the next person I have is Matt Morse. Matt? And then John McCarthy.

MR. MORSE:
Good afternoon. I'd like to thank the Legislature for the opportunity to speak today. My name is Matt Morse, I own a small insurance and financial services firm in Smithtown and a home in Babylon village. I was born, raised and educated on Long Island and I sit on the Next Generation Advisory Council, appointed by Legislator McCaffrey.

I'm here today in support of Resolution 1107. The purpose as I see it will limit the increase of fees levied by the County to a maximum of 2% of the prior Fiscal Year. The passing of this resolution will be a great start and hopefully the beginning of a trend toward responsible government spending and lower taxes. Many of the fees were discussed -- many of the fees we are discussing are associated with buying a home, such as the mortgage verification fee and the tax map verification fee.

According to a recent press release from TD Bank, 62% of millennials will be buying a home in the next two years with millennials making up the largest generation in the housing market. These skyrocketing fees are unfairly shifting chronic budgeting shortfalls into the laps of young people. The cost of living -- the cost of living on Long Island is driving away intelligent, hard working, young individuals; this is precisely the demographic I want to hire as a business owner. By the constant increases in taxes and fees, Suffolk County is becoming less and less attractive. Many of my friends that I graduated from Stony Brook
University have left Long Island. Most have gone to the burroughs of New York City like Brooklyn and Queens, some to Westchester. They're going to Connecticut and even New Jersey, a state that is known as the armpit of America.

(*Laughter*)

We're losing to New Jersey. I'm 34-years old and I'm as old as you can get and still be considered a millennial. I've already cleared the hurdles that many of my peers still face. I'm not speaking here to avoid a $300 fee. I recognize that in the future, if these fees keep increasing, that we're going to be eliminating my pool of potential employees, my potential clients, and drive my future children out of Suffolk County. I urge you to please pass Resolution 1107 as a start to a more fiscally responsible government. Thank you.

P.O. GREGORY: Thank you. Yes, Kevin? Legislator McCaffrey.

LEG. McCAFFREY: Thank you for coming, and also serving on that NextGen Council. We've had the opportunity to speak many times and you -- when I first met you I said you are the type of young person that I want to have representing this district and other young people out here. You're a businessman, homeowner, married, ready to start a family and things like that; you are the people that we talk about, that the County Executive talks about keeping on Long Island and being able to have them grow. These fees -- I mean, because you are with the young people more than I am, and it's -- my young people, who are just a little bit older -- younger than you, still live at home.

MR. MORSE: Right.

LEG. McCAFFREY: And I'm concerned that they'll, you know, be perpetually be renters and, worse than that, continuing to live at home.

(*Laughter*)

But how is this going to affect other young people in terms of employment opportunities and the ability to be homeowners, which most young people eventually want to become.

MR. MORSE: Well, I think that as the cost of living keeps increasing, you're going to see more and more people go away. I mean, it's already a proven -- the brain drain has already been studied by sociologists at universities all over the country. When I was still at Stony Brook University, I was walking through the student activity center and a journalist from the Chicago Tribune approached me and asked me how -- what I thought about the housing crisis on Long Island, and at that time I didn't even know it existed; I just said, I don't know what you're talking about, I'm sorry. But, you know,
now that, you know, it's over ten years later, it's a real issue.
Like I was saying, most of my friends are leaving. I'm worried
that I'm not going to have the clients and people that are, you
know, capable of working for my business. So I think that it is
time that we need to change things right now or it's just going to
continue to get worse and we're going to see the result of that.

LEG. McCAFFREY:
And some of my colleagues have suggested, Well, it's only $300
here, it's only $500 here. And I'm happy that today -- you know,
and that's -- we have a long registration, we have a mortgage fee
tax, we have taxes and surcharges that we want to put on
everything, and thankfully today we voted down increases in having
to die, you know, so that's a good one. But all these things, do
people look at this in a totality or do they look at it as these
individual fees? I mean, I described it as razor cutting one time.
People are starting to say, Hey, this all adds up. I don't care
how it comes at you.

MR. MORSE:
It is 100% looked at in totality. There are so many fees and
individually they're all small. It's like I'm in the insurance
business and people ask me about this discount and that discount,
and when I add it it's very small and they're upset, but when I
look at all the discounts that they're getting, they're still
saving all this money (laughter). We're having the opposite issue
here in Suffolk County where you look at all these fees and they're
adding up and adding up and adding up the cost. They're not
helping reduce this and reduce that and reduce that.

LEG. McCAFFREY:
Thank you, Matt. Thanks for coming out.

MR. MORSE:
Thank you.

P.O. GREGORY:
All right. Thank you, Matt. One objection; I have personally
witnessed worse places than New Jersey.

("Laughter")

MR. MORSE:
It was just a joke, I promise.

P.O. GREGORY:
I know, I know. I'm only kidding. John McCarthy; and then on
deck, Hector Gavilla.

MR. MCCARTHY:
Good afternoon. John McCarthy, I've lived in Commack for over
40 years. I took out this home equity loan years ago. Finally,
when I got to pay it off, my wife and I sat down, had a glass of
wine, it's done, then we got a letter saying, Well, congratulations
on paying off your loan. You now owe us $550.50. So nonetheless,
not too happy, but what are we going to do? We go to the bank, I
called Suffolk County, the Town Clerk, I asked them how come this is -- you know, why do I have to pay so much money for a filing fee, Well, that's the way it is, sorry. I said, You know, I'm retired, I've got a fixed income. And these bills keep coming, you wonder when it's ever going to stop. And she says, Well, you wouldn't believe how many of these we file every day, so I can't even imagine how many people are affected by this.

Then I was thinking, I had an equity loan that I took out ten years -- that I paid off ten years ago and I asked the Clerk, Gee, I don't know if I filed that with the County, and she said, Well, if you didn't you owe another $550.50. So I'm saying when does this stop? You've got the lights, I go to a play in New York City I get a parking ticket in Deer Park because there's no ticket -- there's no place to park. I mean, it never stops.

And talking about people moving out of New York, I live on Magnolia Drive in Commack. When I moved in there was a lot of people my age, now there's only two of us left, everybody left including my kids, none of them live in Long Island. Thank you.

P.O. GREGORY:
Thank you, Mr. McCarthy. Hector, and then Joseph Kukrac, I think.

MR. GAVILLA:
Hello, good afternoon. I'm in support of Resolution 1107. And it's kind of disgusting to see that the fees keep going up, and the way I look at this is it's a back door tax because we have a law in New York State that we're not supposed to increase taxes by more than 2%, so the increase of fees where you're unlimited is really a way of getting around that and you're being kind of dishonest with the public when you tell them that you haven't increased our taxes but you have all these hidden fees. And as the gentleman mentioned before, if he pays off a loan or somebody gets a new mortgage, that's $500 in an additional fee that they weren't told about before.

In addition to the mortgage tax that the gentleman before mentioned, it's also affecting Boy Scout Troops, for example. I was at a meeting recently, I think Mr. Trotta was there also, where we heard a speaker tell us that a Boy Scout troop had to cancel their annual camping trip because this year the Suffolk County fee became too high. Each year it went up and went up and it went up and it went up to a point where the poor Boy Scouts can't even camp in this camping ground that they go to every year, so they have to disappoint their members. I mean, really, it's kind of disgusting that we do this to everybody. And as previous speakers mentioned before, a lot of young people are leaving because they just can't afford these fees.

Now, I'm in the real estate business so, you know, a fee that I saw that went up which doesn't make any sense is the mortgage tax. I call it the mortgage tax because that's really what it is; you're combining the recording of a mortgage and then also just verifying that the tax ID that's on the piece of people is what you have on your records. Mr. Trotta showed me a video of the process and it
didn't change, it takes about 30 seconds to do that and for that you added another $300 fee. So when you total it together, it's $500 to record a fee; that just doesn't make sense. So it really should be illegal to increase fees when the cost to do the same service has been the same for the last hundred years. And in a situation like that, it didn't cost any more to do this. It's the same six or seven people that are doing this every day at the County Clerk's Office and it's a process that takes maybe about a minute to do, to record a mortgage, and that's it.

Also what I read recently was that in terms of the fees in total, I believe that this year you increased a total of $50 million in new fees. So again, that goes beyond that 2% cap. So really I'm in favor of this resolution, 1107, because hopefully it will make you more responsible with your spending, and it's actually our spending because it's our money. Thank you very much.

P.O. GREGORY: Hector, hold on. Legislator Trotta has a question for you.

LEG. TROTTA: You had mentioned an analogy before about the mortgage hotline. Could you --

MR. GAVILLA: Oh, yes, yes. Thank you very much. One of the things I read in the news recently was that -- and I'm not trying to insult anybody.

LEG. TROTTA: For foreclosure.

MR. GAVILLA: -- but Monica mentioned that she's very proud that she set up a hotline for people that are facing foreclosures, okay. And I thought it was kind of ironic because when I read that I said to myself, it's really a customer service line, because the people in your district who are facing foreclosure, when they speak to these experts, what do you think the advice they're going to give them? They're going to tell them if you can't pay a mortgage, refinance the mortgage. Now, let me explain what's involved in refinancing a mortgage. They have to pay another $500 fee to pay off the first mortgage, and then when they get the new mortgage that's another $500 fee, so it's a thousand dollars in extra fees to Suffolk County just to refinance a mortgage. And why do they want to refinance the mortgage? To lower their rate, to lower their monthly payments. Now, that's going to be the same fee whether you have a low mortgage of $200,000 or you have a mortgage on a million dollars, so you're really not helping people. What you're really doing is helping yourself by setting up this customer service line because it will expedite the thousand dollar fees for anybody who wants to refinance their mortgage, and that's a fact.

LEG. TROTTA: Now I remember what you said. Thanks.
MR. GAVIDIA: Thank you.

P.O. GREGORY: Okay. Excuse me if I mess up your name; Joseph Kruk支配? Is that it? I couldn't read your writing, I'm sorry.

MR. KUKRAL: Good afternoon. My name is Joe Kukral. I'm not only here representing myself, but as a board member for Suffolk Committee for Camping. I'm here to offer my support to Resolution 1107 and the limit of the County fee increases. I know with addressing the Parks and Recreation Committee previously, the fees imposed by the County on the camping and the park fees for this year were significantly more than 2%. So I'm just here to offer my support in this Resolution, 1107, that hopefully it trickles down to all other fees imposed by the County to include the camping and park fees. Thank you.

P.O. GREGORY: Okay, thank you, sir. Legislator Trotta has a question.

LEG. TROTTA: Are you the gentleman who talked about they were going to have a camp out at Cathedral Pines and it was 3,000 last year and 6,000 this year; was that you?

MR. SCHROEDER: It wasn't me or my camp group, but --

LEG. TROTTA: Okay.

MR. KUKRAL: -- but I can understand that one, yes.

LEG. TROTTA: It wasn't you, okay. Someone sent me an e-mail saying that now they're not camping because it doubled.

MR. KUKRAL: No. Honestly at our last board member -- board meeting of Suffolk Committee for Camping the 3rd of February, whenever it was, there were several groups that put in for their first three camp-outs for 2017 that pulled their reservations due to the non-refundable deposits. As most of these groups are family camping groups, they don't have the budget or the finances to give up $70.

LEG. TROTTA: Is that something new, non-refundable?

MR. SCHROEDER: Yes, sir.

LEG. TROTTA: I apologize. I'm -- I'm taken aback by the fact that we do that.
I apologize.

**MR. KUKRAL:** It's a non-refundable fee, so for every group outing that we put in for 2017, for a weekend or whatever it may be, we automatically lose $70 per group reservation just to make a reservation. So even our group is not -- we normally do five or six outings per year; we've already -- we are basically at three this year because we don't have the budget to just arbitrarily give away $70 for every weekend that we make a reservation.

**LEG. TROTTA:** I apologize and I'm embarrassed.

**MR. KUKRAL:** Thank you.

**P.O. GREGORY:** Okay, thank you. That's all the cards I have. Is there anyone else that would like to speak on IR 1107? Yes, please come up.

**MR. MORGAN:** I didn't fill out a card.

**P.O. GREGORY:** Okay, that's all right. Just state your name.

**MR. MORGAN:** I just have some thoughts on it. My name is -- thank you for letting me speak. My name is Richard Morgan, I'm a 40-year resident of Suffolk County with my wife and two children and like that. And to me, the fees imposed by the County are kind of like their red light taxes or, you know, red light cameras, whatever the case may be; it's just a symptom of a larger problem, which to me is the death of labor unions and the death of the middle class and the polarization into the 1% and the 99%. So as a result, you have less and less tax revenue. So that being the case -- and I think that the fees, taxes or whatever will continue as long as you have people making lower incomes and, as a result, lower tax revenues.

So I just have a couple of modest ideas -- I don't know if they're utopian or doable, but I just wanted to put them out for consideration -- on how I think the County could have more money. First would be to do away with the property tax and replace it with an income tax. Not any more taxes, but just to tax people's incomes; not everybody owns a house, but most people nowadays of necessity have to work. Secondly, to have a County school district. Why do we need a hundred school districts with a hundred Superintendents, snow removal and whatever, that's a lot of duplication. A County fire department, a County Police Department and a County library; it's done elsewhere. In the suburbs of Washington D.C. and Virginia they have County libraries, they have County school districts. I've heard people off the record tell me the two reasons that isn't done is money and racism. Thank you.

*Applause*
P.O. GREGORY:
And sir, as a Yankee fan, there's a $2 charge for the Met fans that come into the room.

(*Laughter*)

Yes, sir?

LEG. TROTTA:
Make it three.

MR. WILLIAMS:
Jan Williams, Suffolk County -- Nesconset, New York, Suffolk County. I just want to say real quick, hi guys. On short notice, I agree with everyone, I just want to be another voice in this. This is -- you know, I think enough is enough. I don't even know where this money is going to. You know, I was thinking, I saw the list of items that this fee is about. You know, I won't get into the fact that your fee on the traffic lights is illegal, but I guess I just did, huh? I just wondered why nobody ever came up with -- I guess I would have to ask the question where these are going to be applied. They're not going to be applied to the actual service, it's just a fee because the County is in trouble. Would I be in the assumption of saying that is correct? I got a couple of nods, okay.

Did anybody ever come up with a prospect to put a resolution before for a tax increase in just the County -- I know that's a bad word -- to just straighten out the problem with the fiduciary that the budget does not change, that nothing is spent? You're making a face, Ms. Kennedy. Did anybody ever come across to end this dilemma a little bit with our ratings and come across to just do that for a two-year period, locked up tight as a nail that we have a class action recourse if the money does not go, the increase? I mean, we have 1.3 million people in Suffolk County. I don't know how many households there are, I know -- it's got to be over a half of million. How much money does that increase at $10 a household on County tax?

LEG. TROTTA:
I'll explain it later.

MR. WILLIAMS:
What?

LEG. TROTTA:
We can't tell you, I'll explain it later.

MR. WILLIAMS:
You can't tell me. It's a rhetorical question. I'm just saying, did anybody ever come up to that? Because this has been dished around for months, years and years, it's been ongoing, trying to save money. We can't spend any money, but it has to equate to past budgets, and then if you took that money and you got yourself out of a hole, it's like me going home and eating beans for a week, you know what I'm saying, or something like that, cereal, to try to
straighten out my own budget. I just wondered, because your County
taxes on my bill, you know, are pretty low. I know it's a tax;
it's a dirty word.

MR. STRAUSS:
A hundred dollars, that's it.

LEG. KRUPSKI:
Mr. Presiding Officer?

MR. WILLIAMS:
Anyway --

P.O. GREGORY:
Hold on.

MR. WILLIAMS:
I don't know if anyone's watching my time, but I agree with what
the gentleman said, if you're going to do this, I really -- Trotta,
I think he put this forward, you know, I'm just curious. I put my
name down as being in support of what the other gentleman said and
the other five people. Thank you very much.

P.O. GREGORY:
Okay. Hold on, I think Legislator Krupski has a question for you.

LEG. KRUPSKI:
So just to be clear, because --

MR. STRAUSS:
(Inaudible).

LEG. KRUPSKI:
Thank you. Just to be clear, I just want to know what your --
because you had some interesting thoughts and our Director of
Budget Review just came in and I just wanted him to hear what you
had suggested, that there be some sort of tax for like two years to
get the budget back in order type of thing.

MR. WILLIAMS:
I want to know what it -- I don't want to all of a sudden just say
do it.

LEG. KRUPSKI:
No, no, I understand, to see what it would look like.

MR. WILLIAMS:
Yeah, I want to know how much per household, property.

LEG. TROTTA:
Property taxes.

MR. WILLIAMS:
Property tax for commercial, bus -- you know, residential. Yeah,
how that would reflect it to get --
LEG. KRUPSKI:
Get us back on an even keel.

MR. WILLIAMS:
Yeah.

LEG. KRUPSKI:
Dr. Lipp, could you give a ballpark answer?

MR. LIPP:
You're talking property taxes?

MR. WILLIAMS:
Hold on.

LEG. KRUPSKI:
You better have a seat.

MR. LIPP:
I'm going to call my computer up just to run a couple of quick numbers. You're talking about to eliminate the deficit with property taxes?

P.O. GREGORY:
No, I think what he --

MR. LIPP:
I just came in, so I'm not sure exactly.

LEG. KRUPSKI:
That's why I wanted to ask him to clarify. I think you mean just to not have a structural deficit in the budget every year, right, as opposed to the deficit that exists previously.

MR. WILLIAMS:
I know we've been struggling for the last couple of years managing the budget. I know our rating went down.

LEG. KRUPSKI:
Uh-huh.

MR. WILLIAMS:
But what I'm saying to you if is these fees that they're raising, which is a tax, is going in to pay things that would normally be collected as a tax to pay for services or what have you.

LEG. KRUPSKI:
Yes.

MR. WILLIAMS:
I mean, you know, I understand some of the park fees and everything else may not be deemed at, but I just wondered.

MR. LIPP:
So we do have a committee, it's referred to as the Ad Hoc Committee to study issues related to the budget deficit. The Presiding
Officer has started and we've already had a meeting or two, but there's a lot of work to do, so I can't really divulge what information we have there. I'm fully aware, or my office is fully aware of most scenarios. If you want to, say, increase the property tax to get rid of the structural deficit, you could make a case for let's say the structural deficit is about 150 million, you could argue it should be higher or lower, but that's a useful proposition. And if you put it all in the property tax, you're probably talking an increase to the average homeowner of about $270.

MR. WILLIAMS:
How much?

MR. LIPP:
Two hundred and seventy dollars. That being said, you would then generate $150 million worth of revenue, arguably, but they would have to recover every year. And on top of that, we wouldn't actually recognize the full 270 because the Suffolk County Tax Act requires that the General Fund makes all taxing jurisdictions whole, so the calculation is a little bit -- it's going to wind up being -- we won't get that kind of money. So there are a lot of -- the moral of the story is I could talk all day about different taxes and expenditures, this is not the forum for that, though. So there's never really a simple answer.

MR. WILLIAMS:
Okay, that's -- you're saying that's for the whole kit and caboodle, as they say. So if you're spreading it over two years, 135. We're talking about a balance, but we're not coming into any more debt. That's why I said to you, you know, the criteria would be that, you know, your budget would be -- the other factors of the budget would be balanced, like the Comptroller's trying to do.

P.O. GREGORY:
Sir, we can have him talk to you offline. We don't want to debate this now.

LEG. KRUPSKI:
Thank you. No, Mr. Presiding Officer, I didn't mean to make a debate, I just wanted to be clear what the speaker was looking for.

MR. WILLIAMS:
Yeah, I go by that 270 number. Okay, thank you.

P.O. GREGORY:
Now I'm being told that Winnie --

LEG. TROTTA:
It's basically the same bill as 1109, it's just I don't want to hold her here any longer.

P.O. GREGORY:
All right. So is she -- where is she? Okay,
MS. ESOFF:
Good afternoon, everybody. My name is Winnie Esoff, I've been living in Kings Park for 45 years. My husband was diagnosed with Alzheimer's at 59. From social day-care to two nursing homes to the day he passed away, I accrued $30,000 in debt that Medicaid did not pay. So what did I do, I took a home equity loan. It took me 11 years to pay it; March 1st it was paid. So there's the letter that I got from the credit union telling me that in order to satisfy the lien, I have to pay $550. Needless to say, my husband's pension was gone, his Social Security was gone and my income now is $24,000. How in the God's name am I supposed to pay this? This is a disgrace.

What's more of a disgrace is some of you said, People should look at the fees before they come here. Well, I'm already here, I'm here for 45 years. Somebody else said, I don't think anyone's leaving because of $300. It's more than that. It's more than $300, it's everything combined. Somebody else said, We need revenue to provide critical services. Really? What are our taxes for? Aren't they paying for critical services? This is an outrage. I don't think the people who voted for this gave the senior citizens a thought at all. It's not only seniors, it's other people that have had the floor fall out from under them like me, okay? We were going to live in Pennsylvania, we were going to do cruises, Woodloch Pines twice a year we did; that all fell by the wayside. So, you know, maybe life is good for all of you, but it isn't for everybody. So I'm in favor of Resolution 1107 and I hope that you think of my story when you pass these fees. Thank you.

LEG. TROTTA:
Wait, hold on.

P.O. GREGORY:
Yes, Legislator Trotta has a question.

LEG. TROTTA:
I want to know, when I showed you the video of what that occurred --

MS. ESOFF:
Right.

LEG. TROTTA:
-- you know, how you are charged for that 33 second video. What were your thoughts when you said that's what you're paying $500 for?

MS. ESOFF:
It's ridiculous. It took all of how long for them to do that?

LEG. TROTTA:
Thirty-three seconds. Explain it.

MS. ESOFF:
Thirty-three seconds for them to do that. That's a disgrace.
That is a real disgrace to put that fee on people, it really is.

LEG. TROTTA:
Winnie, I apologize and I'm embarrassed by it.

MS. ESOF:
Okay, thank you.

P. O. GREGORY:
Thank you, Ms. Esoff. And I -- well, I won't -- okay.

That's all the cards I have. Is there anyone else that would like
to speak on IR 1107? Okay, Legislator Trotta.

LEG. TROTTA:
Motion to recess.

P. O. GREGORY:
Motion to recess.

LEG. CILMI:
Second.

P. O. GREGORY:
Second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen (Not Present: Legislators Spencer - Absent: Legislators
Browning & Muratore).

P. O. GREGORY:
(Public Hearing on) IR 1124-17 - Adopting Local Law No. -2017,
A Local Law to implement continuing education requirements for
electricians in Suffolk County (Lindsay). I don't have any cards
for this public hearing, but if there is anyone that would like to
speak on it, please come forward. Nope? Okay, Legislator Lindsay.

LEG. LINDSAY:
Motion to close.

P. O. GREGORY:
Motion to close by Legislator Lindsay.

LEG. CILMI:
Second.

P. O. GREGORY:
Second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MS. ELLIS:
Sixteen (Absent: Legislators Browning & Muratore).

P. O. GREGORY:
(Public Hearing on) IR 1130-17 - Adopting Local Law No. -2017,
A Local Law to add the Director of the Traffic and Parking Violations
Bureau to the Criminal Justice Coordinating Council (Browning). 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. No?

D.P.O. CALARCO:
Motion to close.

P.O. GREGORY:
Motion to close by Legislator Calarco. I will second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen (Not Present: Legislator D'Amaro - Absent: Legislators Browning & Muratore).

P.O. GREGORY:
/Public Hearing on/ IR 1169-17 - Adopting Local Law No. -2017, 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 as well. If anyone would like to speak on it, please come forward. Okay.

D.P.O. CALARCO:
Kara, what did she want?.

LEG. HAHN:
This is -- she wanted to close this. Motion to close.

P.O. GREGORY:
Okay, motion to close by Legislator Hahn. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen (Not Present: Legislator D'Amaro - Absent: Legislators Browning & Muratore).

P.O. GREGORY:
/Public Hearing on/ IR 1179-17 - Adopting Local Law No. -2017, A Local Law to improve the County's affordable housing programs (Calarco). I don't have any cards on this public hearing as well. Is there anyone that would like to speak on it? Please come forward. Okay, seeing none.

D.P.O. CALARCO:
Motion to close.

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

MS. ELLIS:
Fifteen (Not Present: Legislator D'Amaro - Absent: Legislators Browning & Muratore).

P.O. GREGORY:
/Public Hearing on/ IR 1190-17 - Adopting Local Law No. -2017, A Local Law establishing a permit process for use of police services
for public assembly (County Executive). There are just a few cards.

(*Laughter*)

Just so that you know, we got word from the Administration that they are going to make changes. They're going to recess it so it won't be closed, but you are certainly welcome to come forward and state your peace for three minutes. First up is Cynthia Morris-Proothi? Did I pronounce that --

UNKNOWN AUDIENCE MEMBER:
She had to leave, unfortunately.

P.O. GREGORY:
Oh, she had to leave? Okay. Ruth Cohen; and then on deck, Jordon Helen? Helin?

MS. COHEN:
My name is Ruth Cohen, I'm from Lake Grove. I understand that the bill that I'm speaking about is going to be withdrawn and rewritten, so I hope when you do rewrite it you'll keep my comments in mind.

First of all, the bill as it's written now, I don't know what will happen in the future, has nothing to do with public safety, I'm convinced. And also, another thing; when we have rallies or demonstrations, whatever, we don't always know how many people are going to come; it could be 10 people, it could be 90 people, we don't always know who's going to show up. And I'd like to give you two personal examples. About three weeks ago I became aware that Lee Zeldin -- and I'm only telling you Lee Zeldin, not to single him out, but my experiences deal with that. Lee Zeldin was going to be making a speech at the LIMBA, Long Island Business Association at the Marriott Hotel in Ronkonkoma, and I contacted a number of my friends and asked if they would like to demonstrate with me -- I won't even talk about the purpose of the demonstration, it's not material right now -- and they said they would. And we scheduled to be at the Marriott Hotel in Ronkonkoma at 7:30 in the morning; the meeting was scheduled for eight o'clock when he was going to be there.

I woke up in the morning, it was bitter cold. I put on layers, three layers, four layers, I get out there, I'm in front of the Marriott Hotel at 7:30 in the morning. The place was already packed with police. They had police cars, they had police officers. One of the streets bordering the main road was already blocked off with crime scene tape and a police car had its lights flashing on and off, on and off, on and off. I was there from 7:30 till 9 o'clock in the morning and you know what? I was the only person there.

(*Laughter*)

The only person there. I can't -- the police had to have arrived at seven and when I left at nine they were still there. I even
said to one of the officers, "How much is this costing the County for you to have all of this police presence here just for mua, me?"
I'm 78 years old, I had to sit in a rolling chair, that's how dangerous I am.

(*Laughter*)

I can only assume that Lee Zeldin is the one who called the police and told them to be out there, and I had this huge police presence just for me. Just for me! It was ludicrous. If anybody has to pay a bill for the policemen and their overtime, it should not be me or my associates, it should be Lee Zeldin who got so scared that we were going to be there.

Applause

Second of all, last week, I think it was on Friday, a group of us, we were maybe ten, the average age was probably 72, and we were in front of Lee Zeldin's office having a little rally about the health care. Lo and behold, some policemen come up, right. I don't know what they were there for, we never had any problems but some police came, four police. They were so worried about us, the problems that we were going to cause.

(Timer Sounded)

They stayed inside the lobby where it was nice and warm and cozy and watched us through the glass door while us old people were outside expressing ourselves in what must have been 25 degree temperature, it was freezing cold

P.O. GREGORY:
Ms. Cohen?

MS. COHEN:
Whose safety were they in care of?

P.O. GREGORY:
Ms. Cohen?

MS. COHEN:
They weren't worried about our safety. Why would we have to pay for them to come and the overtime or whatever?

P.O. GREGORY:
Ms. Cohen?

MS. COHEN:
Lee Zeldin is the one who should have been paying for that. He's the one who called them.

P.O. GREGORY:
Ms. Cohen?

MS. COHEN:
This is just a canard. This is a canard.
P.O. GREGORY:
(Waved his hands in the air).

MS. COHEN:
Okay, so I had my three minutes?

(*Laughter*)

P.O. GREGORY:
Thank you.

MS. COHEN:
I had my three minutes of fame. But be aware, this is just to shut
us up, it has nothing to do with public safety.

P.O. GREGORY:
Okay.

MS. COHEN:
Thank you.

Applause

P.O. GREGORY:

MR. HELIN:
Helin, but it's fine.

P.O. GREGORY:
Okay. And then Paul Hart is on deck.

MR. HELIN:
Hello. Thank you for the opportunity to speak. My name is Jordan
Helin, I'm a resident of Port Jefferson Station. I recently became
aware of this bill 1190 and I've learned a few things about it that
are interesting. I understand it's being pulled to be rewritten
and I hope that you keep in mind what I have to say when you're
reconsidering it.

What I heard is that the purpose of this law had to do with
for-profit enterprises using public space. That's interesting
because my reading of the law doesn't actually -- it doesn't seem
to actually specify that, there's nothing explicitly saying that's
what its purpose is, it just talks about assembly broadly. It
establishes a fee schedule for a certain number of people to have a
public assembly, and it doesn't explicitly say anything about
whether or not there's an exemption for people who are just
exercising their First Amendment rights.

Now, I would like to think that this law was, you know, suggested
in good faith for the best intentions, but I think you should be
aware of the possible uses of law that that could be put. There's
nothing to prevent someone from using a law like that to stop
people from quickly reacting to changing public events. You have
to clear this 60 days in advance; six days in advance, I wouldn't
even be able to speak here.

It also establishes that in order to assemble with a certain number of people, you have to pay hundreds and hundreds of dollars; if you can’t pay that then you don’t get to exercise your rights. Now, I’m not saying that I think that’s what the County is going to use this law for, but I think it could be used for that by some other administration with other purposes. And I think in these times, especially when more and more people are becoming politically active, you can’t consider it an extraordinary expense for the police to basically protect people in their exercise of their rights; that’s what the purpose of government is. And so I really hope that if this bill is, you know, not to be completely withdrawn, it’s to be rewritten, please keep in mind, there should be something in here to explicitly protect people who are exercising their right to protest, to assembly, to express themselves.

I guess as a final comment, if this wasn't on anyone's mind when this law was submitted, I hope that in the future and future legislation you will just keep in mind the fact that laws like this carelessly could be used for those sorts of purposes, to shut down dissent, to shut down free speech. Whether or not you intend that, that's a purpose to which that could be put. So thank you.

*Applause*

P. O. GREGORY:
Sir, hold on. Legislator Hahn has a question for you.

MR. HELIN:
Hello.

LEG. HAHN:
Hi, there. Thank you for coming down. We agree with you wholeheartedly, and our colleagues actually had pointed out exactly what you mentioned when we were discussing the bill just yesterday, right? I mean, this has been -- and even before that. This has been something since it was laid on the table that we expressed concerns with, it was just much too vague and clearly would -- could potentially be read to obstruct just the kind of assemblies that you're talking about. And we're clearly, you know, working together with the County Executive to make sure that what they say was the intent of the legislation is all that winds up in the final version.

So thank you very much for coming down. You know, we really -- isn't this what's great about Suffolk County's procedures, is that the public gets to have input as we are developing our laws and our regulations and you get to come, you know, come down and comment. So even if we hadn't recognized the problem, you know, now that you're here, we would have. Thank you.

MR. HELIN:
I've never done this before, but I found it particularly -- not particularly difficult, so I'd say there is a pretty good process.
But thank you for -- I'm glad to know that was also considered by
the Legislature. Thank you.

P. O. GREGORY:
Thank you. Mr. Hart; and then on deck, Murrell Morgon.

MR. HART:
Hello. My name is Paul Hart, I'm a Suffolk County resident for
over 40 years. I'm a Vietnam-era veteran. Like many others of my
generation, I enlisted before I was drafted and got sent to
Germany, but I didn't have a problem with it because I figured,
gee, you know, I've been a good citizen. I owe this country
something, and I had a lot of opportunities. But -- actually, I'm
not really too prepared for this because this is a spur of the
moment, I read an e-mail this morning and I'm supposed to be at the
dentist right now but he canceled my appointment, so I have zero
prep.

But I'm just so concerned about -- I've been actually a peace
activist, even though I'm a Vietnam-era veteran. I voted in every
election since 1968, I try to be informed. And I find that my only
voice in this process is to actually demonstrate at times, or write
letters to my officials, which I do, and I'm just so concerned
about this potential for abuse. And in the political fight that
we're having now with a man with orange hair doing a lot of
screaming --

(*Laughter*)

-- I'm actually afraid a little bit. And I love this country so
much; people say, Why don't you move, because I love this country.
That's all I have to say. Thank you.

Applause

P. O. GREGORY:
Thank you. And I would disagree with your remarks, if I may; I
will say that we owe you as a veteran. Thank you for your service.

MR. HART:
Thank you.

Applause

Okay, Mr. Morgon, and then Jacquelyn Gavron?

MR. MORGON:
Thank you for the opportunity to speak. I just wanted to second
the emotions of the last two speakers which were very heartfelt,
that they maybe unintentionally but in a good way stole my thunder
as far as half of what I was going to say. So I would definitely
agree with what has been said.

I've been a resident, along with my wife and two children, of
Suffolk County for 40 years. I'm married for 41 years to my wife
Karen. We have two sons, John and Eric; John is an Eagle Scout.
I'm a proud member of 40 years of the Communication Workers of America, Local 1108, Patchogue, NY, an active member. I wanted to thank Sara Anker, Rob Calarco, Ms. Hahn, Mr. Lindsay and like that and others for their help to my union over many decades, and it's really very much appreciated.

I'm speaking about 1190, and as the other speaker said, not so much what it says but how it could be used in a way. And that, you know, I have feeling that it doesn't seem to be something that Mr. -- our County Executive, Mr. Bellone, doesn't seem to jive with the spirit of his leadership. And I think it's more like it has an implication to it that could be used by somebody of the mentality of Mr. Trump, Mr. Bannon or Mr. Jeff Sessions to be used in a way to just close down dissent after the Tea Party four years ago, you know, would come to Tim Bishop's question and answers in Bedford with shotguns. So in other words, it's a way to kind of close down dissent.

My union had a -- and other unions, the teachers union, the police union were over by Lee Zeldin's office on 31 Oak Street about six months ago opposing the Trans-Pacific Partnership which he supported; after our huge rally and like that, a hundred percent peaceful, he changed his mind. So in the Constitution it says, "The right of the people to peaceably assemble shall not be abridged," period. So I just urge people to keep that in mind.

And last but not least, years ago I had a bumper sticker on the back of my car that said Ignore your rights and they'll go away. Thank you.

Applause

P.O. GREGORY:
Okay. Jacquelyn Gavron, and then Annette Kattan.

MS. GAVRON:
Hi. My name's Jacquelyn Gavron, and unlike most of the people here, I actually just emigrated from Brooklyn and moved to East Hampton --

("Laughter")

-- so a lot of this process is new to me, including the politics, and I have one comment and one question. And my question first is according to the ACLU, there isn't a single city or County that can't already prosecute people for trespassing on private property or for obstruction on highways and roads and such. So can somebody please tell me why there was a need for this bill?

LEG. CILMI:
It's not our bill.

P.O. GREGORY:
This is a bill that --
LEG. CILMI:  
It's the County Executive's bill, it's not our bill.

P.O. GREGORY:  
-- the County Executive put forward, I think at the behest of the  
Police Department, as a means of trying to manage overtime and  
manpower more efficiently so that they can respond to these various  
requests. That's how it was put to us.

MS. GAVRON:  
Because one of the rules, my understanding, is that groups who do  
have rallies always are required to contact the police beforehand.  
So if this is an issue of overtime, I don't know why a bill was  
needed to fine people who apply an absurd amount length of time for  
otice. So I just would like that on the record, but I really  
would like an answer about -- maybe an expansion. I do appreciate  
your answer on why that is.

And the other thing I wanted to mention is that on ACLU there is a  
rights watch on bans on protesting and I think currently there are  
about 16 states on this list that are being taken to court and I  
really hope that Suffolk County doesn't become one of the areas  
ext in line.

And my last comment really kind of picks up on what everybody else  
says, which is that I've never really attended rallies. I've  
always lived in a very different kind of a district and so I've  
been a little surprised at some of the politics here. One of the  
things that surprised me was that, like many of his colleagues, Lee  
Zeldin has labeled constituents who disagree with him as liberal  
obstructionists and refusing to hold town halls -- hear me out on  
this -- and trying to silence citizens. And I'm concerned because  
this bill, 1190, seems an additional and very dangerous direction  
and an additional way to try to silence people with whom you  
disagree. It's an attempt, potentially, to criminalize and  
penalize -- I'd appreciate it if everybody listened. To  
criminalize and penalize protected protest under the First  
Amendment. And these bills are dressed up as though they have to  
do with obstruction of public safety, but the intent is really to  
suppress dissent at a time of historic protest --

(Timer Sounded)

-- when people are making their voices heard. You're trying to  
silence us; we will be heard and we will be voting. Thank you.

Applause

P.O. GREGORY:  
Thank you. Annette; where are you? Annette Kattau?

MS. KATTAU:  
Kattau.

P.O. GREGORY:  
There you are, okay. And then Mike Gendron.
MS. KATTAU:
Well, you all got my e-mail -- almost all, I've taken a list and
I've left a few off -- and it basically covered everything that
just about everybody said. But I think you need -- this bill needs
to be dropped and forgotten about. Read the Bill of Rights, okay?
Unfortunately, I wanted to say something about 1169, just a few
words. A sewer connection to foster economic growth in Suffolk
County; I think you need sewer connections for our drinking water
and a lot of other reasons other than economic development.

The other -- my letter covered just about everything, my e-mail,
that everyone has said. Grassroots organic groups. I fought a
casino, I didn't get arrested and I didn't have police -- the
police there. I fought a Wal-Mart, same thing. This is absolutely
absurd. I think it's an attempt for our County Executive -- who I
voted for twice, he will not get me again -- who lied at his last
-- at our last Meet The Candidates Night when he said he was
against casinos -- to make money. He is over budget. He's
borrowed 153 million from the sewer fund, borrowed 300 million from
the police pension fund. Police make a lot of money. He's over
the General Fund tax by 1100%.

My other thought is I'm a taxpayer. I've lived here for 55 years
in the same house. I don't have somebody mow my lawn, my husband
fixes my plumbing, he's 80 years old. I have five grandchildren,
one is left here on the Island, they're all older, they're doing
beautifully. And it's not because they couldn't afford the Island,
they love the Island, but their jobs take them elsewhere, so I'm
sick I'm hearing that, it's about jobs also.

I just -- I just can't -- I think this bill needs to be dropped.
I don't want to see it come up again, I think it's against our Bill
of Rights. It leaves a lot of options for people like Lee Zeldin.
I happened to be at one of the peaceful -- one of the first
peaceful rallies, it was his Man-of-the-Year celebration and we had
a peaceful rally outside, and he turned it into a non-peaceful
rally, but we had the police there to say and to observe that it
was a peaceful rally. So I thank you for letting me speak and I
thank all of you behind me that also agree. Thank you.

Applause

P.O. GREGORY:
Okay, thank you. Mike Gendron; and then on deck, William Crump.

MR. GENDRON:
Good afternoon, Presiding Officer Gregory and members of the
Suffolk County Legislature. I want to thank you for giving me the
opportunity to speak before you today. I hear that the bill is
being rewritten or, you know, being changed, so I'm going to make
my comments anyway because I don't know what those changes are
going to look like.

So let me start off first by saying that this bill as written is
unconstitutional in two different ways, two different ways that
they violate the First Amendment. First off, it makes the ability
to exercise your First Amendment right predicated on me paying a fee to our government. So I guess the question is what if you don't have the means to pay that fee; does that mean that the First Amendment does not apply to me? The Constitution was written not only for those who could afford it.

Second, my ability to exercise my First Amendment right is not incumbent upon me getting prior approval from any government agency or representative. This would give those agencies or representatives the ability to silence anyone who opposed their policies or conduct. This bill speaks to inadequate notice given to the Suffolk County Police Department but does not cite what constitutes inadequate notice. I hope it is not the opinion of this body that 60 days or more is adequate notice, if that is what is required to get a permit.

When our union went on strike against Verizon, we did not get 60 days notice from Verizon that they planned to put us out on the street. This bill bans any form of spontaneous protest. I have organized dozens of rallies and I can tell you, I have never once gotten 60 days notice that I had to put together that rally, that it was needed and necessary. So a 60-day notice is unreasonable and unacceptable and needs to be removed from the bill.

This bill as written will put my members and local in jeopardy of being fined for walking a picket line. We have the right to fight for our jobs and it should not be infringed upon in any way. Putting the permit process in the hands of the department, which is extremely vague, gives the department, whoever that is, total control over who gets to publicly speak out for or against any issue or topic. They will have total control over who gets silenced and who will be heard. This is far too much control for any government agency, it was not the intent when the framework of our rights, laws and government was being formed.

This bill speaks of restraining orders and injunctions from the County Attorney, but New York State law and Federal law does not allow any injunction in a labor dispute without certain criteria being met and a trial taking place in State Supreme Court. This would be an obvious violation of those State and Federal Statutes.

(Timer Sounded)

This bill allows for exemptions for non-profit organizations, but only for 501(c)3s. Labor unions are non-profit organizations also, but they are 501(c)5s. Why are some non-profits exempted but others are not? Why the disparate treatment?

And lastly, there are many concerns about this bill as it is written. I strongly urge you to put this bill where it belongs, in the paper shredder --

(*Laughter*)

-- and allow us, we the people, to exercise our rights as we see fit, whenever we see fit to do so; and if you cannot do that, I ask
you to recess this bill. Thank you.

Applause

P.O. GREGORY:
Okay, William Crump; then on deck, Mary Crump.

MR. CRUMP:
Many of the things I'm going to say have been said before, but I will modify it here a little bit. My name is William Crump, I'm a licensed --

P.O. GREGORY:
Mr. Crump, is that green light on the microphone?

MR. CRUMP:
Yes, it is.

P.O. GREGORY:
If you could step a little closer, I'm having a little difficulty hearing you.

MR. CRUMP:
My name is William Crump, I'm a licensed financial professional on Long Island for the last 37 years and I'm a current resident of Suffolk County. All Legislators and the County Supervisor, upon assuming office, pledged to uphold the Constitution of the United States. I will read the First Amendment which was adopted in 1791, it's also known as the Bill of Rights: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press or the right of the people to peaceably -- peaceably to assemble, and to petition the government for a redress of grievances." The Supreme Court has ruled that the Bill of Rights applies to Suffolk County as well.

(*Laughter*)

In short, the proposal of IR 1190 is unconstitutional because it imposes a tax on the right of the people to peaceably assemble. I repeat, this proposal to suppress the right of peaceable assembly through taxes is unconstitutional. How much of the taxpayer's money do you plan on using to defend an unconstitutional law knowing it will be thrown out by the courts?

My write-up refers to Grandma Ruthy who was confronted with all sorts of crime scene tape and policemen. I'll skip that part, she's already gone over that. What is a crime here? Peaceful protest is not a crime, it's part of my civic duty as an American citizen and I call on the Legislature to deep six this bill, IR 1190.

Applause

P.O. GREGORY:
Thank you, sir. Mary Crump; and then Jenny Wullert is on deck.
MS. CRUMP:
Thank you for this time. My name is Mary Helen Crump. I have been
living here fourth generation, okay; I probably knew all your
folks. I am unhappy, as you are, and I did read about the cost
overruns in the police budget. I take this, however, as a good
sign; people are now taking a greater part in getting political
office holders to pay attention to their needs to be heard. We
have a problem. We have office holders that hide and we can't
afford to do that because they're supposed to be there for us.
Hiding from the public is not acceptable. I have noticed that the
Suffolk police have been over reacting, presumably at the request
of one such under responsive office holder like, like Lee Zeldin.
I mean, you have police coming along -- this is the first time I
heard like what Ruth said, but when I've been at activities, a few
were there, you know, a few plain clothesmen, a few policemen and
no crime scene tape. The idea of putting up crime scene tape is
already prejudging what we're there for and what is happening, and
that in itself is a police practice I wholly disagree with.

Lee Zeldin is one who needs your seasoned political support to
steady him, not send the police. You should be helping Lee out.
Sending massive police response has been having an opposite effect.
It is isolating him even more and confirming in his mind unfounded
fears that he will not be able to learn how to govern as a real
Congressman. This proposed Local Law will likely confuse and
intimidate people from gathering and to penalize those who do.

You know, we get yelled at and all we're doing is saying, like,
Save our Medicare, and we get yelled at. We walk in front of a
mosque and say, We just believe in rights, and we get cursed at.
It will likely endanger the people, like myself, with the signs,
because now we're targeted. It can play into the hands of oddball
trouble makers who come just to make trouble. It can inflame
emotions. It's putting emphasis in the wrong place and distracts
from the real problem, the office holders who are not dealing
properly with the public.

This is not the Suffolk County I know. In fact, of course I
believe it is unconstitutional to cast such a chilling effect on
free speech. Therefore, I respectfully request that you set aside
this proposed law for the above reasons. Thank you.

Applause

P.O. GREGORY:
Ms. Crump, Legislator Cilmi has a question for you.

MS. CRUMP:
Yes, sir.

LEG. CILMI:
Hi. Mrs. Crump?

MS. CRUMP:
Oh, yes.
LEG. CILMI:
Thank you for being here. I thank everybody for being here. I just wanted to make sure that you were aware that this bill was proposed by the County Executive of Suffolk County; not by Lee Zeldin, not by Donald Trump. I wonder if you've called the County Executive to talk to him about this bill.

MS. CRUMP:
Would I?

LEG. CILMI:
Have you.

MS. CRUMP:
I only found out about it last night.

LEG. CILMI:
Oh, okay. Well, I suggest that you and others call and try and get the County Executive on the phone to have a conversation about this bill. It might be, you know, interesting for you to do that.

MS. CRUMP:
And the Police Commissioner.

LEG. CILMI:
Sure. But I would call -- it's the County Executive's bill, it wasn't written by the Police Commissioner.

MS. CRUMP:
Right, okay.

LEG. CILMI:
Thank you. Thanks for coming.

MS. CRUMP:
Thank you for that direction.

LEG. CILMI:
You're welcome.

P.O. GREGORY:
Thank you. Jenny Wullert?

MS. WULLERT:
Hello. My name is Jenny Wullert, I'm a resident of East Northport. I would just like -- I didn't expect to be here today, like some of our other speakers, or most of them; if I had six hours notice of this, it's a lot. I have recently become more politically active, as have many of the citizens of this United States. Not to -- you know, just to echo the speakers that have already presented that, I find that this is a violation of the First Amendment as I read the bill.

To follow up on the last comment, to the former speaker, the question, I did call the County Executive's Office approximately three hours ago and I spoke with an aide, and I was told by the
aide that the intent of the legislation was to address for-profit
corporations who use County parks, etcetera, and have large groups
of people; that was the intent. I said I read the bill and it
didn't seem to explain that in any comprehensible way. It
specifically says it requires individuals to give 60-day notice and
so forth and so. I myself, for the first time, have become
politically active. I, for example, go to a rally on Tuesdays down
in Melville by Senator Schumer and Gilibrand's Office, all right.
I'm probably one of the youngest ones in the crowd, all right, and
I'm 64 now.

("Laughter")

There's often a lot of police presence there, the cars are lined up
with the lights flashing and so forth and so on. I love the
Suffolk County Police. I worked for the County before I retired, I
helped injured officers get the services that they needed to return
to work, okay. I hold them in very high esteem. I also know
they're one of the most highly compensated police forces in this
country. I don't think it requires the excellent skill-set that
they have to monitor the groups of people that are typically at
these kinds of rallies, right. And my suggestion would be that the
County consider using public safety officers or even crossing guard
monitors to, again, control the groups that come to these rallies.
And that's about all I have to say today. Thank you.

Applause

P.O. GREGORY:
Ma'am, Legislator Trotta has a question.

LEG. TROTTA:
I just wonder if the County Executive's Office gave you any
examples of what type of -- because I'm trying to think of what --

MS. WULLERT:
They said specifically corporations that use the County parks for
activities.

LEG. TROTTA:
Well, we have parks fees, if I'm correct. Don't we have like a
permit something?

LEG. CILMI:
We approve all those resolutions.

LEG. TROTTA:
We approve all those all the time.

MS. WULLERT:
That's the answer they gave me.

LEG. TROTTA:
I mean, we just did it today, earlier today we approved --

MS. CRUMP:
Because I gave them the example of our group, I said --
LEG. TROTTA:
Well, having been a cop for 25 years, a lot of those cops are there for your safety. Officers are on the street a lot and they want to make sure no one gets hurt.

MS. WULLERT:
I appreciate that. It's just that it seems like --

LEG. TROTTA:
But I agree, you know, crossing guards aren't a bad idea.

MS. WULLERT:
-- they're over staffed for the type of event that it is.

LEG. TROTTA:
Crossing guards are not a bad idea.

MS. CRUMP:
All right, thank you.

P.O. GREGORY:
Thank you. Dan Fingas, and then Anita Halasz.

MR. FINGAS:
Thank you. Dan Fingas, I live in Patchogue. Thank you, Presiding Officer Gregory and the rest of the Legislature for hearing this. I'm here representing the Long Island Progressive Coalition today, which I am the Organizing Director for. Most of the points have been hit. I just wanted to kind of go through the bill and list serious concerns about the bill. We appreciate that County Executive Bellone is going to be rewriting the bill, and so while he rewrites it we wanted to make sure some of our questions get answered or things get fixed within the bill.

The overarching question about whether it's constitutional and how this bill would interact with people's free assembly rights and free speech rights is very important, and I'm sure that's going to be top on the list to fix. The 60-day -- the 60-day notice is a real problem. Sixty-eight days ago Donald Trump became President, a lot of things have happened in the last 68 days, so.

("Laughter")

Legislative fights have started and ended since those 68 days, so trying to give 60-days notice on anything that's topical on your level of government all the way up to the Presidential level of government is pretty much impossible.

The -- it's really vague in Section 3, Part C about what the Commissioner deems appropriate levels and so, therefore, the salaries and, therefore, the potential penalties for groups is very difficult. Because, you know, we were at a protest at an office in Patchogue recently and there were maybe 20 of us, I think, there, 15 or 20, and there were four officers there; probably an unnecessary amount of officers for the crowd. But that was the decision someone made and then potentially we -- because we didn't
give 60-days notice, we could have been penalized for that. It
doesn't make a whole lot of sense as far as that goes.

Also, we never know -- you know, we sometimes have rallies where we
know a couple of hundred people are going to go, but sometimes they
balloon to a thousand people, 2,000 people; we don't always know
that ahead of time, and so it's very unclear here, if we don't know
the size of the crowd we're going to have, how we pay ahead of time
based on the scale, 200 or $500,000.

We're a 501(c)4. This gives an exemption for 501(c)3s but not for
501(c)4 non-profits, 501(c)5 non-profits, so there's no real
explanation as to why certain kinds of non-profits are getting
exemptions and others are not.

And then overall, this is a bill to, I think, generate revenue, but
then there's also going to be enforcement, tracking down people who
might have illegal assemblies or that kind of stuff, what's that
actually going to cost to enforce on the back end.

So those are all the questions we have, hopefully the County
Executive and his staff take care of all those. If the bill is
supposed to be for for-profit companies using public space, like
festivals, 5K races, stuff like that, they've written the
completely wrong bill for that, so they probably just need to
rewrite a whole new bill. So thank you very much for your time.

Applause

P.O. GREGORY:
Dan, Legislator Krupski has a question for you.

LEG. KRUPSKI:
Good afternoon, and thanks for your comments. So if you have any
other comments or anyone else has spoken on this today, it really
would be appreciated if you put them in writing to any and all of
us, you know, I've already gotten your e-mail. Because it's good
to have those in writing, it's good to have those e-mailed
suggestions specific to the bill or any concerns that you would
have towards either way you think it would go.

MR. FINGAS:
Okay.

LEG. KRUPSKI:
So that's always helpful to have that when we're considering
something that we didn't write, so we're trying to sort out which
direction to try to go in also.

MR. FINGAS:
Definitely.

LEG. KRUPSKI:
Thank you.
MR. FINGAS:
Thank you.

P.O. GREGORY:
Thank you. All right, Anita Halasz; I hope I didn't mess up your name too much.

MS. HALASZ:
It's okay if you did. Good afternoon. My name is Anita Halasz, I'm the Executive Director of Long Island Jobs With Justice. And I just want to comment on a couple of things that were said before because I am the thirteenth person on the list and everybody so eloquently said almost everything that I wanted to say. But I do want to reassure the Legislature that we have been calling the County Executive and we've been calling probably every single one of you in this room here, too, and I would like to think that it's because of the vocal opposition to this bill that we were actually able to get it to successfully be pulled from today and to recess. However, we definitely would like to see the bill completely killed and not to be revised. You know, people assemble because of their right to free speech and this bill would not make our speech free, it would make it taxed and -- well, as everyone said, that's unconstitutional.

The other piece that I want to say is that I want to add onto what my colleague, Michael Gendron from CWA said. Because our primary purpose at Long Island Jobs for Justice is to defend and support and elevate the rights of workers, particularly those workers who are working to collectively bargain and workers who may already have a union contract but their employers are trying to cut back on their contract themselves. So I -- I would advise the County Executive and everyone in this room to really think about what it means to be a friend of labor and what it means to defend the rights of workers, because this is just putting yet another piece of duct tape over the mouths of workers who are trying to defend their rights on their job and to elevate themselves in this world, both financially and structurally and politically. And this bill would severely hurt the voices of workers who are trying to do just that.

I'm part of a 501(c)3, so I guess to a certain extent I'm protected by this, but a lot of the people that we care about and that we fight for are not protected by this bill. It's an unfair bill. There's really no justification for charging free speech, and I truly hope that everyone in this room, if it does get revised, will vote it down. It doesn't belong in our Legislature, it doesn't belong in our County, it's not even remotely something that we should be even be talking about. Thank you.

Applause

P.O. GREGORY:
Thank you. That's all the cards that I have. Is there anyone else that would like to speak that hasn't spoken already? Please come forward.
MS. McQUEEN-STAULING:
Good afternoon. My name is Lisa McQueen-Stauling and I just got notice, I don't know, about two hours ago, a friend sent me an e-mail regarding this bill and I was shocked when I read it because -- you know, I was born and raised here in Suffolk County in the Town of Babylon, and both my parents came up here from Charleston, South Carolina. And to see and hear and read a bill that takes away your rights, because that’s why my parents left the south and settled in Suffolk County and worked during the Civil Rights Movement. And I was born, my mother was carrying me during the Civil Rights Movement; I was born in 1964, after the bill was passed. So they came here to New York thinking that this is where their voice would never be silenced. So I was shocked when my girlfriend sent me this, and the very thing that came to my mind was this; the greatness of America is the right to protest for rights. So for this to be on anybody's desk in New York? If we were below the Mason Dixon Line I'd get it, but we're not, and we have a President that is bringing this back. I have families still in the south that are silenced, they are afraid to speak. I go there once a month to help them in Charleston to speak about what's going on there. So when I saw this, I jumped in my car, got dressed and said, I'm coming here. I normally don't come here. But now people are rallying because we’re starting to see these kind of bills come up and it's wrong. So I want to say thank you and you'll see me more often.

(*Laughter & Applause*)

LEG. TROTTA:
Miss?

P.O. GREGORY:
Lisa, Legislator Trotta has a question for you.

LEG. TROTTA:
For the record, I'm a Conservative Republican, I'm totally against this. It was the Democratic County Executive who brought this up.

MS. McQUEEN-STAULING:
Thank you.

P.O. GREGORY:
Legislator Spencer has a question for you; question.

LEG. SPENCER:
Thank you. No, I've got a bunch of questions. Thank you for sharing your story. I'm from West Virginia, grew up in similar roots and I can share some personal experience that I experienced, and I'm just turning 50, but I went through it personally and I understand the importance of this.

I think my frustration here is that I'm pretty certain that there's very little, possibly zero support for this in any form. And, you know, if I can be so bold, I'm sorry that with all the things that are going on that we have to be concerned about and look out for, I think this was a situation of perhaps not recognizing the
unintended consequence. And it's a shame that it's come to this. I think with the advisement -- I don't think the Administration had that intention in mind. But in any case, I can state that I don't support this in any way because I see the importance and I can see how any form of this bill could at any -- if there's any chance of restricting any sort of free speech or expression, then it's nothing that we should be able to consider. So thank you very much. We'll make sure, and I'm sure the message is being received loud and clear.

**MS. McQUEEN-STAULING:**

Let me just say this. I think with -- it was -- the writing wasn't the intent -- the intent of it, but with everything going on now, people's emotions are running very high.

**LEG. SPENCER:**

Sure.

**MS. McQUEEN-STAULING:**

People are looking back into a history that this country we never want to go back to, never. And whether you're a Conservative, Republicans, Liberals, Democrats, we've all got to get along, especially in this next four years. So thank you.

**LEG. SPENCER:**

Absolutely.

*Applause*

**P.O. GREGORY:**

Lisa, Legislator Lindsay has a question for you.

**LEG. LINDSAY:**

Hi, Ma'am. Thank you for coming today. I can't speak to the intention of the legislation; I wasn't the author of it, I don't want to speak for the County Executive or anybody else. But I think this process of you coming in today and speaking your mind is exactly the way the system is meant to work, and I don't want you to think in any way that anyone, myself as a Legislator, would want to stifle or take away from that right that you have. I think we all had the same reaction when we read the legislation. So I just want to give you peace of mind that I highly doubt that this legislation won't go any further than this public hearing today.

**MS. McQUEEN-STAULING:**

Okay.

**LEG. LINDSAY:**

So thank you for participating, though. It was great to hear your opinion.

**MS. McQUEEN-STAULING:**

Thank you.

**P.O. GREGORY:**

Okay. Anyone else?
UNKNOWN AUDIENCE MEMBER:
Yes.

P.O. GREGORY:
That hasn't spoken already. Did you speak earlier, Ma'am?

MS. LAHEY:
No.

P.O. GREGORY:
No? Okay.

MS. LAHEY:
Good afternoon. Thank you for allowing me to speak. My name is Kathy Lahey, I'm a Suffolk County resident. I would like to believe that the intent wasn't there to oppress people from getting out there. I'm having a little issue with trusting that, so I'm going to speak my mind.

LEG. SPENCER:
Sure, I appreciate it.

MS. LAHEY:
Perhaps you are aware, there was a Women's March in Washington the day after the Inauguration where there were a few people in Washington. Well, we had a similar sister march in Port Jefferson Station that same day, and it started off with one person who needed to speak out but couldn't go to Washington or New York City, sent a Facebook event where 22 people RSVP'd and it turned into a rally of over 2,000 Suffolk County and Nassau County residents right here in our backyard. Since this election people have a need to come out and speak up and become active. The masses have been mobilized, and whether the intention was to oppress them or not, this will scare people away.

I've organized many rallies where people ask me, Is this legal? Are the police going to be there, and if there's any sense that there could be a danger, they won't show up. So I urge you to squash this or at least, you know, have a little bit more detail about exactly how this is going to -- you know, how this will be played out. And, you know, I believe that if people didn't have the right to rally, we'd all be -- we'd have a Muslim ban and half of us wouldn't have health insurance right now. So I urge you to take this serious, because people are going to get out there and the last thing we need to do is feel afraid to do so. Thank you.

Applause

P.O. GREGORY:
Thank you. Anyone else? Okay. I'm going to make a motion to recess.

D.P.O. CALARCO:
Second.
P.O. GREGORY:
Second by Legislator Calarco. All in favor? Opposed?
Abstentions?

MS. ELLIS:
Sixteen (Absent: Legislators Browning & Muratore).

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

P.O. GREGORY:
I.R. 1195 - A Local Law to Repeal Local Law No. 36-2016 (Trotta).

LEG. SPENCER:
Mr. Presiding Officer, I'm so sorry. In light of the comments on
that previous hearing, I guess we just took action, but if we
recess it -- if we wanted to make a statement in this Legislature
where we discharge -- I mean, that where we table subject to call
or get rid of this permanently, if we recess it, does it prevent us
from taking action on it in committee? I mean, I think this -- we
should close this and take every action necessary to make this go
away, and do it with --

(*Applause*)

And do it with prejudice.

LEG. TROTTA:
I think we should shred all the copies, too.

MR. NOLAN:
We can't. You know, as long as the public hearing is open, we
can't act on the bill. So my understanding is the County Executive
requested that it be recessed to give them an opportunity to rework
it, but our standard procedure is if the public hearing is open,
the bill cannot be acted on pursuant to our rules.

LEG. SPENCER:
I think it's important to my colleagues for us to act on this, even
if it's being rewritten, or whatever. I think that the people here
deserve some definitive action. And if we close it and make it
clear in committee that we plan to discharge this -- I mean, to get
rid of this permanently, or table this subject to call, I think
it's an important statement for us to consider, and the
Administration can bring forward a new bill. But I think we need
to be very clear of how we feel about this. And I don't think it's
an insult to the Administration. They can bring another bill any
time. There's no work to be done here. This needs to go away and
come back in an entirely different fashion. So I know there might
be comment, but I'd like to make a motion to reconsider, and I want
to make a motion to close this so that we can get rid of this.

LEG. TROTTA:
I'll second his motion to reconsider.

* Index Included at End of Transcript
P.O. GREGORY:
Okay. Legislator Cilmi.

LEG. CILMI:
The only concern I have with that, and I'm all for this going away, but the only concern I have about that is you're essentially closing off debate at that point of -- or you're closing off input from the public. So you're almost saying, "We appreciate what you said today. We don't want to hear from you again." I know that's not your intent here. I understand your intent and I fully and wholeheartedly agree with your intent. I'm just concerned that if we close the public hearing today, the folks here, except for perhaps coming to committee, don't have an opportunity to come to this full Legislature again and speak in this public hearing format against this bill, and it does not get substantially and substantively changed.

LEG. SPENCER:
I think that I want to hear from the public, but I hear them loud and clear. They want this --

LEG. CILMI:
I do as well. I do as well, but we don't want to preclude them from coming back at a future date. If the County Executive decides only to, you know, change this, you know, minutely, doesn't make a substantive change to it, the folks here might want to -- might want to come and speak again so --

LEG. TROTTA:
The County Exec. will put up another bill anyway, who cares.

LEG. CILMI:
No, it doesn't.

LEG. SPENCER:
Tom, I plan to kill it. I want to kill it.

LEG. CILMI:
I agree with you.

LEG. TROTTA:
Kill it right away. Kill it right away by doing this.

LEG. CILMI:
All right. As long as you're confident that the bill will die.

LEG. SPENCER:
Oh, I'm fairly confident. But, all right.

P.O. GREGORY:
Legislative Counsel has --

MR. NOLAN:
I would just say, this may be a waste of a motion in a sense that if we close the public hearing today and we get substantial changes tomorrow on the bill, then we're automatically going to have to
reopen the public hearing, and once we do that, again, we can't act on it until it's in its final form. So I'm just saying that this is -- you know, it may be -- you may be wasting your time by closing the public hearing now.

LEG. SPENCER:
I don't think I'm wasting the public's time when they've driven out here and they take -- and for them to hear that we're going to close this. And I plan to table this subject to call. Well, I'm not sure if I'm on that committee. I think the public would like to know that they have definitive action, instead of it being recessed and us saying that we can't do anything with it. So that's my concern.

LEG. TROTTO:
I think it's symbolic, but a good concern.

P.O. GREGORY:
Legislator Hahn.

LEG. CILMI:
Is there any other motion?

LEG. HAHN:
Yeah, I'm kind of -- I'm kind of torn on this, because there is no way to have definitive action today. The only way to have definitive action today would be the County Executive to withdraw the bill. If we close it, you know, often that means you're closing the hearing, you're ending public discussion, and it's moving on as it is. It moves on to committee for a vote, which, yes, we could obviously vote no on the bill in committee, but it's -- here we're arguing procedure, for everyone in the audience just to understand.

You know, it's like -- I'm kind of torn on whether we should move it forward as is to committee. That -- I think that sends a message that we don't want to send. And so I'm a little bit torn, because, you know, it could just sit and be recessed. Or I just think the most definitive action would be for it to be withdrawn because of the outcry, and then they can resubmit something that, you know, if they want to just address for profit, or whatever, you know, whatever their solution is, and then we take that all up as a completely separate item, I think it's -- there's no definitive action in closing the hearing, it moves it on as is.

LEG. SPENCER:
Well, here's my -- this bill, the public came here and they're making it very clear of their strong objection to this. If we recess it, we can't touch it. And what I'm saying, I understand that it could send a mix message.

LEG. HAHN:
But it doesn't move either.

LEG. SPENCER:
But I'm speaking on the public record that I want to close this,
get it in committee, and just table it subject to call. I want to kill this bill. I don't want it to come back, I want it to go away. I think that's not so big.

(*Applause*)

**LEG. HAHN:**
We all -- I think we all feel that way, Doc. I don't think anyone doesn't feel that way. I think the problem is, is that for folks who weren't fortunate enough to be here to hear the discussion about procedure, closing it moves it forward as is, you know, for a vote, moves it to a vote. And, yes, we can vote it down, and which I'm sure we will. It's just -- I'm kind of torn, so --

**LEG. CILMI:**
Mr. Presiding Officer, can I jump in here? So to our Counsel, is it -- is it commensurate with the rules that the County Executive could, in fact, on the record, right here and now withdraw this bill, if he so choose?

**MR. NOLAN:**
Sure.

**LEG. CILMI:**
So, hopefully, the County Executive has heard this message loud and clear. He has representatives here, although he's not here personally. He may be listening. Can we -- can we get you guys to withdraw this bill right here and now on the record?

**AUDIENCE MEMBER:**
Call up, get him to withdraw it.

**MR. MARAFINO:**
Legislator, I mean, I have to get clearance from my office to withdraw the bill. That's the short of it.

**LEG. CILMI:**
Well, how long do you need? We have one other public hearing after this.

**MR. MARAFINO:**
I can get back to you in about 10 to 15 minutes --

**LEG. BARRAGA:**
That's good.

**MR. MARAFINO:**
-- if you would leave me that.

**LEG. CILMI:**
Sure.

**MR. MARAFINO:**
Thank you.
D.P.O. CALARCO:
So on the motion, I think -- I think what Counsel was trying to allude to before, Legislator Spencer, on the issue, is that even if we close this public hearing today, if the County Executive's Office did bring an amendment to the bill in the intervening, between now and our next committee cycle, which is not for about three weeks, the law would require us to then readvertise the public hearing and rehold the public hearing, and we would not be able to defeat the bill in committee until that reopened public hearing is held. So I guess what he was trying to allude to was that our reconsidering the bill to close the public hearing doesn't kill the bill, per se, if the Administration decides to file an amendment to it intervening between now and the committee, because there would be the requirement that we reopen the public hearing.

LEG. SPENCER:
No, I understand that, but I think sometimes the people want to know that -- you know, we could discuss the procedure, and we can go to Counsel and everything, and I hear the importance of the debate. But I want the public to know loud and clear that the reason I would close this public hearing, because the next time we have an opportunity in committee, it gives us a chance to take an action to say, "No, we reject this and we're going to kill it." If we leave it recessed, then it stays out there, we can't do anything about it for an entire cycle. And I think that, you know, as soon as we could get a hold --

D.P.O. CALARCO:
But if he amends it, we can't make -- we can't do anything to it anyway.

LEG. SPENCER:
He can reintroduce it.

D.P.O. CALARCO:
No, no.

LEG. SPENCER:
So I think if he reintroduces it --

D.P.O. CALARCO:
Dr. Spencer, if we -- if we close the public hearing and he amends the resolution, we cannot kill it in the next committee cycle, because we would be required to reopen the public hearing first. The point is, is that you're --

LEG. SPENCER:
No, that make sense.

D.P.O. CALARCO:
The action you're trying to accomplish may not be -- we may not be able to accomplish anyway. And I've always personally had a deference to the sponsor of any resolution to do what they would like in the public hearing, whether recess or close. And I think the County Executive's Office and staff has heard loud and clear that there's quite a bit of opposition to this. The issues that
the members of the public brought up today are issues I brought up to them three weeks ago that they needed to address. And I am hoping that they either address those adequately, or, you know, have the common sense to withdraw the bill.

LEG. SPENCER:
George, with any bill that requires a public hearing, are we obligated to take it up in the general session, or can we make a motion to table it subject to call and not give it a public hearing? Are we obligated to give it a public hearing?

MR. NOLAN:
Oh, every Local Law, this is under State Law, has to have a public -- under the Charter --

LEG. SPENCER:
I get that it has to have a public hearing if it's to move forward. But if our intent is to kill it, we don't want it, then -- well, I'm just saying, if it --

MR. NOLAN:
The Charter states that if we close a public hearing, and then after that the bill is amended, the Local Law is amended in a substantial manner, then we are obligated to reopen the public hearing. And if we reopen the public hearing, we can't act until it's closed again. So all I'm saying is that I don't think we can accomplish what you want to accomplish by reopening and closing the public hearing today. It's not -- it's not going to get to where you want to get to.

LEG. SPENCER:
Okay. I understand. I understand the point that you're making.

D.P.O. CALARCO:
And I would say, Legislator Spencer, think about the road you want to take with that, besides we need -- I have a lot of pride in this body in that every Legislator who sits around this horseshoe can introduce a bill any time. That bill is going to get a public hearing, if it qualifies for a public hearing, and it's going to get a debate. To not -- to try to take an avenue where we will eliminate that ability because we happen to, all 18 of us probably, agree that we do not like this bill in the current form I think would be a potential detriment to this body.

LEG. SPENCER:
I understand the remarks, and I'll withdraw my motion to reconsider. Thank you.

P.O. GREGORY:
All right. So we had a -- you didn't call the vote yet, right?

MS. ELLIS:
(Shook head no.)

P.O. GREGORY:
You recessed it.

* Index Included at End of Transcript
MS. ELLIS:
Yeah.

LEG. SPENCER:
It's recessed.

LEG. CILMI:
Let's just wait. We've asked the -- we've asked -- if I may, Mr. Presiding Officer. We've asked the County Executive's Office to consider withdrawing the bill. Why don't we just -- they said they could get back to us in ten minutes or so. Why don't we just wait and --

MR. NOLAN:
But they can come at any time.

P.O. GREGORY:
No. All I asked was -- I had called the vote. Legislator Spencer had chimed in I think before they called the vote, and I asked did they just called the vote of the --

MS. ELLIS:
We did.

LEG. CILMI:
Oh, I see, I see.

P.O. GREGORY:
Okay. All right. So we're recessed.

LEG. SPENCER:
We're recessed, right.

P.O. GREGORY:
All right. So I.R. 1195 - A Local Law to Repeal -- to Repeal Local Law No. 36-2016 (Trotta). I have one card, Hector Gavilla.

MR. GAVILLA:
Okay. Hello. I support the resolution to repeal the law to have the tax map verification fee.

I'm a real estate broker, so this is an area that I know very well, and I -- besides it being unethical, I think adding that fee might be illegal as well, because the tax map verification, as I mentioned previously, is something that just requires an individual at the County Clerk's Office to look on a piece of paper to see that the I.D. matches what they have on their computer system, and it takes maybe about 30 seconds to process and that's it. For many years there was no fee to do that, no additional fee. And then all of a sudden we're hit with a fee when added to the mortgage recording fee that was also increased from what I believe to be $65 to $200, and now you add a $300 tax map verification fee, which makes no sense. What essentially you're doing is you're charging $500 for each mortgage instrument. And then you double that if you're talking about recording a home equity loan, and you're doubling that if you're talking about somebody refinancing a home.
Or if they sell their home and they buy another home, that's about $1,000 to Suffolk County in new fees.

Now, it was suggested here by some Legislators, I won't mention names, because I don't want to hurt anyone's feelings, that maybe those of us in the industry can cut our fees, and I don't think that's appropriate, I also don't think it's fair. Why should we cut our fees just so that Suffolk County can create new fees and the money gets redirected to the County? That's very un-American, it's not a free market. And there are fees also that are mandated by New York State. So, for example, if you sell your home and it's $500,000, there's a New York State transfer tax fee, which New York State, which they deserve to get the $2,000, it comes out to about. It's about $4 for every $1,000 of the sales price. There's also the title insurance fees, which, again, some of the Legislators had mentioned they had friends in the title insurance company and they're making a killing, but these are also fees that are mandated by the government, too, of what they said, and they're required -- each homeowner is required to get. Then there's real estate commissions, which are negotiated between the seller and the real estate broker. So what you're asking us to do is unfair.

And the thing is that by creating these fees, it's really unethical and it's illegal, and it's making it very difficult for people to purchase a home, because -- or to refinance. I actually had some clients who decided not to get a mortgage or not to refinance, because when they were told about this extra fee, they decided not to do it, it was better just to keep the -- paying the high rate that they're paying now. And as I mentioned, I find it ironic that you have a hotline, but it's a customer service line, that is basically expediting the $1,000 fees from everybody.

Okay. Have a great day. Thank you.

P.O. GREGORY:
Hector, Legislator Lindsay has a question for you.

LEG. LINDSAY:
Hey, Hector. How are you?

MR. GAVILLA:
I'm good. How are you, sir?

LEG. LINDSAY:
Good, thank you. I have to ask, because you brought it up, and I just went through a closing. And keep in mind, I voted against the increased mortgage --

MR. GAVILLA:
Yes.

LEG. LINDSAY:
-- fee, and I actually voted in favor of -- I passed legislation to limit the tax verification fees for HOAs and condo complexes.
MR. GAVILLA:
Great.

LEG. LINDSAY:
As a real estate agent, I just went through a closing and I had to pay a gratuity to some woman who I never met, didn't know what her name was, but she had to carry the paper from one room to the next. Is that an optional fee, or is that something I had to pay? Because I was told I had to pay it.

MR. GAVILLA:
That's -- from what I understand, that's an optional fee and you could have renegotiated that.

LEG. LINDSAY:
Would that -- does that mean that my paperwork would have just ended up in the garbage can somewhere as she was carrying it from one room to the next?

(*Laughter*)

MR. GAVILLA:
That I'm not sure, but you could definitely negotiate that.

LEG. LINDSAY:
Okay.

MR. GAVILLA:
That's not mandatory.

LEG. LINDSAY:
Thank you.

MR. GAVILLA:
You're welcome. Anybody else have any other questions? All right. Thank you. Have a great day.

P.O. GREGORY:
Anyone else like to speak on I.R. 1195? Please come forward. Okay. Seeing none --

LEG. TROTTA:
Motion to recess.

LEG. MC CAFFREY:
Second.

P.O. GREGORY:
Motion to recess by Legislator Trotta, second by Legislator McCaffrey. All in favor? Opposed? Abstentions?

MS. ELLIS:
Fourteen. (Not Present: Legislators Anker and Spencer/Absent: Legislators Browning and Muratore)
P.O. GREGORY: Okay. I'd like to make a motion setting the date for the following public hearings for April 25th, 2017, 6:30 p.m., at the Rose Caracappa Auditorium, Hauppauge, New York:

2018 to 2020 Capital Budget and Program; I.R. 1201, I.R. 1257, I.R. 1258. Do I have a second?

LEG. CILMI: Second.

P.O. GREGORY: Second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MS. ELLIS: Sixteen. (Absent: Legislators Browning and Muratore)

P.O. GREGORY: Okay. Now back to our agenda. We were on Page 8, and we were discussing I.R. 1047. And I believe I had, and he's not here, Legislator Spencer, and then Legislator Krupski.

LEG. SPENCER: DuWayne, I'm here.

P.O. GREGORY: Okay. Legislator Spencer, you were next on my list.

LEG. SPENCER: Okay. So with regards to this legislation, and I actually am very supportive of our intent to not have these unsightly commercial billboards at our right-of-way, my concern goes beyond defining what is commercial. It's defining what is a permanent structure as, you know, if it's constructed out of metal or concrete, if you dig a post hole, if you lay concrete around it. It's the size of the sign, where, for instance, in some of the right-of-ways in Huntington, where we were doing the DNA pilot program, there are signs up that say, "Applied DNA, a DNA Protected Community". And those are -- that's a commercial organization, it's permanent signs, they're up. But would they be considered a billboard? So, I mean, maybe it's not. You know, there's a sign, there are billboards.

There's also with the -- what we exempt, where we talk about community organizations as temporary signs. We have to define what is temporary, how long, one week, two weeks, six months. Is it in perpetuity, of another season coming up?

I think we can do this, but my concern or problem with the legislation, especially if we're going to amend it, where there would be a definition of what is commercial, any time you have a blanket law that offers some sort of prohibition without any particular recourse for remedy, and I think, you know, maybe we could define it, but it would be great if there could be an appeal process or a recourse where it could be considered by Public Works, and then could come before this body.
There's also revenue sharing agreements. There's a situation where something is a commercial organization can sponsor a community event, or a commercial organization actually resides locally within the community and has a community message, like, you know, "Drive Safely", or whatever, that could be considered. So there's so many permutations and so many things to be defined that I think we could pass this legislation in the future with some definitions. But if we could put a clause in that would allow for the ability for there to be some consideration, so that we don't put ourselves under this blanket restriction.

So, Gil, since you're standing there, do understand my -- what my points are? Is that something that you think is a reasonable thing to consider?

**COMMISSIONER ANDERSON:**
Yeah. I think the ability to -- whether it's being brought to this body or not, for some consideration, special consideration I think is worth including. Again, I would state for the record that, you know, any sign that goes on to -- within a County right-of-way has to be permitted by the Department of Public Works and has to conform to the Manual of Uniform Traffic Control Devices.

**LEG. SPENCER:**
I don't know if the sponsor would -- if there were some consideration where there would be some definitions, is there a possible way that you would consider some sort of language that would allow us to not be kind of shut off to a blanket prohibition that situations or conditions may change that we can't foresee?

**LEG. KRUPSKI:**
I think the answer to that is I'd like to ask the Commissioner a couple of questions, and it might help me to give you an answer to that.

**LEG. SPENCER:**
Fair enough. Then I'll yield. Thank you.

**LEG. KRUPSKI:**
Thank you. That was my goal all along.

(*Laughter*)

So, Commissioner, somebody comes into your department tomorrow and wants to put up a sign on the County right-of-way. What's the procedure, what happens?

**COMMISSIONER ANDERSON:**
They would come in to our permit office, provide the detail on the sign, the size, the location, how it's constructed, how it's attached, is it a breakaway. There's a certain amount of detail that would have to be provided, and then we would make a decision whether or not it was compliant and approve it or not approve it.
LEG. KRUPSKI:
So, coincidentally, this applicant has all the right specifications and it complies with the physical structure of what is acceptable to your department for a sign. Who makes the decision on whether it's appropriate to put that sign on the County right-of-way because of its content?

COMMISSIONER ANDERSON:
In -- according to the Manual of Uniform Traffic Control Devices, the sign has to be informational and for the traveling public. So beyond that, it's -- could be this body that decides what gets approved, as long as it conforms to the Manual of Uniform Traffic Control Devices.

LEG. KRUPSKI:
No. But somebody -- so in a real case scenario, somebody comes in, who makes the decision on whether it's appropriate to put it on -- because you said there's no -- currently, today, there's no billboards on -- you know, on a County right-of-way. So somebody must have made decisions in the past to say, "No, that's not appropriate, we're not going to issue a permit," right?

COMMISSIONER ANDERSON:
Yes.

LEG. KRUPSKI:
Okay. So it didn't come to this body, certainly, it was made internally in your department.

COMMISSIONER ANDERSON:
Correct.

LEG. KRUPSKI:
So I think the -- so the -- I think to answer, then, Legislator Spencer, to answer your question, then, this is a -- it's just a straight prohibition on commercial signs. The decision would not be made by this body, gees, I thought that "Company XYZ" should be able to -- they have a nice message and it's right -- I like the font and the colors, so I think it's appropriate to put it, that sign on the highway. It shouldn't be debated here. I'm sure it would be debated here. It would be better if it were handled, as you handled it today, internally and to say that's a commercial -- it's prohibited regardless of how it's built in conformance to all the physical, you know, structure, but it's prohibited because it's commercial. That's the intent of the legislation.

COMMISSIONER ANDERSON:
Understood.

LEG. KRUPSKI:
Without debate.

P.O. GREGORY:
Okay. So let me just clarify. So we have a motion to approve, but we also have a tabling motion?
MS. ELLIS:  
(Nodded yes).

P.O. GREGORY:  
Okay. All right. Legislator Barraga.

LEG. BARRAGA:  
I've listened to the debate for -- I guess we've been debating this for about an hour, an hour-and-a-half. But, you know, I'm sitting here and I'm beginning to be concerned about -- it looks like we have a solution in need of a problem. I mean, I don't sense -- there are no billboards on any of the right-of-ways for the County. DPW apparently handles it quite well in terms of the application process. I don't know why we have this bill before us. I mean, I could understand it if there were billboards all over the place on County right-of-ways and people were complaining, but that certainly is not the case. So what is wrong with the current methodology being used by the Commissioner of DPW and his people in making that decision that we need this legislation? Usually, Al, you know, we put in legislation because there's a problem somewhere, we put the legislation in, but I don't sense there's a problem with this issue.

LEG. KRUPSKI:  
Well, today there isn't, but we do see commercialization of bus stops, bus shelters in some parts of the County. And so there is the temptation, when it comes to raising revenue, to commercialize public spaces for revenue. So this is a preempt, because once the billboards start to go up, then it's going to be a fight over, well, which ones should be left and which ones should be kept.

LEG. BARRAGA:  
As we speak -- the Commissioner is there. Is there a problem with this issue as we speak?

COMMISSIONER ANDERSON:  
No, sir.

LEG. BARRAGA:  
You've been making the decisions, or somebody in your department has been making decisions with reference to billboards for, I guess, a long period of time.

COMMISSIONER ANDERSON:  
Correct.

LEG. BARRAGA:  
Is there an issue here that we're missing?

COMMISSIONER ANDERSON:  
No, there isn't.

LEG. BARRAGA:  
Thank you.
LEG. LINDSAY:
I'll be quick.

P.O. GREGORY:
Legislator Lindsay.

LEG. LINDSAY:
Hi, Gil. I'm just struggling with -- can you define what a billboard is? Is it -- if I took two 4-by-4's, put them in the ground and hung a sign, is that a billboard?

COMMISSIONER ANDERSON:
In general terms, a billboard is a large sign structure that's attached usually by two posts. Usually they're -- you know, they're in excess of 4-by-8. Again, the -- there are no billboards within the County right-of-ways, we don't permit them. But each sign is reviewed individually through our permit office, and has, as I mentioned, has to meet the standards of the Manual of Uniform Control Devices. So the signs that we generally look at, and the issue was raised in the Town of Brookhaven recently in areas such as Legislator Calarco's area, these large, and I'm going to say 8-by-10 signs that are out on the side, they're not within our right-of-way, we do not permit them. They are all on County -- off the County right-of-way on private property.

LEG. LINDSAY:
Okay. I have several spots on Patchogue-Holbrook Road within my district where there'll be community -- some community signs that have become almost contagious, though. Then I'll start seeing commercial signs being thrown up next to them at areas, I guess, that have high visibility.

COMMISSIONER ANDERSON:
Right.

LEG. LINDSAY:
So are those permitted, or are they not permitted?

COMMISSIONER ANDERSON:
Again, I would have to -- from an individual case, I've had locations where that has -- where sign cities have shown -- you know, all of a sudden forums where people start putting up signs, and we do police it. Our Highway Maintenance staff polices the right-of-ways. If we start to see that, we will go to the permit office, check if there are permits. If there are no permits, they will be removed. It's an ongoing issue that we deal with on a regular basis.

LEG. LINDSAY:
Okay. I don't want to take up any time on this specific issue, I'll follow up with you after.

COMMISSIONER ANDERSON:
Absolutely.
LEG. LINDSAY:
Thank you.

LEG. KRUPSKI:
Mr. Presiding Officer, if I could, and I know -- and I really appreciate the time everyone's put into this, into this -- and thought everyone's put into this bill, but I know there's a timely CN here that people would like to address. So could we pass over this again, as we have for four hours for lunchtime, to come back to this after we address the CN?

P.O. GREGORY:
Okay. All right. Speaking of the CN, I'm going to make a motion to take I.R. 1266 out of order.

LEG. TROTTA:
On the motion.

P.O. GREGORY:
Amending the 2017 Capital Budget and Program and appropriating funds in connection with the Health and Sports Facility – Eastern Campus (CP 2120). Do I have a second?

D.P.O. CALARCO:
Second.

MR. NOLAN:
Take it out of order.

P.O. GREGORY:
Take it out of order.

LEG. TROTTA:
On the -- I don't know why we're taking it out of order.

MR. NOLAN:
It's time sensitive.

P.O. GREGORY:
It's time sensitive. We have a second by Legislator Calarco. Okay. All in favor? Opposed? Abstentions?

LEG. TROTTA:
Opposed.

MS. ELLIS:
Fifteen. (Absent: Legislators Browning and Muratore)

P.O. GREGORY:
Okay. Motion by Legislator Fleming to approve.

LEG. FLEMING:
(Nodded yes).

P.O. GREGORY:
I'll second.
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LEG. TROTTA:
On the motion.

P.O. GREGORY:
On the motion, Legislator Trotta. Or who was that? I'm sorry.

LEG. TROTTA:
What is this?

LEG. KRUPSKI:
I have a question.

P.O. GREGORY:
Okay. Okay. Mr. Zwirn, somebody from the College.

MR. ZWIRN:
Good afternoon. Ben Zwirn for Suffolk County Community College. And with me this afternoon are Paul Cooper and Jon DeMaio, who are the Facilities Engineers at the Suffolk County Community College, who are here to answer some questions.

First off, this is not normally the way we would like to do this, is by CN. But circumstances really are exacerbated, because when we do a capital project at the Community College, New York State acts in concert with the County and matches the County's contribution. The State budget could be adopted as early as April 1st. State Senator LaValle and Assemblyman Fred Thiele are standing by in Albany, and they have been in touch today with County officials, the County Exec's Office, waiting for action on this CN. If it is approved, an additional $2 million that's put into this project, the State will then match it, and this project can go forward this year. The Health and Wellness facility, if the money is not approved, then the project will be put off for at least another year.

You know, this project has taken a lot longer than anybody had ever imagined. It started on the books in 2004, and here we are in 2017, and it has been moving along. And this Legislative body appropriated $16,750,000 to build this Health and Wellness facility, which includes classrooms, a gymnasium, and an indoor pool. On the Eastern Campus, where we have over 4500 students, that serve mostly people from the Mastic/Shirley area to Riverhead, to the North and South Forks, there are no physical education facilities at all on this campus, and have not been since its inception.

This is a facility that originally was 47,000 square feet, but has been scaled back by almost 7500 square feet to try to bring the cost down. The ceiling in the facility has been lowered, and materials that are now being chosen to be used in this facility are less expensive than what was originally anticipated.

Part of the problem is that we have seen across the state an increase in the cost of capital projects, in large part because the economy has gotten stronger and there are more capital projects being built across the state and in the country. On the average in
New York State, we're seeing an increase of about 15% over estimates. On Long Island, it's closer to 20%, and that's where we got caught in this one.

This is the first time that we have done this, come before the Legislature in such a manner, and it's not something that we take very lightly. This Legislative body has always been very kind to the College and very supportive, and we fall upon your good kindness in this particular case, because we don't want to lose the State revenue as well.

This project is shovel-ready. We spent almost $650,000 in design. The designs have been approved, and we could be in the ground within 30 days, and this project will take about a year to build. So this project, the lowest bid in this, there is six -- the six lowest bids were closest within 5% of each other. It wasn't as if the numbers were all over the place, they were very close, which means that the bids that -- excuse me. The bids that came in were tightly constructed. So we are here today asking for the additional revenue to do it. Again, it's shovel-ready. We talk about giving people jobs. The company that had the lowest bid was a Long Island company. They'll be putting people to work with good union jobs, right down to the pool, which will be a union project.

There's nothing like this on the East End, and this will be used not just by the College, but by the community as well, by both the North and South Forks. The Police Departments with their dive teams will have a place to train. Right now, the Southampton Dive Team has to come all the way to Brentwood, which is about a 70-mile trip each way. This would be in their backyard, along with Montauk and Sag Harbor, and Southold and Mattituck. This will provide a real service.

Those of you who are familiar with the Grant Campus, and we have the Health and Wellness facility there, how well it is used by high school groups, by community groups. There's a camp run there in the summer, which generates revenue. Expositions are held there, trade fairs. We envision the same thing here on the Eastern Campus, and there's nothing like this on the East End. People who are in the farm industry will have a place to show their wares in a facility. In the event of an emergency situation, this area will provide additional shelter for our residents in times of superstorms and hurricanes.

It is a -- you know, the College has always been a good neighbor. Again, this is -- you know, we don't take it lightly. It's not a small amount of money. Again, it's 50 cents on the dollar, and the State will contribute. If for some reason the State did not come through with their portion, then the County money cannot be touched. So in the event the State, for some reason, couldn't get this in their State budget by April 1st, then the County's money would not be used by the College for anything.

And now we'll just take, you know, questions that you might have with respect to this.
P.O. GREGORY:
And that's the -- as I understand, that's the significance for the
CN, because this has to go before the State Legislature before they
close out their budget for -- well, by April 1st. Obviously, we
don't meet until April 25th or April -- late April, so that's the
purpose for the CN.

MR. ZWIRN:
That's correct. Otherwise, we would have done this a different
way.

P.O. GREGORY:
Right. Legislator Barraga.

LEG. BARRAGA:
Ben, I just have one or two questions. I'll be supporting the CN.
But in my history, anyway, quite a number of years ago, I sat and
listened to a group of people, well educated people speaking before
a group of elected officials, telling us with all sorts of facts
and figures that they could build Shoreham for $150 million; it was
5.5 billion. I could also remember having dialogue with
individuals with reference to the Southwest Sewer District. That
was going to be 100 million and it turned out to be a billion.
Then there were other people who came in to see me on Multi-Town.
I don't know what the hell they ever did. The most they did was
spend money and most of them went to jail.

My question on this, how solid is that $21,750,000 figure from a
cost overrun perspective?

MR. ZWIRN:
Just give them your name.

MR. DEMAO:
Okay. Jon DeMaio, Administrative Director of Facilities.

When we formulated that number, we looked at not only the value of
the low bid, but the fact that the low bid did not include
furniture, did not include technology, and had no contingency built
in it whatsoever. It's up to us and the architect of record to
guesstimate what amount of contingency we should be carrying for
unforeseen field conditions. Once you start digging, you never
know what you're going to run into. You want to make sure that if
it's a field change, you can cover it.

We average on our capital projects, we do quite well, 3% or less on
our contingency costs. So we're currently carrying 3.5%
contingency with that number above the low bid. As Ben mentioned,
if the numbers were all over the place, we'd have less confidence
in that number.

LEG. BARRAGA:
That 3.5%, is any of that picked up by the contractor, or is that
strictly something that would have to be paid for by the State and
County?
MR. DEMAIO: An unforeseen field condition would be something you would have to pick up. So if they ran into a problem underground where there was something buried no one knew about, the soil was bad that the soil borings didn’t pick up, there was something beyond the control of the contractor, then we would be responsible to pay that via change order.

LEG. BARRAGA: In the agreement is there any incentive given to the prime contractor if he finishes early at a cost savings?

MR. DEMAIO: We don’t have any reward at all for early completion, no.

LEG. BARRAGA: Is that feasible?

MR. DEMAIO: To not have a reward for early completion?

LEG. BARRAGA: I mean, if he brings it in at $18 million, he gets a certain bonus, as it were.

MR. DEMAIO: I don’t believe so, no.

LEG. BARRAGA: Because other communities have done that, not necessarily on Long Island, but in other states. If someone finishes a $20 million project and they came in at 16 million, they finish early, there’s a certain bonus. The municipality winds up saving, and, of course, the contractor gets some extra money.

MR. ZWIRN: I know -- I know the County has written that into some of their contracts. I don’t know if we can do it under the Education Law, but that’s something that we certainly should be --

LEG. BARRAGA: Take a look at it.

MR. ZWIRN: Absolutely. Good suggestion.

LEG. BARRAGA: All right. Thank you.

P.O. GREGORY: Legislator Cilmi.

LEG. CILMI: Thank you. Ben, I don’t know how I’m going to vote on this, so it really depends on some of the answers that you give to my questions and to the others who have questions here. You are fully aware of
the County's fiscal situation. We approved, as you said, 16.7 or so million dollars on this. You guys work for the College?

MR. DEMAIO:  
Yes.

MR. COOPER:  
Yeah.

LEG. CILMI:  
And so it's your responsibility to sort of oversee this project?

MR. DEMAIO:  
Yes.

LEG. CILMI:  
Have you given any thought at all to, or have you had any discussions with the contractors with regard to scaling back the project to avoid the extra expense?

MR. DEMAIO:  
We were permitted under the procurement law to meet with the lowest responsible bidder, who we did talk to at length about their bid for a host of reasons. Did they understand the drawings? Was there any complex construction involved that they don't normally see in other project of this scale? Did they have good competition from their subcontractors? Was there good interest in the job? Did they find the schedule overly aggressive? Any unusual requirements for completion? And the answers across the Board were no.

The drawings were very clear, because when we saw these numbers, we don't just look at the economics. We knew that there were escalations, but what else could have happened here to explain the increase, we wanted to understand that more clearly. So we reviewed the drawings, we reviewed the drawings with the architect of record. We looked at addendum drawings submitted during the bid. Was there a conflict there? Was there information on the structural set that didn't match the mechanical set? What else could explain this? And after thoroughly reviewing that with both the architect and the low bidder, not only that low bidder, but the fact that the next five or so close in costs, they're telling us nope. The drawing were accurate, it was presented well, there were no unusual requirements. This is what this building costs to construct, given the escalation that's happened in the past year.

LEG. CILMI:  
So when did we appropriate the 16.7 million?

MR. DEMAIO:  
Appropriations was 2014, yes. Oh, no, wait, hold on. Yes, design was '14. 2014.

LEG. CILMI:  
2014. And so once we approve that capital expense, you then go out to bid, and what you're saying is that the lowest responsive bidder
is coming in $4 million above what we appropriated; is that an accurate --

MR. DEMAIO:
When we added that in.

LEG. CILMI:
-- characterization, roughly?

MR. DEMAIO:
Yes, when we add in that contingency and --

LEG. CILMI:
When you add in the contingency.

MR. DEMAIO:
Correct, yes.

LEG. CILMI:
How much does the contingency represent?

MR. DEMAIO:
Roughly 3%, 3, 3 1/2.

LEG. CILMI:
How much money does it represent?

MR. DEMAIO:
Oh, about $750,000, roughly.

LEG. CILMI:
Okay. My first question was have you had conversations with the contractor about scaling back the project and somehow living within our means, our collective means here? Because, clearly, it's not even within our means to spend $16.7 million, to be frank with you, but we agreed to spend it, because we value the College and we believe it's an investment, and for all of those reasons that we've always supported College projects, because we're thankful for the State's match. But, at some point, you know, there has to be a "okay, we just can't go any further," and I'm trying to reconcile in my head whether or not we're at that point. So I need to know if you have at least thought about scaling the project back in some way so that the additional $4 million isn't necessary.

MR. DEMAIO:
Absolutely, and it's an important question. When we met with -- to answer the first one, the immediate one, when we met with the contractor, we were more going over the accuracy of his bid. You're allowed to negotiate with the lowest responsible bidder, but you're not allowed to value engineer with the lowest responsible bidder. That would have to be open to all bidders to say, "Well, you gave this contractor a shot, but you didn't give us a shot," and that would be a violation of procurement rules. So we didn't ask that information. But to try and be as transparent as possible, it was somewhat offered without requesting it, because they stated for us during the meeting, "We really wanted this job,
so we pursued it aggressively, we priced it aggressively."

And when we saw the numbers across the Board when compared to your reported budget, we went, "Well, what could we have done as a contractor differently to lower this price?" And they volunteered that they looked at it, and looked at it significantly, and didn't come up with anything. Again, that is from the one low bidder. It was not information that was requested by us, but it was offered, but I wanted to answer your question.

Insofar as what we've done to reach this point, before even going to this bid, in February of '16 we got our latest cost estimate that showed a near 15% escalation since 2015. We were ready to go to bid then, we didn't. We said time to scale back, and we removed 15% of the building, removed the nursing program, reduced the amount of finishes that we had, removed amenities from the pool. We pulled everything out of it we could think of to meet the existing budget and not ask for a dime more. And we thought we would see real savings because of the scale of the things that we were taking out. And we used the cost estimate that we received, we boiled that down to unit costs, and said, "Okay, here's how much a square foot you save for this, here's how to save on the HVAC," and we thought we were there, and then the bids come in and we're not there. So even with that aggressive reduction, we didn't get to the budget for the structure.

So now the question becomes, well, what else can you cut? We've already gone through this once, and our fear is if we go through it again, maybe we can save a little more, but we don't feel very confident we can get to that $4 million number with additional cuts. And it seems like this, though we'll never know for sure, it seems that the exercise we went through that was significant that took six months of redesign to pull aspects of the building out, if that didn't accomplish a significant savings, and there's no way to know that, will this next round accomplish a significant savings? At the end of the day, you have parts of the building you just have to have. We pulled out glass. We heard glass was expensive and we're using translucent panels. When we reduced the size of the building, we said we can keep this sewer line, so we don't have to dig that up, we can keep this sewer line. We don't need as large an HVAC system.

You know, we really pushed the architect and aggressively pulled out everything we thought we could reasonably do, so that we have, and this will probably insult the architect, but we have a rectangular box with our programming intact. We have the gym, we have the core spaces that support the gym, and we have the pool, and really nothing else. Even the rock climbing wall, which was supposed to be a signature space, and invites you with a lot of light and a lot of activity into the center of the building, we had that as a deduct alternate. And if we removed that in its entirety, it only saved us about $160,000, barely a drop towards making up the gap that we see.
So, as Ben had mentioned, we have really worked this, because we did not want to come here and ask for any additional money. We are very thankful for the millions that we already have to build this project. But we didn't feel it would be appropriate to go back to the drawing board, try again, with the risk of being right back here in six months with another six months of escalation, another redesign, and who knows where we are then, and that is our fear.

LEG. CILMI: So I know this would be a break of the norm, but, as you said, even coming here is a break of normal practice to ask for this additional money. College has a contingency fund?

MR. ZWIRN: A reserve fund, you mean?

LEG. CILMI: A reserve fund, rather.

MR. ZWIRN: Yes.

LEG. CILMI: How much is in the reserve fund right now?

MR. ZWIRN: I think it's about 20 million.

LEG. CILMI: Twenty million dollars?

MR. ZWIRN: Yeah, but it's not all -- you know, it's not sitting in cash. A lot of it's accounts receivable and, you know, tuition that hasn't been paid, stuff like that.

LEG. CILMI: Does the State care where the money comes from that they match?

MR. ZWIRN: Yes. It has to come from the local sponsor, which is Suffolk County.

LEG. CILMI: It must come from the local sponsor.

MR. ZWIRN: Yes.

LEG. CILMI: I'm just thinking that something's got to give. You know, there's got to be some point at which -- you know, the County just can't continue to take on water and to continue to pile on debt. I want to see this done. I'm sure I supported the project back when it was originally approved. I'm still uncertain as to how I can move forward here, given all of the circumstances, though, and I'll just
wait to see what anybody else happens to ask. Thank you.

P.O. GREGORY:
And I do -- you know, I was a procurement officer who oversaw various projects and had -- you know, you put a budget together, you know, you want to build this room, you know, you spec, you know, $200,000, you put out an RFP, RFQ, or whatever, it comes back, you know, lowest bid is -- I mean, well, a prime example were these cameras that you see. We had budgeted -- we wanted to do a website. We had budgeted, what was it, $100,000. The lowest bid came in at $300,000. Things change, cost of labor, cost of materials. I mean, you know, it's really just an educated guess. And over the number of years that you have -- that this project was first brought to the table, obviously, there's going to be changes, there's going to be amendments, you know, there's change orders that are done all the time. But given the scale of the project this is a significant number, that's not to be forgotten. But it's not uncommon to have -- I mean, it would be almost a miracle if you estimated what the project was going to be and it came in at the exact same cost, you know, 15 years later, or whatever it's been. I mean, that would be unheard of, so -- but, if I recall, Ben, you had laid out some of the things that you had -- you had saw some of this coming. You had scaled back the size of the ceiling, and, you know, cut $7500 -- 7500 square feet. Is there no more -- is that what you're saying, is there no more cuts that you could find, you know, anywhere in the project?

MR. ZWIRN:
Not any cuts that are of any substantial amount. I mean, I know it was -- I think it was Legislator Kennedy was concerned about the climbing wall, the rock climbing wall. So we said, "Well, let's take a look at what that is." The lowest bidder came in, the climbing wall was about $75,000. So the County's portion would be 37,000 -- half of that, $37,500. Now we know the perception when you have -- you know, for the public to say, "What do you need that for in a building that's so expensive?" We could take that out, I mean, but the savings would be de minimus.

I think they've gone through this. As I say, nobody -- we didn't want to be here today. I mean, we're just -- our problem is that we have a State budget, and a year from now this project is probably going to cost more money. Interest rates are going up and it's not going to get better a year from now. And I -- look, I understand the County's fiscal problems, I -- you know, I was a Town Supervisor back in the early '90s. Legislator Barraga knows, because he was in the State Assembly then, how bad things were with layoffs, and cutbacks, and everything.

This is something that's been on the boards for a long time out there. As I said, there are 4500 students there. It's not just for the students. It will generate revenue like the facility that we have in Brentwood. It's just -- you know, I know, it's not an -- it's not an easy lift, and it shouldn't be, but we think we're at the place where we have to be. And if you support it, then we're good. If not, you know, we'll -- you know, we'll go on, but we might be back here, you know, in another year asking for more,
you know, more money, and the interest rates on the bonds will be
higher.

P.O. GREGORY:
But there's something to also be said about the commitment and
investment that we've already made in time and personnel, but
there's also -- how much did we pay in planning costs?

MR. ZWIRN:
We've paid about $650,000 in design fees.

P.O. GREGORY:
Right.

MR. ZWIRN:
As I said, the project is ready to go, and if it's approved, this
paperwork will go up to the State today. If it's approved in the
State, this project could be -- they could be in the ground within
30 days.

P.O. GREGORY:
And you've gotten --

MR. ZWIRN:
It's a one-year estimated time of construction.

P.O. GREGORY:
But you've gotten a commitment from Senator LaValle to push --

MR. ZWIRN:
Senator LaValle has his caucus lined up and he's ready to go and
anxious to get this project going, as is Assemblyman Fred Thiele,
whose district it's in on the Assembly side.

P.O. GREGORY:
And I've gotten calls from Labor, Long Island Federation of Labor.
They're looking to get their members working on this project, which
is probably going to create, I would imagine, over 100 jobs, if not
more.

MR. ZWIRN:
Labor is -- the building trades are very excited to get this
project going.

P.O. GREGORY:
Right, okay. All right. Legislator Krupski.

LEG. KRUPSKI:
Thank you. I'll keep it brief. I had an awful lot of questions
this morning when this came up, and it became a serious matter
about the cost overruns, but I think that answered most of my
questions earlier.

Legislator Cilmi and the Presiding Officer asked the questions
about what could be scaled back, what has been scaled back, and I
think you've laid that process out pretty clearly to us, the work
that's gone into the timeline and the process itself. And so I
don't really have any other questions. I just wanted to say that I
had those same concerns, and thank you for giving us those details
about them.

P.O. GREGORY:
Okay. Legislator Trotta.

LEG. TROTTA:
What's the difference between what the -- this consultants that we
hired for $600,000? And why is it only 600,000 when it's usually
10% of the bid? Why wasn't it, you know, 1.6 million?

MR. DEMAIO:
We paid them $650,000. Their contract is more in line with what
you're saying. We haven't paid them the full value of the contract
yet.

LEG. TROTTA:
Okay. So this is the -- this is the consultant.

MR. DEMAIO:
Yes.

LEG. TROTTA:
All right. So have we fired them? Because they told us clearly
that it would be 16 million and they're already wrong, right? So
are they fired, is my question, have you fired them yet?

MR. DEMAIO:
No, we have not fired them.

LEG. TROTTA:
Well, I suggest you fire them. You know, this County is flat
busted broke. You know, how long has that college been there?
All right. 1979 it's been there, and we've gotten away all this
time without a pool. We're probably in the worst fiscal situation
we've ever been in the history, and for some reason we need a pool
there now? And then we can't manage it enough that we can get it
in on budget? And you saw that coming already and you took steps
to try to do it. Now what's the process there that this happened,
that you saw this coming and you were cutting things out? How did
that happen? I'm interested in a bid goes out and you were already
looking how to cut things.

MR. ZWIRN:
Part of -- part of it, Legislator Trotta, is that it's taking so
long. Back in the prior --

LEG. TROTTA:
No. My question is this.

MR. ZWIRN:
Well, you're asking why --
LEG. TROTTA:
No. I'm asking you, when you put the bid out, you already were
talking here about cutting things. What happened in that time?
Was the bid out and you heard about it? Did before you put the bid
out did you cut things? I want to know specifically what the time
frame was and what the thought process was.

MR. DEMAIO:
In about February of 2016, we received the most current cost
estimate. We saw it was high.

LEG. TROTTA:
From who? February of 2016? From who?

MR. DEMAIO:
The cost estimate, I believe, the company is called TCT.

LEG. TROTTA:
Now is that the company that you hired for $1.6 million?

MR. DEMAIO:
They're a subconsultant of theirs.

LEG. TROTTA:
Subconsultant. Okay. Have they been fired, the subconsultant?

MR. DEMAIO:
They don't work for us, they work for the consultant, but I don't
believe they've been fired.

LEG. TROTTA:
Okay. They'll be fired after the first consultant? I mean, how do
you stick with someone who's off by 20%? And why are we paying
them, then?

MR. DEMAIO:
When we saw the numbers going up, the consultant didn't say there's
nothing you can do. They didn't abandon the process. They worked
with us to come up with --

LEG. TROTTA:
So this is before the bid went out?

MR. DEMAIO:
Correct.

LEG. TROTTA:
Okay. So when did the bid go out? I actually want to go back to
2014, because that's when we appropriated the money. Who gave you
the money -- who gave you the figure in 2014?

MR. DEMAIO:
The bid came out on February 1st, 2017.

LEG. TROTTA:
February 1st of 2017?
LEG. D'AMARO:
Yes.

LEG. TROTTA:
So it just came out.

MR. DEMAIO:
Yes.

LEG. TROTTA:
Okay. But let's go back when we approved the money back in 2014. You came up with this $16 million. Where did that come from?

MR. DEMAIO:
Where did the estimate come from?

LEG. TROTTA:
Yeah.

MR. DEMAIO:
Back when the project was originally proposed, that was the estimate.

LEG. TROTTA:
Okay. By who?

MR. DEMAIO:
By the College.

LEG. TROTTA:
By the College or the consultant?

MR. DEMAIO:
Yes.

LEG. TROTTA:
Who?

MR. DEMAIO:
By the College.

LEG. TROTTA:
The College. So you had your own people design this, or did you have a consultant at this point?

MR. DEMAIO:
No. We looked at the value of construction, we tried to add in appropriate -- what we thought were appropriate inflation at the time, not knowing necessarily when the funds would be appropriated. We put the budget together.

LEG. TROTTA:
But they were already appropriated in 2014.

MR. DEMAIO:
I thought you said when did -- where did the original come from.
LEG. TROTTA:
No. I said in 2014, when we had the one-point -- $16 million --

MR. DEMAIO:
Yes.

LEG. TROTTA:
-- how did you get that figure? When you came to us and asked for
$16 million in 2014, I voted no, but I guess everyone else voted
yes, and you have this figure. Where did that figure come from?

MR. DEMAIO:
From the College.

LEG. TROTTA:
Okay. From -- so there was no consultants at that point?

MR. DEMAIO:
Not at that point, no.

LEG. TROTTA:
So when did you hire the consultant?

MR. DEMAIO:
I don't have when their contract started with me.

LEG. TROTTA:
You know, I want a house in Sag Harbor with two pools, and a
jacuzzi and a sauna on the ocean. I can't afford it, so I don't
buy it. You know, in a perfect world I'd love to do this. I'd
love to put two pools there, but got no money, we're broke. And
that college has been operating there for 38 years, because I
graduated high school in '79, or 37 years, and I realize that,
guess what, they're getting by just fine, you know? We have to at
some point say no. And, you know, because -- you know, I'm not
saying who screwed up or whatever the reason is. Maybe you should
rebid it. Maybe it shouldn't have a rock climbing wall. I mean,
you said it was 150, you said it was 75. Can someone tell me what
the real cost of the rock climbing wall is?

MR. DEMAIO:
The low bidder was 75,000. But when you averaged --

LEG. TROTTA:
The high bidder was --

MR. DEMAIO:
-- all the bidders together, it's roughly 150.

LEG. TROTTA:
I mean, there's no way I can support this at all. It's -- you
know, it's mismanagement. We're paying -- we haven't even -- we're
paying a consultant another million dollars who screwed up. So I'm
baffled by this.
I have a couple more questions. What about the $20 million reserve fund, why don't you take $2 million out of that? I mean, this way we don't have to pay interest on $2 million for the next 20 years.

MR. ZWIRN:
Well, we use the reserve fund to try to keep tuition down on an annual basis.

LEG. TROTTA:
Well, it's just sitting there.

MR. ZWIRN:
It's not, because it's not all cash just sitting there. And any time there's an emergency at the College, say there was a lawsuit or something like that, the College does not have the ability to borrow money, and we just don't, we have to go to the County.

LEG. TROTTA:
How much --

MR. ZWIRN:
So we have to keep a certain amount on reserve to keep our standings with Middle States as well.

LEG. TROTTA:
So what percentage is that? What's the figure that you have to keep on reserve?

MR. ZWIRN:
About 10%.

LEG. TROTTA:
And what is -- 10% of what?

MR. ZWIRN:
Of our budget, so it's 10% of it.

LEG. TROTTA:
What is --

MR. ZWIRN:
We're pretty -- we're about there. It's a little bit -- a little bit -- maybe a little bit above it and a little bit below it after this year's Operating Budget, because we're working on the operating budget right now, depending on how much money we're going to take from the reserve fund to balance the Operating Budget. Last year we took over $4 million. It was budgeted in this year maybe more.

LEG. TROTTA:
And what is the total budget of the College?

MR. ZWIRN:
A little over 200 million.
LEG. TROTTO:
So you're around 10%.

MR. ZWIRN:
Yeah.

LEG. TROTTO:
So if you took 2 million out to pay this, which I'm not recommending you do, but then it would -- you would save money, because you're not paying any interest on it.

MR. ZWIRN:
Well, if it's there. I mean, as I said, it's -- you know, it's there on the books, but it doesn't mean it's necessarily there in cash. A lot of that money is accounts receivable from tuition that's owed by students that after a while we have to write it off. But in the short term, we have to keep it on the books as an asset.

LEG. TROTTO:
Who's the engineering company that -- I'm trying to figure out -- now in 2014 --

MR. ZWIRN:
I think it's Wiedersum Associates is the -- and the County has used them for a number of projects.

LEG. TROTTO:
And you've -- and have they been off before?

MR. ZWIRN:
We have never had an issue like this ever.

LEG. TROTTO:
Okay. So in 2014, you make -- you, the College people, the Facilities people say this is going to cost about $16 million.

MR. DEMAIO:
That's when the funds were appropriated, in 2014. The budget was developed way before that.

LEG. TROTTO:
Okay. So the budget -- now who helped you develop this budget, was it this company?

MR. DEMAIO:
We developed the budget initially, we hired the company, and then we worked with them as we got into the details of design and refined --

LEG. TROTTO:
Did they say, "Hey, listen, guys, this is going to cost a lot more money," or did they say, "No, this should cover it"?

MR. DEMAIO:
As we went along, if we saw it was over, we scaled back. We had an estimate in 2012, 2014, 2016. Any time we saw a number that was
high -- we hadn't reached a point where we got --

LEG. TROTTA:
What was the 2014 number?

MR. DEMAIO:
I don't have a -- I don't have a total figure, I have cost per
square foot, which is what we focus on. So in 2014, the cost per
square foot was estimated at $390 a square foot.

LEG. TROTTA:
And then in 2016?

MR. DEMAIO:
Four hundred and thirty-seven dollars a square foot.

LEG. TROTTA:
And that's for the same size building?

MR. DEMAIO:
Same size building, yes.

LEG. TROTTA:
And then you started scaling it down after that?

MR. DEMAIO:
Correct.

LEG. TROTTA:
And so 2016 you had the consultant. 2014 you didn't have the
consultant?

MR. DEMAIO:
We did. That estimate came from theirself, yes.

LEG. TROTTA:
The '16 came from the consultant?

MR. DEMAIO:
Yes, and the '14 and the '12.

LEG. TROTTA:
Oh, wait a minute. You just told me that '14 they didn't have a
consultant back then.

MR. DEMAIO:
What I thought you were asking was when was the budget developed.

LEG. TROTTA:
No. I asked you when the consultant gave you the numbers.

MR. DEMAIO:
Okay. The consultant was hired after design was appropriated in
'11, but before the --
LEG. TROT TA: Now we had the consultant -- before we had the consultant only 2016. You told me you did the thing in 2014.

MR. DEMAIO: I told you I did the original budget, so that's what confused me about your question.

LEG. TROT TA: You told me in 2014 that you did the -- you did the number, you came up with the $16 million, not the consultant.

MR. DEMAIO: If that's what I said, then I am mistaken.

LEG. TROT TA: Okay. So now let's go back to the company in 2014. You hired this company in 2014.

MR. DEMAIO: We hired the company after design was appropriated. My records show the design was appropriated in 2011. We couldn't hire them before then.

LEG. TROT TA: Now they were hired in 2011.

MR. DEMAIO: So --

LEG. TROT TA: All right. What is it. When were they hired? Listen, I'm not going to belabor this. Obviously, you don't know what's going on. I'm not supporting this. You know, I want a house in East Hampton, I can't afford it. And this Legislator -- we just cannot continually be digging our kids deeper and deeper in debt.

P.O. GREGORY: Legislator D'Amaro.

LEG. D'AMARO: Yes. Mr. Presiding Officer, I think Legislator Spencer was on the list, he can go before me.

P.O. GREGORY: Okay.

LEG. SPENCER: Thank you, gentlemen. I -- so this facility will have a swimming pool, I understand. What's the seating and the -- in the facility, as far as for events for fans?

MR. DEMAIO: In the high eight hundreds.
LEG. SPENCER:
And the pool is an Olympic size swimming pool?

MR. DEMAIO:
Yes.

LEG. SPENCER:
Well, I'd like my colleagues to consider something that's really important. I have a 16-year-old daughter that has a national time in swimming. She's been looking for coaches. We have excellent swimming teams, Team Suffolk, we have Tri-Village. There is not one Olympic swimming size swimming pool in Suffolk County. The closest you have to go is to Eisenhower Park.

We talk about our kids leaving, we talk about 15,000, I think, people at the last population check. The problem is -- I understand Legislator Trotta is saying that we are flat broke, but we also see that the biggest thing that we need to do in this country is build our infrastructure. We could build our infrastructure so that we give our families activities, and access, and opportunities. And we have a very successful community college. A facility like this, we would be able to do events, for instance, host the National Division III NCAA tournament for different things. One of these tournaments over a weekend, we could host Pan American Games, or whatever different things brings in outside money into the economy and, you know, sometimes millions of dollars.

The other thing that we're looking at here is that we're getting -- we talk about what are the biggest issues. Our constituents demand services, but they don't want to be taxed. And any time we get the opportunity bring in -- I see here $8,375,000 from the State, and an additional 2 million potentially in matching. The solution that we're saying, if we're going build our tomorrow, is that we have to invest in our tomorrow. And I think it's pretty shortsighted to keep saying -- yes, we're broke, I understand that we're broke, but unless we take action that's going to attract our families, that's going to give our athletes and our best and brightest an opportunity to succeed, to give us a chance to host different things.

We go to Buffalo for the YMCA National Tournament. I go to Ithaca, New York, which is a depressed area, because we can't host here in Suffolk County, we have to go to Eisenhower Park. So we've got to stop this shortsighted -- this is a chance that we're going to bring in outside funds, we're going to be able to match, we're going to be able to build, and we have a chance to potentially host events that will bring in continued jobs, continued revenue, continued tourism. So I strongly support this. And I think that I -- you know, wherever there's criticism as far as making sure that we get the prices, that we spend the taxpayers' money as expeditiously as possible and as efficiently in such a way that we maximize our return, I would encourage you to do this.
And to hear some of the inconsistencies that Legislator Trotta brings out, I do have those concerns with our consultants, that we need to crack down on them. But we can't just sit around saying we're flat broke and don't do anything about it. We've got to invest in our future and this is a great way to do it. So I commend you for doing this, and I would strongly encourage my colleagues to support this. Thank you.

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

LEG. D'AMARO:
Okay. At what point would you consider that this is just too cost prohibitive and should not go forward, or is there a point where you would make that consideration?

MR. ZWIRN:
I think that would be a decision for the Board of Trustees, Legislator D'Amaro. They have approved, you know, us coming here to ask for help, but we -- I wouldn't be able to make a decision. I think they would have the final word on that, it wouldn't be this office.

LEG. D'AMARO:
I supported this project in the past.

MR. ZWIRN:
Yes.

LEG. D'AMARO:
And I understand that costs go up. I understand that you working with your consultants probably did the best you could to try and estimate the cost. But even if that's all a given, you know, at what point do we say this project just, you know, collapses under its own weight? Well, I don't think that's a funny question.

MR. DEMAIO:
No, I'm not laughing.

LEG. D'AMARO:
Yeah. Oh, okay, I'm sorry.

MR. DEMAIO:
I'm saying the decision isn't mine to determine that.

LEG. D'AMARO:
Right, but it's mine.

MR. DEMAIO:
Understood.

LEG. D'AMARO:
So I want your opinion. Or if you don't have an opinion, that's okay.
MR. ZWIRN:
No. But I think if we can get the funding for it, we would move forward. If we can't get the money for it, then the Board of Trustees has to make a decision at that point --

LEG. D'AMARO:
Sure.

MR. ZWIRN:
-- whether to move on, or scrap it, or --

LEG. D'AMARO:
Right.

MR. ZWIRN:
do what they can. But what happens here today will have an impact on that, there's no question.

LEG. D'AMARO:
Right. I want to support this. And I understand how the perception could be easily made or taken that, you know, what really is this facility contributing to higher education or college level education? I mean, when I went to college, I never once went to the pool. I understand Doc Spencer wants a place for his daughter to be able to compete, and I understand that. And I very much appreciate his concern and your concern about our local economy, but it seems to me your primary mission is how to best educate the students that come there. And, you know, that $20 million could go a long way, perhaps, and be utilized in other ways to help enhance education at Suffolk Community, as opposed to building this facility.

And, you know, I appreciate that the Board of Trustees sends you in here to advocate for this, but we're really not talking about the real issue here, and the real issue is not that, you know, did you guess right when you came up with the number. The real issue here is at what point do we say that 20 million could be spent in much better ways?

MR. ZWIRN:
You know, I think if you look at the facility --

LEG. D'AMARO:
And that's why I have a hard time with this, because I understand that we want to have the biggest and the best college, and I understand all the arguments, but, you know, this is just getting more and more expensive.

MR. ZWIRN:
This is a much scaled down version of the facility than we have on the Grant Campus in Brentwood. And this is a -- not only a wonderful facility for the College, which is used all the time, it is a wonderful facility for the people that live in the community.

And I remember that Legislator Kennedy, John Kennedy, came to a ribbon cutting for when we repaved the parking lot, so that
residents from his community, who were senior citizens, could get
closer to the pool to use it in the time that was allotted to the
community, as opposed to the Community College.

It is a showplace. It is an enrollment tool. When students come
to see a performance, or to visit a show, or to perform in a
countywide event on the track there, or use the gym or the pool,
people are surprised that Suffolk County Community College has
these kinds of facilities and we become attractive to them, and we
found that it does help with enrollment. It becomes part of the
community.

On the East End on Long Island, both the North and South Forks,
there is only one indoor swimming pool. That's not everybody's
problem, but it's in the Town of East Hampton, and it's used almost
24/7. In fact, it's used so much that the pool is currently shut
down now as they put new filters in, for air filters and for the
pool filters, because it's used constantly. This facility would be
available to them. It would be available to, as I said, the Police
Departments who now come travel up to Brentwood to use the
facilities there to do training.

So we are not just a college institution, but we are an economic
force. We are a community resource that we share and make
available to all the taxpayers of the County to use, and I believe
that this facility certainly would be used. As I said, there's
over 4500 students there, and that's four times larger than the
College that I attended, which has a pool and an athletic facility.
There are no indoor athletic facilities, indoor facilities at this
campus presently.

And every time we do anything at this campus, and this is the last
project that is scheduled to ever be built on this campus, because
it's in the Pine Barrens, and we had to get special approval from
the Pine Barrens Commission to even move forward with this project.
All of that took some time, as did some other glitches along the
way. And a lot of this has to do with the timing. Just this
project got delayed and delayed.

If you remember in the prior administration, the Community College
got no contributions from the County, its local sponsor, except for
one time, when the Presiding Officer, Bill Lindsay at that time,
insisted on giving us 1% toward the operating budget. The current
County Executive has been generous and we've gotten 2, 2 1/2%
contributions to the Operating Budget, and all of a sudden the
Capital Budget also started moving forward. Nothing moved here
until about 2012.

**LEG. D'AMARO:**
Right, I recall that history.

**MR. ZWIRN:**
I mean, I was the one here who was, you know, arguing --

**LEG. D'AMARO:**
Right.
MR. ZWIRN: -- against some of these projects back then, ironically. But as it turned out, it was probably not the wisest thing to do, considering the cost went up.

LEG. D'AMARO: But, Ben, here's -- the problem is that we're talking about a rec -- building a recreation facility for $20 million. I mean, any way you cut it, it's not --

LEG. TROTTA: Twenty-four million.

LEG. D'AMARO: It's not the -- you know, I just don't even -- I understand the ancillary benefits to education, I understand that. And I appreciate the concern for the local economy, although I don't think that building this facility is going to make an ounce of difference in our local economy, to tell you the truth, because not that it won't make a difference, but it will be negligible, because we need a lot of help with the local economy, because we're subject to global economy and the national economy. So, you know, I kind of discount those arguments, to tell you the truth. What I'm looking at is the price tag. The price tag was a heavy lift when it came in at 16 million. And I appreciate the attempts at scaling it back, but, you know, my instinct here is to say work within the budget that you have. And I don't know if the Board of Trustees or if your consultants can do that, I don't know, but I'm not convinced that that attempt's really been made. I think it's easier to just come here and tell me how, you know, this is going to help solve the economic woes of the County, and I just don't buy that. I think that it was incumbent on you to come here today, if you're going to have hat in hand, and present a plan that said, "Look what more we've done to try and work with you to scale this back," and I don't think I've seen that done today, I don't. You know, again, it's easy just to ask for more funding.

Was this question asked, why can't -- can the State of New York fund the additional funds? Why do you need the County for this?

MR. ZWIRN: Because the State Law requires the County to make -- the local sponsor to make the contribution, to make the commitment, and then the State can act and match it, but it always is the County first and then the State. But we have, you know, good -- very, very optimistic about the State. Senator LaValle and his caucus, and he's the Chair of the Higher Ed Committee, this is a project that's in his district. It's been a project that everybody has followed on the East End. I know -- I'm sure Legislator Fleming, I know I get calls from her staff all the time saying when is this going to be done, when's it going -- when's the due date, when are you going to, you know, be in the ground? Legislator Schneiderman, when he was here, now the Town Supervisor, he calls all the time.
This is a really big deal for the East End, and I know that, you know, we only have two Legislators who from the East End, but it's as much of a facility and an asset the Grant Campus is with their Health and Wellness facility, which is larger, this would be the same on the East End. And we want to try to make that college a complete institution. It's a growing part of the college, more and more students are going there. And if you have been out there, you'll see it's really -- it's like a pretty New England college. As I said, it's in the Pine Barrens, and there's nothing like it anywhere around.

This is a long county. It's, for example, 70 miles for me to come from my home to come to Hauppauge on a daily basis, and back, another 70 miles. So if you're with the Southampton Dive Team and you have to go to a training, you're going 75, 80 miles up to Brentwood, as opposed to being able to go 35 miles down the road. I mean, maybe that's not, you know -- Legislator Trotta is waving his hands, but I think if you make that trip all the time, it's considerable.

LEG. D'AMARO:
I don't disagree with you, I just take it in the context of, you know, what we're living through. And, you know, back in, what was it, 2014, I supported the 8 million and change appropriation for this. And, you know, again I thought it was -- I thought it was, you know, hard to justify at that point, you know, given, you know, where we are financially in the County. But, you know, it's the same old problem that, you know, we're here, but we're not really -- other than you telling me that it's going to contribute in three different ways or four different ways, at the end of the day, it's going to be a $20 million price tag for a facility at a community college that in my mind may provide some convenience for people, but I'm not sure really contributes all that much to the academic experience that students going to that college need to get out of college, you know, I just don't see that. I don't -- I don't make the connection. And I didn't back in 2014 as much, but I supported it, because I felt that if it could be built for that amount and it could contribute to the economy, and all the other reasons, perhaps it's worth a shot. But, you know, we're going up higher and higher here. It's expensive. This is a really, really expensive facility.

MR. ZWIRN:
Yeah. I think we're going to see all the capital projects going forward coming in higher and higher now as interest rates go up and construction costs go up. But all I can say is when I look at the facility on the Grant Campus and how well used it is, I mean, that place is hopping all the time all through the summer months. You know, it's a hub of activity for, as I said, the College and the community, and I think this would serve the same purpose on the eastern part of the county.

LEG. D'AMARO:
Dr. Lipp, let me ask you a question. The -- what's the interest, the servicing of the debt cost here for the -- for the 16 and then the additional, what is it, 4 or 2; 2? Well, I guess it would be
on the 8 million, and then -- you know, the County commitment, what
would be the debt service cost to taxpayer?

MR. LIPP:
So, if it's over a 15-year period, we'll say --

LEG. D'AMARO:
Just so it's clear, Rob, this would be bonded funds, correct?

MR. LIPP:
Correct. It would be for 2 million, definitely.

LEG. D'AMARO:
And so there would be an interest cost with that, that's what
you're looking at?

MR. LIPP:
It will be about a 130-something-thousand a year over -- if it was
a 15-year bond. The size of the bond in terms of number of years
would depend upon when it was -- went out. So in terms of
affecting the General Fund Operating Budget, the first possibility
would be next year, which would assume that we would issue the
bonds this year. It could be more likely that we would issue some
of them this year and some of them next year, or perhaps even
later. So it would filter in, add up to about 130 or so thousand
dollars per year.

LEG. D'AMARO:
That's the interest component?

MR. LIPP:
That's the interest and principal repayment.

LEG. D'AMARO:
Oh. What's the interest? Do you know the interest component? Do
you know the interest component as a function of taxpayer cost, you
know, average taxpayer?

MR. LIPP:
Less than $4 a year would be the average. Less than $4 would be
the --

LEG. D'AMARO:
For the entire debt service or just for the 2 million?

MR. LIPP:
For the 2 million.

LEG. D'AMARO:
So --

MR. LIPP:
We wouldn't have to -- it wouldn't be in our budget, the other
2 million in State Aid.
LEG. D'AMARO:
Right. So the cost of the additional 2 million contributed by the County, if it were charged to taxpayers, the interest cost would be about $4 a year?

MR. LIPP:
It would be a little less than that, correct.

LEG. D'AMARO:
A little less than that. So this is part of death by a thousand cuts? I mean, you know, again, we have a lot of discussion around this horseshoe about what fees to raise, what not to raise, you know, nickel and diming. I've heard that expression I think 100 times per session now. And this is the context that you're coming in here to. Not your fault, not your problem, but, you know, nonetheless, it's an expense to County taxpayers to do this and to have an additional $2 million put on to this project. But without -- on the other side, hearing about, you know, how can we avoid the cost, how can we scale down, you know, how can we perhaps contribute this money towards education in other ways, so I don't know.

MR. ZWIRN:
It's capital money, so it's not like we -- it's not like we can take this money and put it into programs. It's got to be into bricks and mortar.

LEG. D'AMARO:
Right. But, you know, you could take capital funds and build more classrooms, you know.

LEG. TROTTA:
Enrollment's going down.

LEG. D'AMARO:
I'm not here to debate the policy. I understand it's complicated and complex, you know, how to get enrollment, attract enrollment to the school, but I don't know. Okay. Thank you for answering my questions.

P.O. GREGORY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, gentlemen. I have always supported the College. I am having a little bit of a tough time with this one. What did you say the price per square foot was, 300, 400-something per square foot?

MR. DEMAIO:
It increased over the years. Is there a specific year? You want me to just go through them all or --

LEG. KENNEDY:
Well, present.
MR. DEMAIO:
Present. This, with the low bid, given the reduced size of the building, it's $521 a square foot.

LEG. KENNEDY:
And when we initially did it at the beginning, what was it?

MR. DEMAIO:
A year ago, it was $438 a square foot, so that's an increase of 19% in a year.

LEG. KENNEDY:
All right. We took out -- you said you took out nursing, so was that classrooms? What is that?

MR. DEMAIO:
Classroom and a laboratory.

LEG. KENNEDY:
Classroom and a laboratory. Is it going to be offered there?

MR. DEMAIO:
Not in that facility, no.

LEG. KENNEDY:
Anywhere on that campus?

MR. DEMAIO:
Yes. It's in the Culinary Arts Center in Riverhead presently.

LEG. KENNEDY:
Oh, okay. Will there be any academics in that building?

MR. DEMAIO:
The current floor plan has two classrooms in the building, yes.

LEG. KENNEDY:
For the purpose of?

MR. DEMAIO:
They're multi-purpose classrooms, so they were designed simply to be flexible. So you could teach anything in them, as long as it wasn't a laboratory setting.

LEG. KENNEDY:
Yeah, so she's still thinking. There's an equity situation with the East End Campus. The other campuses have had two buildings, but what -- what I'm thinking here is I'm thinking like a mother. You want to get your pool and you want to get your toys. Right now we can't afford pools and toys at 540, you know, dollars per square foot. If you waited until next year, yes, the interest rate will probably go up a half and a half by next year, I understand. If you waited until next year, would you be able to get the same State grant at the end of '18?
LEG. KENNEDY:
There's an equity situation with the East End campus. The other campuses have had two buildings. But what I'm thinking here is I'm thinking like a mother. You want to get your pool and you want to get your toys; right now we can't afford pools and toys at 540, you know, dollars per square foot. If you waited till next year, yes, the interest rate will probably go up a half and a half by next year, I understand. If you waited till next year, would you be able to get this same State grant at the end of '18?

MR. ZWIRN:
We'd have to get the County commitment and then go to the State and ask for theirs. I mean, the State has been good over the years.

LEG. KENNEDY:
I would much prefer that we get through 2018 before we -- we're not going to? We'll get through 2018.

MR. ZWIRN:
I think through 2018 there won't be any impact at all because this money will be borrowed at the end of the project. And the project will take about a year, so we're talking about the very end of -- it will be in 2018, with interest only it would be very de minimus in 2018; 2019 will be principle and interest being paid back.

LEG. KENNEDY:
And we have to start paying back our pension debt in '18, we have to start -- I could keep going with everything we have to ramp up, so I'm a little bit nervous. All right, gentlemen, thank you.

MR. ZWIRN:
Thank you.

P.O. GREGORY:
Legislator Trotta, then to Legislator Barraga.

LEG. TROTTA:
Why didn't this go right out to bid in 2014 when we approved the money?

MR. DEMAIO:
It was in the middle of the design at that point and it was going to permitting.

LEG. TROTTA:
So you asked us for money when it was in the middle of design?

MR. DEMAIO:
Yes, the design was appropriated in '11; I looked it up for you, the consultant was hired August 30th, 2012; we had construction funds appropriated in 2014.
LEG. TROTTA:
What month of 2014?

MR. DEMAIO:
I don't know the month.

LEG. TROTTA:
I think it was earlier because it was one of my first votes, I
think. And so you don't know what it's going to cost, yet you put
it out to bid.

MR. DEMAIO:
In 2004 we developed the project for the first time.

LEG. TROTTA:
Fourteen.

MR. DEMAIO:
In 2004 the college developed a budget for the first time. We
submitted it for consideration to the County, it was in, it was
out, it was in subsequent years; we did not see an appropriation of
design until 2011. At no time between 2004 and or '11 did we ask
for any additional funding.

LEG. TROTTA:
What I'm saying is once we approved -- you came to us and asked for
$16 million, the rest of the Legislators approved it. You didn't
even have the design done.

MR. DEMAIO:
We had enough of the design done to know we were on budget at that
time.

LEG. TROTTA:
Clearly you didn't because you weren't on budget. So -- you know,
and this is a pool. What else is in this? I'm very -- is it just
a pool and a gym?

MR. DEMAIO:
Those are the primary two spaces. There's a pool on one end, gym
on the other.

LEG. TROTTA:
Are -- you know, how much smaller is it? Is it a gym like we have
in Brentwood?

MR. DEMAIO:
No, not at all.

LEG. TROTTA:
It's much smaller.

MR. DEMAIO:
Much smaller.
LEG. TROTTA:
So clearly, like Doc said, it's not going to be hosting any NCAA
basketball tournaments.

MR. DEMAIO:
The gym is not designed for that, no.

LEG. TROTTA:
Okay. Well -- and to your assumption or statement that the place
in Brentwood is very busy; for five, six years I had an office in
the corner there and I would venture to say 90% of the time the
place was empty, and I went in the pool very often. And there was
the same ten people in the pool all the time, you know, they would
just come -- mostly senior citizens would come in and use the pool.
We don't require to our students to take any physical education?

MR. ZWIRN:
Yes.

LEG. TROTTA:
And what are they doing now in Riverhead?

MR. ZWIRN:
On the Eastern Campus they don't do anything in the Winter time.

LEG. TROTTA:
So, but they get through it somehow.

MR. ZWIRN:
They have to wait till the Spring, or take the classes at another
campus.

LEG. TROTTA:
Or bowling class or something at a different facility, I'm
assuming.

MR. ZWIRN:
Whatever the program is, they can't take it there because
there's --

LEG. TROTTA:
I think my daughter took, you know, something like bowling or
something.

MR. ZWIRN:
On the Eastern Campus?

LEG. TROTTA:
No, here. But, you know, again, in a perfect world I'd give you
two gyms, you know, but it's just not practical. And I'm confused
by the fact you came and asked for $16 million and it wasn't ready,
and now you come back and you ask for two million more.

You know, I don't know why you came in and even asked for that.
I mean, this has been going on since 2004. You didn't have a
definitive -- you would think if you came here and said, We need
$16 million, this is it, it's ready to go, this is what we're going to get, I mean, I guess -- well, I didn't vote for it, but people should say, Let me see what I'm going to get for that.

MR. ZWIRN:
Well, we had -- there were delays along the way that weren't the College's fault. In 2015 we had quite a series of delays, it took about a year before we could get this project going again.

LEG. TROTTA:
Why? That was off -- money was appropriated already in 2015.

MR. ZWIRN:
We had to get certain permits in place and there were some --

LEG. TROTTA:
You didn't have the permits in place before this since 2004?

MR. ZWIRN:
Well, they were delays that ultimately were resolved in the favor of the college, but it took time for that to happen.

LEG. TROTTA:
So it looks like you put the cart before the horse. You know, if I was building a project and I was coming before a Legislator, I would make sure everything's in line, permits, everything, so I knew what it was going to cost so this wouldn't happen.

MR. ZWIRN:
Well, this is going to happen in more projects than just this. As we said, construction costs are up.

LEG. TROTTA:
This is my exact point; $1.6 million so this doesn't happen and it still happens, that's my point.

MR. ZWIRN:
Well, the economy --

LEG. TROTTA:
Ben, did you look at the naming rights?

MR. ZWIRN:
Look, we're a victim of the economy improving and the estimates were done, we're not trying to --

LEG. TROTTA:
I think there was a Newsday --

MR. ZWIRN:
We're not trying to overestimate a project.

LEG. TROTTA:
I think there was a Newsday article today talking about the highest poverty level since 1958, so maybe the economy is building for some people, but clearly not for other people. The poverty rate is the
highest it's been since 1958.

MR. ZWIRN:
I'm talking about the construction industry on Long Island.

LEG. TROTTA:
That's debatable also.

MR. ZWIRN:
Well, I think the proof is in the numbers that came in and the interest rate's going up.

LEG. TROTTA:
So Doc's assumption that we're going to rent this, that's really not true. The NCAA is not coming. You know, I went to a badminton tournament when they had it and then I went back to see, there was nobody there, nobody.

MR. ZWIRN:
Well, that -- the badminton tournament paid the college tens of thousands of dollars in revenue.

LEG. TROTTA:
And how many years were they here?

MR. ZWIRN:
Two years.

LEG. TROTTA:
And where are they now?

MR. ZWIRN:
They went out to the west coast, back where they started.

LEG. TROTTA:
Because no one came. I went to the opening, I just was in there one day and there was nobody there. I mean, the one thing that it does is it supports the exhibitions for home improvements, some people go to that. Is this facility going to be big enough for something like that?

MR. ZWIRN:
No, it's not designed for that.

LEG. TROTTA:
So it's --

MR. ZWIRN:
It's designed more for the local community to be used in the pool, it's an Olympic-sized pool so they could have meets there.

LEG. TROTTA:
Is there stands with this?

MR. DEMAIO:
It's capable.
MR. ZWIRN:
We didn't put them in because we didn't want to spend the money,
but they can be put in; there's space for them.

LEG. TROTTA:
So we're basically paying $20 million for a pool and a gym, and two
classrooms.

MR. DE MAIO:
And the sporting facility.

LEG. TROTTA:
Okay. I mean, so Doc, I think you understand that, you know, the
fact that this is going to be rented, that's not true.

MR. ZWIRN:
No, that is -- it will be rented.

LEG. TROTTA:
By who?

MR. ZWIRN:
We have a camp program at the Grant Campus that runs with hundreds
of kids every summer; this would allow the Eastern Campus to do the
same thing.

LEG. TROTTA:
But the revenue is clearly not going to be anything to cover this.
Look, in a perfect world --

MR. ZWIRN:
No, but it's not designed for that.

LEG. SPENCER:
We're going to have the Olympics (laughter).

LEG. TROTTA:
You know, this Legislature adopts a budget every year and it's out
of whack now and we should stick to it. This is like, you know,
we're not sticking to it.

P.O. GREGORY:
Are you done?

LEG. TROTTA:
Yeah, I just -- I equate this to my kids wanting something and me
saying okay and then all of a sudden it costs more and more and
more and then I've got to say, No, sorry, and you've got to learn
your lesson. So I cannot support this.

P.O. GREGORY:
Legislator Barraga.

LEG. BARRAGA:
Just on the resolution before us. Right now, if it was still
$16 million, we wouldn't be looking at you, right?
MR. ZWIRN:
Correct.

LEG. BARRAGA:
Okay. So we're talking about another $2 million contribution and
the interest rate is 130,000 over 15 years, so that comes out to
about $1,950,000 in interest associated with the $2 million debt,
bond. So we find ourselves in a situation where there's a
possibility, if we don't do this, we lose a 50% match from the
State of New York. So that's 10 million gone. This assumption
that somehow Albany and the Assembly and the Senate is going to
keep the money just there until everybody gets around to doing what
they're supposed to do in Suffolk County is just not correct.

There are 64 educational entities in the SUNY system, 33 community
colleges, the rest are four-year institutions. Other institutions
have other projects, some of them could be a health and sports
facility. What Thiele and LaValle are telling you is you have to
act, they're ready to move, they're ready to do what they have to
because this budget's going to go through in a couple of days.
Don't miss the opportunity of possibly losing $10 million. I can't
define the educational aspects of this, but there are all sorts of
projects, I am sure, in those 64 educational institutions that are
up in Albany. You don't use it, there's a real good chance you
will lose it. If you don't lose it to another institution, I don't
know what's going to happen three months, six months, nine months
from now in terms of recession, the economic well-being of this
state, of this nation. The money will be gone anyway; I've seen
that happen in the past. Don't risk losing this, because if a two
million addition is going to cost you 1,950,000 in interest over
15 years, go ahead with the project. You don't want to risk $10
million being lost.

P.O. GREGORY:
Legislator Fleming.

LEG. FLEMING:
Thank you, Mr. Presiding Officer. Thank you all for being here.
I just -- I can confirm a couple of things. One is the need in the
community for the facility. My district is 240 square miles. In
that district there is one indoor pool that Mr. Zwirn referred to
which is a really small pool in the YMCA in East Hampton; other
than that, there is really nothing.

I can also confirm the commitment of Senator LaValle and
Assemblyman Thiele. I was in Albany last week, I was mainly there
advocating for public transportation support from the State, but I
did stop in at both Assemblyman Thiele and Senator LaValle's
offices. They both have confirmed to me that they are very
committed to this project and that -- and what Legislator Barraga
just detailed is, in fact, the case.

I can also confirm that -- well, besides that, let me just ask the
questions to you, Ben. Is my information correct that there are --
that in the process of trying to get this budget down, the design
included over 45 reductions of amenities and other aspects of the
project from the original design?

MR. ZWIRN:
Yes, the largest being the 7400-square foot reduction in the size of the building itself.

LEG. FLEMING:
So that I think is about 15% of the size of the building.

MR. ZWIRN:
Yes.

LEG. FLEMING:
So that was just lopped off in order to reduce costs?

MR. ZWIRN:
Yes, to reduce the square footage.

LEG. FLEMING:
Okay. And you mentioned materials; to what extent have you cut back on material costs?

MR. ZWIRN:
I'll have to ask Jon to answer that.

MR. DEMAIO:
We knew the glazing was going to be expensive, so we cut back on glass. We're using a translucent panel system that's used very effectively in other health and wellness facilities, so we saved money there. We removed any finishes that could have been considered expensive, we went with a polished concrete floor which has worked well in other buildings including the Montauk Learning Resource Center, it looks quite nice and it was inexpensive. We reduced the tile work, we reduced even the tile work in the pool to go with an epoxy-poured floor, anywhere we could save. Finishes that were at all expensive, where the exterior of the structure was expensive, we substituted materials or straight out cut it out.

LEG. FLEMING:
Okay, thank you. And with regard to the requirements for graduation, you said that there is a physical education credit, a certain amount of credits that you need in phys ed to graduate?

MR. ZWIRN:
There is a phys ed requirement, yes.

LEG. FLEMING:
And so what do the kids who go to the Eastern Campus do if they need those credits during the Winter?

MR. ZWIRN:
They have to go to other facilities on the other campuses.

LEG. FLEMING:
Okay. And with regard to community access, specifically what kind of access is the community going to have to this facility?
MR. ZWIRN:
Well, it's similar to what they have on the Grant Campus which is
they have open swims, they have time to be set aside for high
school swim teams, there are times set aside for the police
departments to train with their dive teams. As I said, for the
north and south fork, a lot of them go to the Brentwood pool or go
all the way up to Nassau County to Mitchell Park where there's
another indoor pool. So it would be of wide range. I know that --
I mean, I get calls from members of the community who are looking
forward to having access to this facility. And again, the college
always makes a very special effort to make sure that it becomes
part of the community by sharing its resources.

LEG. FLEMING:
Well, I can certainly confirm, as having served on the Southampton
Town Board for six years, that folks are really clamoring for this
project and come in on a regular basis. You're right, Ben, my
office gets calls about the timing of it all the time.

The other question that I had for you was with regard to revenues,
can you describe what sort of revenues you're anticipating? And I
don't know if what the legalities of it might be, but is there a
way that we could assure that revenues would offset future County
costs with regard to the facility or with regard to the college in
general?

MR. ZWIRN:
No. I mean, the revenues will be helpful toward the college
operating budget, but it's not going to pay for itself; it's
unlikely that that would happen. But we do, you know, generate
revenues from the Grant Campus Health and Wellness Facility and we
anticipate it here. A camp program in the Summer time can be very
profitable. I know we have a very large camp on the Grant Campus,
this one probably certainly would be much smaller, but it would
be -- they usually need a pool to make that happen, so that could
happen here. There are no close neighbors. As I said, this
facility is in the Pine Barrens, so you can make noise on this
campus without disturbing anybody. And I'm sure that the
facilities would be rented; I'd have to ask Neftali Collazo who
does our facilities and the renting of that. But we use -- you
know, you've been to our facilities for the auditoriums, the State
of the County is held there, the swearing in ceremonies, the Police
graduation.

LEG. FLEMING:
We were at the Police graduation.

MR. ZWIRN:
The Police graduation was there. I mean, we do everything we can,
you know, to be part of Suffolk County and the community. And
there's nothing like this on the East End. I mean, the gymnasium
may be smaller, but it could be used as a small exposition center
for the hospitality industry. There's nothing as big as this
anywhere on the East End that could accommodate the kinds of things
we anticipate here. So we see it as an economic engine, not as big
as what you have on the western part of the County, but we think
it's a positive thing.

Look, if we didn't have to be here today, you know we wouldn't be. I don't -- Legislator D'Amaro said, Well, it's easy to come in here; Legislator D'Amaro, I assure you, (laughter), it is not easy to come in here and ask for additional funding in this climate, we understand that.

LEG. D'AMARO:
I appreciate that very much. And you guys are doing a great job, and you're doing your job and that's what you're supposed to be doing. It's not easy for anyone.

LEG. FLEMING:
Thank you, Mr. Presiding Officer.

D.P.O. CALARCO:
Okay, Legislator Cilmi.

LEG. CILMI:
Thanks again. I just want to keep exploring some of these ideas and the finances. You mentioned that as part of your reductions here, that the largest part reduction was the 7500 feet that you lopped off the size of the building, 7500 square feet; is that right?

MR. ZWIRN:
Yes.

LEG. CILMI:
What does that equate to in terms of dollars? What did that save you?

MR. DEMAIO:
At the time the reduction was made it was estimated at 1.95 million savings by knocking that off.

LEG. CILMI:
And how many square feet is -- you said the building originally was 45,000 square feet?

MR. DEMAIO:
It dropped 7400 square feet to be accurate, it is now 40,214 square feet, so it was a little over 47,600 square feet.

LEG. CILMI:
So if you were to be able to reduce the size of the building by another 7500 square feet, you may save another $2 million or so.

MR. DEMAIO:
We may, but it's tough to determine that because we don't know if we saved that the first time around because the bids came in so high. We don't know if we got that full value out of the savings, and that's another one of our concerns. You're estimating these savings based on the cost estimate, so when we did that estimate with the consultant we figured, being conservative, $1.95 million...
savings. If that were to hold true and if that was accurate going forward, yes, the answer is yes.

LEG. CILMI:
Right. So is that conceivable?

MR. DEMAIO:
(Brief pause). That is not conceivable, no, not that amount; not 7400 square feet.

LEG. CILMI:
Anything close to it?

MR. DEMAIO:
When the bids came in we looked at other possible reductions, 1300 square feet of the gym we think we could save; if we move storage facilities into the gym it further reduces the size of the gym, but we think we can fit the playing lines into that. And then relocating the storage in the gym was another 1200. We looked at saving a corridor, 740 square feet. And then we looked at the second floor which houses all the mechanical/electrical equipment, and we started to do a study on could it be put on the roof, could it be put on the ground, because that mezzanine structure was 2800 square feet. We ran into some problems there because the units have to be exterior now, they cost more, you have to reinforce the roof. So the savings there would not have been the full value.

LEG. CILMI:
So you talked about a number of reductions in addition to the 7500 square feet. What was the -- what do you believe you saved of all of those 45 or whatever the number was reductions that -- how much money do you think you saved there?

MR. DEMAIO:
Four point two million.

LEG. CILMI:
Four point two million. Just follow my train of logic here for a second. Originally you anticipated the job would cost you seven point -- or 16.7 million. You are suggesting now that these reductions saved you a little more than $4 million, but yet you're still asking for an additional $4 million. So somehow the price of the job really jumped $8 million.

MR. DEMAIO:
Yes.

LEG. CILMI:
That's a 50% increase in the cost of the job, roughly, 40 to 50%

MR. DEMAIO:
It jumped from 2012 to '14, 13%; from '14 to '16, 14%; and from '16 to '17, 19%. So if you add all those up, you're at 27 and 20, you're 46%. 

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LEG. CILMI: That's --

MR. DEMAIO: And along the way, we just kept saying, You can't have this. It's too expensive, go back.

LEG. CILMI: All right, let me just -- let me -- that's just -- that's breath taking. Let me ask you this. I had asked you before about the reserve fund. Why not -- even if you don't get a State match for the additional $2 million, why not take $2 million out of the reserve fund, giving you -- let's say take two and a quarter million dollars, you get $19 million out of that when you add it to the 16.7 that we already approved, and tell the contractors that they've got to do it for $19 million.

MR. ZWIRN: Part of the problem, as I said earlier, with the size of the reserve fund is that it's not all -- it's not a cash reserve fund.

LEG. CILMI: I'm only suggesting that you take two and a quarter million dollars.

MR. ZWIRN: Right, bu we anticipate --

LEG. CILMI: You said the reserve fund is 20 million.

MR. ZWIRN: Well, we take -- we took over $4 million last year to balance the budget.

LEG. CILMI: I realize that.

MR. ZWIRN: And this year either that money is replaced or our fund balance will be reduced by that amount. And then if we have a calamity on the campus, if there's a law -- if somebody gets hurt, and there have been lawsuits.

LEG. TROTTA: What about us?

MR. ZWIRN: The County has not come to the College's aid all the time and the College has had to spend millions of dollars out of their reserve fund to cover those costs. So that's the problem, it's a safety net that the college has that because there's no ability to borrow, we are very careful and conservative with that amount.
LEG. CILMI:
Well, but Ben, we're sort of being the same way about the County's funds here, and you're not really offering us much help here. You've come to us and you're basically telling us that the project that you originally requested roughly $17 million for in 2014 is now $8 million more expensive than what you requested.

MR. ZWIRN:
Right, correct.

LEG. CILMI:
You asked for 17 million, it's now $8 million more.

MR. ZWIRN:
But we're not asking for that.

LEG. CILMI:
Well, you are. You may not be asking for it from us, but you're reducing the size of your project by $4 million and you're asking for two million from us and two million from the State.

MR. ZWIRN:
Right.

LEG. CILMI:
So you're asking for an additional $8 million after coming to us only two-and-a-half years ago and asking for 16 point -- 16 and three-quarter million; now you're asking, basically, for the equivalent of 24 and three-quarter million.

MR. ZWIRN:
We're asking for $2 million from the County and $2 million from the state.

LEG. CILMI:
We're asking you, or at least I am, to sacrifice and take $2 million out of your reserve fund and use that two -- if this is so important to the college and if it's so important to the residents of that area, take $2 million out of the reserve fund and somehow try and recuperate that $2 million out of your user fees and whatnot that you would get out of renting the facilities there. What about the town? Has -- sometimes when the town is looking to do something nice for the residents of a town, they'll come to us and ask us for matching funds.

MR. ZWIRN:
Yeah, but the college hasn't been in the practice -- in the Town of Islip we didn't ask for a contribution for the Health and Wellness Facility --

LEG. CILMI:
This is an extraordinary situation that you're coming to us with. And what I'm asking you is have you explored extraordinary options? All you're doing really is you're coming to us and saying, We need more.
MR. ZWIRN: Well, we -- we have no other options as to where we can go.

LEG. CILMI: But you do have other options. What about naming rights on the facility, have you explored that?

MR. ZWIRN: We have a foundation and the foundation raises as much money as it can for a community college.

LEG. CILMI: That's really not what I asked, though.

MR. ZWIRN: But I'm just saying, that's -- the naming rights would go through the foundation. That's our arm for going out to raise money for the college, outside of asking for tuition and grants.

LEG. CILMI: But can you solicit naming rights for the building now to help pay for the additional cost?

MR. ZWIRN: I don't know if that's been explored, but that's -- it's not an option today. I'm just saying, I mean, it isn't.

LEG. CILMI: (Laughter).

MR. ZWIRN: Unless you want to chip in and it becomes the Tom Cilmi Health and Wellness Facility, we're in.

LEG. CILMI: I might be able to buy a float for the pool.

MR. ZWIRN: (Laughter). Maybe a brick.

LEG. CILMI: A noodle, I could buy a noodle.

LEG. HAHN: They're more expensive.

LEG. CILMI: I don't know.

MR. ZWIRN: This is an issue for the State as well. Senator LaValle has, you know, made a commitment, he's got the caucus in line which means the other State Senators --

LEG. CILMI: Listen, I get it.
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MR. ZWIRN:
-- from our area are on board; I mean, they'd have to be for this
to have a chance. And Assemblyman Theile is the same thing. I
mean, we've --

LEG. CILMI:
And the State has also talked about a tremendous surplus that they
have. We don't have a surplus.

MR. ZWIRN:
I didn't --

LEG. CILMI:
It's a bipartisan acknowledgement that we do not have a surplus.

MR. ZWIRN:
I didn't hear -- when I was up in Albany, I didn't hear anybody
talking about a surplus.

LEG. CILMI:
They have all this money that -- they spent it all? (Laughter).

You know, I don't know. It seems to me you have a pot of $20
million there, maybe it's not all in cash, but certainly two or
three million of it is, I would hope. It would seem to me that
your Board of Trustees should be dipping into that reserve fund to
pay for this extra money. Because, I mean, we don't -- we're out
of options ourselves in terms of finances here, we just don't have
any more options. Look at the fees that we're charging people, $32
million of a mortgage fee that we never had before. We don't have
any more options, you don't have any more options, except you have
a $20 million reserve fund and we don't.

MR. ZWIRN:
As I said, we use that reserve fund every year to try to keep
tuition costs under control.

LEG. CILMI:
And I'm sure you'll --

MR. ZWIRN:
And we use more and more of it every year.

LEG. CILMI:
I know that.

MR. ZWIRN:
And we'll do it again this year.

LEG. CILMI:
I know that, and when you come to us and --

MR. ZWIRN:
But we still have raised tuition every year.

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LEG. CILMI:
I understand that; things go up, everything goes up. And I'm sure when you come to us again to talk about your operating budget for this year, we'll be having those discussions and the negotiations back and forth about what you're going to do, you know, in terms of keeping tuition down and utilizing the reserve fund and more money from us, etcetera. Maybe that's -- use your reserve fund now to pay for this and then come to us and say, Look, we did what you asked us to do, we used the reserve fund to pay for this extra -- the extra cost associated with the smaller sports center, but we need your help now with operating. I'm throwing ideas at you here, Ben. I'm hoping something sticks, because I've got to be honest with you, I'm not sure that this is going to happen today.

D.P.O. CALARCO:
Legislator Kennedy.

LEG. KENNEDY:
You know what? I'm not going to say anything else. I think they covered it.

LEG. CILMI:
I'm done.

D.P.O. CALARCO:
You're done, Leslie?

LEG. KENNEDY:
Yeah.

D.P.O. CALARCO:
Legislator D'Amaro.

LEG. D'AMARO:
Thank you. I'll be very quick. What about one of those -- you know, you ever see where they have the thermometer and the red line goes up and you're raising money? Why don't we just put $2 million at the top and let's see if we can go out and raise the money privately? You mentioned the foundation; how much did the foundation raise last year?

MR. ZWIRN:
I'm not sure offhand, but I know they provided about $600,000 in scholarships for the students.

LEG. D'AMARO:
But can it go to Capital Projects? Can a foundation raise money for Capital Projects?

MR. ZWIRN:
I don't know.

LEG. D'AMARO:
Every year we go through the college -- the County contribution to the college budget. In the last couple of years tuition has gone up, we've had some debates and discussions about that; the County
contribution, how much should go in. What is the operating cost of this facility once its built, and what's its impact on the college budget?

MR. ZWIRN:
It's in -- we have it for you, it's in the book.

LEG. D'AMARO:
We have to maintain -- it has to be staffed, it has to be maintenance, repair.

MR. ZWIRN:
Yes.

LEG. D'AMARO:
Maintaining the pool, you know, utilities. I would assume that there's a cost associated with that, you know, because -- so not only do we get, you know -- not only do we get the bill to build a facility, but then we're going to be asked to contribute towards the operational costs of the facility and you're going to ask the students to contribute towards that cost as well next year.

MR. ZWIRN:
Right, but with our -- with the students that come in, we get State aid on what they call an FTE basis.

LEG. D'AMARO:
Right.

MR. ZWIRN:
So it's about $3,000 the State gives us for every student that comes in.

LEG. D'AMARO:
Right.

MR. ZWIRN:
And the students who qualify for PELL Grants, the college gets about $30 million a year in Federal grant aid for tuition for students, and about $12 million or more from TAP; and in addition to that, there's part-time TAP.

LEG. D'AMARO:
Right, but the college budget has gone up.

MR. ZWIRN:
Yes, the budget has gone up.

LEG. D'AMARO:
And the contribution by students has gone up.

MR. ZWIRN:
Next year's operating budget I think goes up less than one percent; it's about 0.67%.
LEG. D'AMARO:
Okay, but there's still going to be a tuition increase.

MR. ZWIRN:
Not nec -- we don't know, the Board of Trustees has to make that decision.

LEG. D'AMARO:
Okay. So do you have the projected operating costs, you know, annually for this facility once it's up and running?

MR. ZWIRN:
We have it.

MR. DEMAIO:
Approximately $379,000.

LEG. D'AMARO:
Three seventy-nine?

MR. DEMAIO:
Yes.

LEG. D'AMARO:
But we should tack on another 45%, right, because that's the history here, right? So a half of million dollars a year to run the facility. You know -- so, you know, these are the collateral costs to our decision here today as well. And, you know, I know when do we do the college budget? It's coming up later in the year. You know, we have this debate about trying to keep costs down, but we're building these -- this monumental facility that's only going to add more cost that the students and the County taxpayers are going to have to shoulder, and that's another consideration.

I mean, that was my point before; at what point does a project like this, in this economy and this context, just collapse under its own weight? But, you know, there's no one here from your Board of Trustees to answer that question. I don't -- you know, how much was it considered that, you know, forget the cost of the facility, we can't afford to run this thing. I mean, are we going to count on the money that we keep from the meal plan to pay for this (laughter).

MR. ZWIRN:
I know that was a sore point, but we don't have any -- I haven't had any complaints this year at all about the meal plan, just for the record. I mean, it's been accepted.

LEG. CILMI:
We have.

LEG. TROTTA:
I have.
LEG. KENNEDY:
(Raised hand).

MR. ZWIRN:
Nobody’s shared them with me, and usually I get the first call.

LEG. CILMI:
You made your point pretty clear about the meal plan. Sorry, Lou.

LEG. D'AMARO:
No, that's okay. I remember that the Board of Trustees was going to consider -- it was still under consideration, last I heard, whether to give the money back if it wasn't spent, but I never heard what the resolution was for that.

MR. ZWIRN:
The answer was presented before the Legislature. I don't know if if you were here at the committee that day when it was --

LEG. D'AMARO:
I probably wasn't on that committee.

MR. ZWIRN:
Well, it did come back to the Education Committee and we did discuss it with members of the Board of Trustees that were here that day.

LEG. D'AMARO:
Well, I'm not here to debate that issue.

MR. ZWIRN:
Thank you.

LEG. D'AMARO:
But I'm sure. So it's 370 to 400,000 a year to run the facility, and so now we're going to be faced with an increase in County contribution during the operating budget for the college as well. Again, these are legitimate considerations, you know, in this -- in the financial stress that the County is under, so it's something that I'm going to factor into my vote. Thank you.

D.P.O. CALARCO:
Legislator Martinez.

LEG. MARTINEZ:
Thank you. Ben, just quickly. I'm not really sure if some other schools out on the East End have swimming teams, and I'm not sure if they themselves have pools within their buildings. Is there any way that in building this facility over at the campus, would you be willing to open the facility to the school districts that do not have pools in their buildings and gone elsewhere?

MR. ZWIRN:
Absolutely. As I said, there's only one indoor facility, public facility on the whole twin forks and that's in East Hampton and it's a YMCA small, indoor pool.
LEG. MARTINEZ:
And I believe that, Legislator Fleming, you told me that the kids
do go to the Y and that's where they're practicing, correct?

LEG. FLEMING:
Yes, or they have to drive up the Island.

LEG. MARTINEZ:
Or they have to drive the Island. All right, so that's something
that could also be discussed and agreed upon with the school
district. I think it would definitely help them out, so that's
something I would like you to consider if we do move forward.

And in terms of the meal plan, you will be getting something.
There is a constituent who is very adamant about the meal plan. My
office is actually reaching out to all the Legislators to see where
they are on the meal plan, so just look for that from me.

MR. ZWIRN:
I look forward to it.

D.P.O. CALARCO:
Legislator Trotta.

LEG. TROTTA:
Just for the record, I'm certain that the Southampton dive team
doesn't practice in a pool. They don't practice in a pool. The
Police Academy uses the pool in Suffolk here which Southampton goes
to one day, that's all they spend in that pool. Where is your
office? Where is your office located?

MR. ZWIRN:
In Selden.

LEG. TROTTA:
My office, when I was a cop, was in that building, and I went by
that pool and that gym and the weight room regularly and it was so
under utilized I couldn't believe it; it sat there empty most of
the time.

MR. ZWIRN:
That's not my understanding. And I know that there are Legislators
who served on this Legislative body who would disagree with you who
--

LEG. TROTTA:
Well, I was there every day for four years.

MR. ZWIRN:
Maybe it was a --

LEG. TROTTA:
Every single day.

MR. ZWIRN:
Was it the night shift? (Laughter). I don't know when --
LEG. TROTTA:
At all different times. And I would make a point of walking around there and looking. I can't tell you how many times I ran out of that gym by myself.

MR. ZWIRN:
Well, then I guess we must be all wrong. I mean, I apologize.

LEG. TROTTA:
You know something, now you've got it right. Why don't you ask the County Executive for the $1.2 million that we put in for the Rock and Roll Hall of Fame in Wyandanch? That probably won't happen for a couple of years, the building's not there, right, they're not even in the building. You know, that's money that we spent.

MR. ZWIRN:
If we could find offsets -- well, it's too late now.

LEG. TROTTA:
It's very odd --

MR. ZWIRN:
We don't need an offset to --

LEG. TROTTA:
I find it odd that you're coming to us when you have $20 million in the bank.

MR. ZWIRN:
We don't have $20 million in the bank.

LEG. TROTTA:
Well, you have $20 million in reserve.

MR. ZWIRN:
We have -- money is in reserve for calamities because we cannot borrow money. And a lot of it is not in cash, it is in accounts receivable, and we have to keep a certain balance to keep our standing with --

LEG. TROTTA:
You have $2 million in cash?

MR. ZWIRN:
I don't know. I don't know.

LEG. TROTTA:
Does Dr. Lipp have access to that information?

MR. ZWIRN:
Probably.

(*Robert Lipp and Ben Zwirn had a brief discussion off the record*)

LEG. TROTTA:
Look, I'd love to build you three pools, it just -- we can't afford
it, it's as simple as that. We can't afford to build a pool when
he have no money; simple.

MR. ZWIRN:
Thank you.

P.O. GREGORY:
Legislator Anker.

LEG. ANKER:
So this is one of the hardest votes I think I've taken, you know,
at least this year, and I'll tell you why. We're in a $130 million
deficit, we're being asked to build a pool. How many residents
would do that when they're this much in debt? You know, we voted
on, I want to say tens of millions, if not hundreds of millions of
dollars for Capital Projects. We voted on hundreds of millions of
dollars on operating expenses. And, you know, again, to come back
here, and I understand this has been going on for well over an
hour, this is really concerning.

Legislator D'Amaro had asked what is the operating cost of this new
facility. And I really want you to understand how important it is
that not only -- if this is to be approved today, please consider
the operating costs and maintaining and sustaining this building.
Whether it's, you know, implementing energy efficiency measures,
reducing electricity, whatever you can do in that direction, I
would support. But again, you know, the many millions and millions
of dollars that the Suffolk County Legislature and the County Exec
have approved for these very important buildings, and it has made
Suffolk Community College a stronger, a more desirable college that
will in turn increase revenue, making it a more viable educational
institution. And we all support that, there's no doubt we all
support that.

And with this additional health facility, we're hoping it will
increase the traffic out in Riverhead for tourists, that it will
pull the economy up. It will -- you know, again, Riverhead is
going through a transformation and it's still struggling, even
though we have the Tanger Outlet, we have a lot of stores being
built, the East Enders still come out, they still go right back to
Riverhead and they shop and they buy and they do good for our
economy, and that's what I'm looking at this. This is going to be,
I hope, a major attraction to anybody that goes out east and visits
Long Island, and this is what's holding my interest in investing
because that's what we're doing. We are investing into this
institution again. But I do want you to understand how difficult
it is. You know, I'm still -- I'm almost 50/50, I'm going to
continue to see what the votes are. But this is very difficult for
me to make a decision when we made a decision before to invest tens
of millions of dollars and, you know, now we're basically at the
last minute, at the last minute asking for $2 million; $2 million
is not a small amount of money, especially when this entity has a
death.
So again, that has never stopped the County from investing and trying to bring up our economic base because we need tourism, we need those tax dollars to increase our finances.

The question I have, though, is when did you find out that you were short this amount of money? Because again, this is so last minute, and it's very frustrating to make such an important decision on the day of understanding and learning about it.

**MR. ZWIRN:**
Well, first let me just say that the reason -- first, the building is going to be LEED certified, so it's going to have all the environmental bells and whistles that we have.

The investment that this County Legislature has made in the Capital Programs to Suffolk County Community College has been money well spent. I mean, this community college is a showcase across the State of New York and the SUNY system. We're the largest community college, we have a number of campuses, we have three major campuses, we have a nursing program in Sayville, a culinary school program in downtown Riverhead. I mean, it is a beacon for community colleges not just in New York State but across the country. So the money that you have invested in this college is well spent, and you can see it when you walk around the campuses, and you have, you've been there. You were there for the dedication of the William J. Lindsay Science Center; I mean, that's something that when you walk on that campus and you see that, it's something that's -- it's a legacy for this Legislature and something that you can be proud of, and you can tell your families that you were a part of this and made this happen. And the students that go off and succeed from the college spread the word of Suffolk County, some of the jobs that we create here.

The last part of your question was when did we find out when the -- well, I'll let Jon answer that. Jon, you want to answer that?

**MR. DEMAIO:**
The bid opening was February 1st of 2017.

**LEG. ANKER:**
And the reason why you had to go back and forth with bids is because the price kept changing?

**MR. DEMAIO:**
Well, the reason -- we didn't bid until we went back and forth with the cost estimate. We didn't want to go to bid until we made those reductions. We made the reductions, we went to bid, the opening occurred February 1st and that's when we realized what the low bid was.

**MR. ZWIRN:**
And the only reason we're doing it today is because the State budget is going to be due April 1st and we've had conversations with Senators and Assemblyman who, you know, said that they can get it in the State budget if the County acts.
LEG. ANKER:
So if you get this amount of money, the $2 million from the County, will you promise not to come back and ask us for more money to build this structure?

MR. ZWIRN:
I enjoy coming here so much in this position that I can promise you that (laughter).

LEG. ANKER:
And again, if I were to vote on this today, vote to approve it, I expect a great benefit economically for that area, for Suffolk County. Because, you know, again, that's the only -- that's the main reason why I feel -- and of course, in addition to building up the financial institution that Suffolk Community College is, the great educational institution that it is. But I really expect, you know, the building, the -- I guess the building to be run extremely well. You know, work with Long Island Tourism Promotion, the group over there, work with IDA, work with the Town of Riverhead. Do you have that on your radar, to really promote this building and make it the beacon that it is hoped to be within the Town of Riverhead?

MR. ZWIRN:
Yes. And anybody who goes out -- you've been to the Eastern Campus, I know, you made a special trip out there when you were out in Riverhead for the Legislative meeting. It is a showplace, it is like -- it's like something out of a small New England college town and this would be the finishing touch for that campus. This is the last building that is anticipated, because it's with the perimeter road and it's very difficult to building anything in that area because it's the Pine Barrens.

LEG. ANKER:
Okay. Thank you.

P.O. GREGORY:
Okay. All right, I know it's been forever.

LEG. SPENCER:
Call the vote.

P.O. GREGORY:
Mr. Clerk, we have -- what's the -- do we have a motion to approve?

MR. RICHBERG:
Yes, we have a motion to approve.

P.O. GREGORY:
Okay. All right. All in favor? Opposed?

LEG. TROTTA:
Opposed.

(Legislators Cilmi & Kennedy raised their hand in opposition*)
P.O. GREGORY:
All right, we'll do a roll call.

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

LEG. FLEMING:
Yes.

LEG. KRUPSKI:
Yes.

LEG. BROWNING:
(Absent).

LEG. MURATORE:
(Absent).

LEG. HAHN:
Yes.

LEG. ANKER:
Pass.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
No.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Pass.

LEG. TROTTA:
No.

LEG. McCAFFREY:
(Not Present).

LEG. STERN:
Yes.

LEG. D'AMARO:
No.

LEG. SPENCER:
Yes.
D.P.O. CALARCO:
Yes.

LEG. ANKER:
Yes.

LEG. KENNEDY:
No.

MR. RICHBERG:
Eleven.

MR. NOLAN:
Eleven, right?

MR. ZWIRN:
Thanks.

P.O. GREGORY:
All right. IR 1252, I'll make a motion to take out of order IR 1252-(17) - Authorizing the County Comptroller to close certain capital projects and transfer funds (County Executive).

MR. NOLAN:
It's a CN. You need a second; second on the motion.

P.O. GREGORY:
Second to take 1252 out of order. All in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen (Not Present: Legislator McCaffrey - Absent: Legislators Browning & Muratore).

P.O. GREGORY:
Okay, I make a motion to approve.

D.P.O. CALARCO:
Second.

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

LEG. CILMI:
Can we just get somebody to give us a quick explanation? Quick explanation, a summary.

P.O. GREGORY:
Anyone from Comptroller's Office here? Oh, Doug, I see Doug Sutherland.

LEG. SPENCER:
The Comptroller's here himself.

LEG. CILMI:
Hello, Doug.
MR. SUTHERLAND:
Hi, everybody. How are you?

LEG. CILMI:
Good. So just -- yeah, just a quick summary explanation of this.

MR. SUTHERLAND:
We have two Capital Projects that are being closed out per the
request of the department; they don't need the money anymore. The
Comptroller is trying to do a refinance and the rates right now are
more favorable than they will be in a month.

LEG. CILMI:
Both the same department?

MR. SUTHERLAND:
Yes.

LEG. CILMI:
Public Works, I'm guessing? What projects are they?

MR. SUTHERLAND:
A fire pit for fireworks disposal, which was 18 -- I'm sorry, $60,000.

LEG. CILMI:
Okay.

MR. SUTHERLAND:
And $18,000 for the Master Plan at Gabreski, they don't need any
more money, they used enough.

LEG. CILMI:
Okay. So this is just closing out, so that money is basically --

MR. SUTHERLAND:
So we can -- yeah, so he can refinance.

LEG. CILMI:
Right. Okay, thank you.

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

MS. ELLIS:
Fifteen (Not Present: Legislator McCaffrey - Absent: Legislators
Browning & Muratore).

P.O. GREGORY:
Okay, let's get back to our agenda.

LEG. CILMI:
Let's just do the others.
P.O. GREGORY:  
All right, we'll do the other CN. IR --

LEG. CILMI:  
Motion to take 1193-2017 out of order.

P.O. GREGORY:  
Second. All in favor? Opposed? Abstentions?

MS. ELLIS:  
Fifteen (Not Present: Legislator McCaffrey - Absent: Legislators Browning & Muratore).

P.O. GREGORY:  
Okay, IR 1193-17 - Authorizing use of Makamah Preserve in Northport by Northport Running Club (Spencer).

LEG. SPENCER:  
Motion.

MR. NOLAN:  
No.

P.O. GREGORY:  

MS. ELLIS:  
Fifteen (Not Present: Legislator McCaffrey - Absent: Legislators Browning & Muratore).

P.O. GREGORY:  
All right, back to the infamous billboards. Does that have a bond on that?

MR. NOLAN:  
No.

P.O. GREGORY:  
No.

MR. NOLAN:  
There was a bond but it failed.

Public Works, transportation & Energy

Okay, 1047-17 - Adopting Local Law No. -2017, A Local Law prohibiting billboards on County roadways (Krupski). We have a motion to approve and a motion to table; motion to table goes first. Roll call.

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

LEG. HAHN:  
To table, right?

MS. ELLIS:  
Yes.
LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. KRUPSKI:
No to table.

LEG. FLEMING:
No.

LEG. BROWNING:
(Absent).

LEG. MURATORE:
(Absent).

LEG. LINDSAY:
Yes to table.

LEG. MARTINEZ:
No.

LEG. CILMI:
No to table.

LEG. BARRAGA:
No to table.

LEG. KENNEDY:
No to table.

LEG. TROTTA:
No to table.

LEG. McCAFFREY:
(Not Present).

LEG. STERN:
No

LEG. D'AMARO:
No.

LEG. SPENCER:
Yes.

D.P.O. CALARCO:
No.

P.O. GREGORY:
Yes.

MS. ELLIS:
Five.

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P.O. GREGORY:
Oh, I'm sorry, I meant no to table.

MS. ELLIS:
Four (Not Present: Legislator McCaffrey - Absent: Legislators Browning & Muratore).

P.O. GREGORY:
Motion to approve.

LEG. D'AMARO:
On the motion.

P.O. GREGORY:
Legislator D'Amaro.

LEG. D'AMARO:
Yes, just very quickly. I looked on line at the bill, there's no mention in the version of the bill that I'm looking at that talks about differentiating between commercial and non-commercial. Is there an updated version that I don't have or that's not available on-line?

MR. NOLAN:
The bill's definition says any free standing commercial sign.

LEG. D'AMARO:
Oh, this -- oh.

LEG. STERN:
(Raising hand).

LEG. D'AMARO:
Any free-standing commercial sign. Okay, thank you.

P.O. GREGORY:
Okay.

LEG. D'AMARO:
Was that the version that was on-line, George?

MR. NOLAN:
It's the only version that has ever been; it's never been amended, so.

LEG. D'AMARO:
I guess I missed it (laughter). Okay, thank you.

P.O. GREGORY:
Legislator Stern.

LEG. STERN:
Yeah, thank you. So we were having a conversation earlier and much of the conversation started to center on the distinction between commercial and non-commercial signs. It was a long, long time ago, but I've got to tell you, I remember this being almost the exact
question on my New York State Bar exam and the ability --

LEG. D'AMARO:
A long time ago.

LEG. STERN:
Yeah, a long time ago, and the ability of local municipalities to
regulate commercial speech. So I'm taking a look here at the -- at
the Legislative Intent of the bill; billboards distract drivers,
navigate roads, limit sight lines, contribute to accidents. This
is also going to aesthetics within our community, and the language
goes on to say that this is particularly true for rural and
suburban areas which seek to retain the character of our community.

I guess the questions here that usually come up in this kind of
regulation with commercial speech is whether, you know, there's a
substantial government interest, can we regulate this type of
speech, is it related or not related to the suppression of
expression and are there more restrictive or less restrictive means
than is necessary? We were talking earlier about what these signs
would say and or what they would not say and ultimately who would
be the judge of that; is it commercial or not commercial, and
ultimately what agency interprets that and what level of scrutiny
is all of that subject to. Here a billboard is being -- a
billboard is being defined as a commercial sign; commercial as
opposed to not commercial which would appear to be, at least on its
face, somewhat content-based.

So I guess my question is for Counsel here; George, does that
definition of a billboard pose a concern and, if scrutinized, does
the language of the bill as drafted pass constitutional scrutiny?

MR. NOLAN:
During the lunch break we did look at some case. It's really quite
complicated, to be honest with you, but it's my opinion that it's a
very narrowly drawn bill, it only applies to County road
right-of-ways. It doesn't speak about other types of signs, it
just -- it's banning commercial billboards. I think it passes
legal muster. I would point out that the Town of Brookhaven, which
this is partially based on, bans billboards completely in their
town. So I think this bill is fine. I think if the Legislature --
if it's the will of the Legislature they want to proceed with this,
I feel comfortable that we'll be okay.

LEG. STERN:
Thank you.

P.O. GREGORY:
Okay. Anyone else?

LEG. D'AMARO:
DuWayne.

P.O. GREGORY:
Oh, I'm sorry. Legislator Krupski, you were on the list.
LEG. KRUPSKI:
Pass.

P.O. GREGORY:
Legislator Anker?

LEG. ANKER:
So again, I think it's already on the books that the Highway Department regulates the signs. Again, I don't know if we really need this legislation at this point. And you mentioned as far as revenue, you know, the town, I think the State, they get revenue from the sponsorships. So my question is would this include the sponsorship signs that are along the highways?

LEG. KRUPSKI:
Should the Commissioner answer that?

COMMISSIONER ANDERSON:
Legislator, what do you mean by sponsorship signs?

LEG. ANKER:
Like the Adopt-a-Highway, you know, like on the LIE and some of the other roads. You see these -- they're small, little signs.

COMMISSIONER ANDERSON:
Yeah, yeah.

LEG. ANKER:
You know, they have the name of the --

COMMISSIONER ANDERSON:
Those signs conform -- the ones we install conform to the Manual of Uniform Traffic Control Devices.

LEG. ANKER:
So they're not considered commercial signs.

COMMISSIONER ANDERSON:
No.

LEG. ANKER:
One other question. Okay, so I kind of brought it up earlier, the chamber, you know, the chamber signs that have -- that say shop local, you had said that they're not also included as far as commercial signs. Specifically, on County Road 21 and Route 25 there's a stack of signs, I think it -- there's LICE is on there, there's also the library, so it's a permanent structure with signs surrounding it or attached to it; does that qualify as commercial signs?

COMMISSIONER ANDERSON:
We wouldn't consider it to be. It's not -- while it is promoting a community and its services, we wouldn't consider it to be a commercial sign. It's not saying Eat at Joe's, you know, it's talking about -- and it's trying to promote the community in itself. So it's an informational sign. Again, I'd have to look at
the actual right-of-way to see if it's within the right-of-way, because in that location it is -- it's at the south -- if I'm thinking of the same one, it's at the southeast corner of 25 and 21. So I would anticipate that it's not within the right-of-way, but I can check.

LEG. ANKER:
And what about a sign -- actually, I don't think that's a County Road. I'm thinking of like the Tesla Museum or some of these not-for-profits that have signs on the North Shore Little League -- I actually don't think that's a County Road. I just, again, I want to make sure that these mainly not-for-profits have the ability to have their signage available.

COMMISSIONER ANDERSON:
Again, as long as the signs meet the Manual of the Uniform Traffic Control Devices, they will be approved. The signs you're speaking -- you know, the intent of this, my understanding, is we're talking about those large, enormous signs where that, you know, in the case of Brookhaven were found to be actually outside of the right-of-way. So the ones you're speaking of generally, if they've been installed and they've been permitted, they are meeting the Manual of Uniform Traffic Control Devices.

P.O. GREGORY:
Okay, I have a list. Legislator Krupski.

LEG. KRUPSKI:
No, I'm good. Thank you.

P.O. GREGORY:
Legislator Hahn.

LEG. HAHN:
Yeah. I mean, I'm very supportive of the intent. And I question -- Brookhaven cannot possibly have a law that bans billboards altogether because there are billboards everywhere. They clearly have selective enforcement if they have do have that law because there are many, many billboards in the Town of Brookhaven.

However, you know, I agree with the intent. I had the concern and I still have a concern and it was displayed here, it was like perfect timing; you came in and you completely disagreed with what our Counsel had said. We had asked the question, you know, if it said King Kullen -- King Kullen supports safe driving, you know, George said that would not be a commercial sign, you said that would be a commercial sign, and it was like I thought that was perfect evidence of why we needed to define commercial signs in this legislation. Because clearly the person in charge would not define it the same way our Counsel thought it was and there is no clear definition in the bill.

But that being said, I'm very supportive of the intent. I'm supportive of, you know, the idea, I just wish you would take the time to get it right, that's all.
P.O. GREGORY:
Legislator Spencer.

LEG. SPENCER:
I feel that what Legislator Barraga said was accurate, that we may have a solution in search of a problem. And right now our current system that we have in place, I don't think that our DPW would permit a commercial sign to ever be on any of our County right-of-ways. And my concern with supporting this legislation is that having a blanket prohibition of all commercial signs, there are so many variables that we can't foresee that I think that it may be an unnecessary prohibition. If there was room in the legislation to allow for some sort of resource, but to just have a blanket prohibition I think is too restrictive where we already have a very effective screening process, evidenced by the fact there are no commercial signs on any of our County right-of-ways at this time.

P.O. GREGORY:
Okay. Anyone else?

LEG. D'AMARO:
DuWayne?

P.O. GREGORY:
Oh, I'm sorry. Legislator D'Amaro.

LEG. D'AMARO:
Thanks. Now, I have a copy of the bill in front of me and Legislator Stern was pointing out the Legislative Intent that billboards are common along many major roadways throughout Suffolk County. But I think we've established here today there are none along County roadways or in County right-of-ways.

COMMISSIONER ANDERSON:
Within County right-of-ways, correct.

LEG. D'AMARO:
Right. And then it justifies the banning of free-standing commercial signs on distracting to drivers, contributing to accidents, aesthetics, retaining the character of their community. But what I don't quite understand is how is it that non-commercial signs don't distract drivers or, you know, impact the character of the community where commercial signs do? I don't see the distinction. Maybe, through the Chair, if the sponsor wants to respond to that.

LEG. KRUPSKI:
I believe the Commissioner has given us a definition of what's appropriate messaging on the signs, it should be instructional or related to traffic. Commissioner?

LEG. D'AMARO:
No, but looking at -- you know, if you have to read a sign you have to read a sign, whether it's commercial content or not. You don't even know until after you read it if it's commercial.

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LEG. KRUPSKI:
And that's the point, because the ones that you should read are the ones that relate to traffic and not to, you know, where you should go for dinner or for a drink afterwards. So that's -- and that's the whole point, is to prohibit extra signs from being on the highway as an extra distraction to your driving.

LEG. BARRAGA:
It looks like we have a solution.

LEG. D'AMARIO:
Can I --

LEG. KRUPSKI:
The next right, half a mile, you get on to Route 25 west, that's a sign that's essential so you know where you're going.

LEG. D'AMARIO:
No, I'm not talking about road signs. I'm talking about --

LEG. KRUPSKI:
But that's a sign.

LEG. D'AMARIO:
-- non-commercial signs.

LEG. KRUPSKI:
No, no, but your point was when when you're driving every sign is a distraction and you're absolutely right. So there's enough signs when you drive --

LEG. D'AMARIO:
No, I didn't say that. I didn't say -- I think you need to have directional signs on your roadways, I think that's -- I think the balance between that distracting you and traffic safety comes down on the side of traffic safety. What this bill is saying is that if a billboard comes down on the side of maybe causing more accidents and being a distraction to motorists and also having a negative impact on the character of a community. So, but how does a commercial sign have those impacts but not a non-commercial sign such as, you know, remember to vote/Little League tryouts next week? I mean, I don't -- how does that not have the same impact that a commercial sign has?

LEG. KRUPSKI:
Legislator D'Amaro, thank you for making my argument. Because those signs are allowed. You don't want additional signs. So the signs that are allowed are currently allowed and they are a distraction, even if they're telling you which way to turn or what time the Little League tryouts are. Those signs are allowed. If you -- if we enable additional signs to be put up, they add to the distraction when people are driving, because they're going to read them and say, you know, I wonder when the Little League tryout is, but maybe that's a different sign.
LEG. D'AMARO:
I don't -- I think we're talking about two different points. But what we're really doing is we're basing whether or not to ban a sign based on the content or the message being delivered, right?

LEG. KRUPSKI:
Yes.

LEG. D'AMARO:
All right, I'm not going to support that.

P.O. GREGORY:
Okay. Anyone else? Okay. So we have a motion to approve. Roll call.

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

LEG. KRUPSKI:
Yes.

P.O. GREGORY:
Yes.

LEG. FLEMING:
Yes.

LEG. BROWNING:
(Absent).

LEG. MURATORE:
(Absent).

LEG. HAHN:
(Not Present).

LEG. ANKER:
Pass.

LEG. LINDSAY:
No.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Yes.

LEG. TROTTA:
Yes.
LEG. McCAFFREY: 
(Not Present).

LEG. STERN: 
Yes.

LEG. D'AMARO: 
No.

LEG. SPENCER: 
No.

D.P.O. CALARCO: 
Yes.

LEG. ANKER: 
No.

MS. ELLIS: 
Nine (Not Present: Legislators Hahn & McCaffrey - Absent: Legislators Browning & Muratore).

P.O. GREGORY: 
Okay.

Public Safety (Cont'd)

All right, 1129-17 - Authorizing the County Executive to enter into and execute an agreement with Skytech Systems, Inc. For twenty hours of drone services at no cost to the County (County Executive).

LEG. KENNEDY: 
Motion.

P.O. GREGORY: 
Zero cost.

D.P.O. CALARCO: 
What is this bill?

P.O. GREGORY: 
Page eight, 1129, fourth bill in, Public Safety. We passed it over. So I repeat, zero cost.

D.P.O. CALARCO: 
Motion.

P.O. GREGORY: 
I think we're waiting for -- if there were questions from the PD. So let me just state what -- so it's a pilot program, you guys are just testing it out. Well, they're donating a drone, right, and if you guys like it --

LIEUTENANT HOMAN: 
Yes.
P.O. GREGORY: I think there's a potential cost of $2,000 if you want to buy one later, but you have 20 hours of donated --

LIEUTENANT HOMAN: Time and expertise.

P.O. GREGORY: Yes. Okay. Right?

LEG. CILMI: Just because he's here, I'll ask a question.

P.O. GREGORY: (Laughter) Okay.

LEG. CILMI: Are there -- are there appropriate controls in terms of the use of this drone so that there's no privacy issues?

LIEUTENANT HOMAN: Yes, there are. We will be operating under the guidance of the company that's offering it to the County. And it will simply be, basically, at this point time just a try-out period just to see how the drone works. And essentially the justification for it would be in future areas such as search and rescue, vehicle K-9, foot pursuits, crime scene and identification purposes,

LEG. CILMI: So, but how do you envision its use during the trial period?

LIEUTENANT HOMAN: During the 20-hour period is basically just for it -- to see how the operation of the drone is with our personnel under the guidance of the company and then just to see if it could be usable with any --.

LEG. CILMI: So you're really just basically --

LIEUTENANT HOMAN: Basically a crime scene.

LEG. CILMI: You're really just going to fly it around and see, you know, see how powerful of a tool it might be in the case of --

LIEUTENANT HOMAN: Yes.

LEG. CILMI: -- accidents or what have you. '

LIEUTENANT HOMAN: Well, what future uses it could possibly be, just the utilitarian of it.
LEG. CILMI:
Right. Okay, fair enough.

P.O. GREGORY:
My apologies, I thought we had made a motion. I'll make a motion to approve for purposes of discussion.

LEG. LINDSAY:
Second.

P.O. GREGORY:
Second by Legislator Lindsay. And there was someone who wanted to -- Legislator Krupski.

LEG. KRUPSKI:
Good evening. I've got a question about the future use of this drone. So it's a free trial period and it's the intention of the department to purchase one; is that --

LIEUTENANT HOMAN:
If --

LEG. KRUPSKI:
I mean, suppose it's the best thing you've ever -- it's got all the -- you know, it's got the CD player and the leather trim and everything and you love it and you want to buy one.

LIEUTENANT HOMAN:
Eventually, during that 20-hour period, if it's deemed to be --

LEG. KRUPSKI:
Or some other model, not necessarily this one; but you're in the market for a drone.

LIEUTENANT HOMAN:
Correct, yes.

LEG. KRUPSKI:
Okay. So your use of it -- and I think it's a -- honestly, I think it's a good idea. I think you've got a -- as far as surveillance goes, you've got to get a pretty good idea of what's going on on the ground very quickly and economically. Will it be available to the East End departments if they have a specific need? You know, we've got to look for somebody, we've got a missing persons type of deal; will it be available for their use on an as-needed basis if it's not -- if you're not using it that day? Where will it be operating out of?

LIEUTENANT HOMAN:
I'm not -- I would assume that it would be, similar to our aviation and other special patrol services would be available to the East End; I am not certain to that, I will find that out for you. And where it will be housed is right now by our aviation on Smithtown Avenue in Ronkonkoma, Special Patrol Building.
LEG. KRUPSKI:
Okay, thank you.

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

MS. ELLIS:
Fifteen (Not Present: Legislator McCaffrey - Absent: Legislators Browning & Muratore).

Public Works, transportation & Energy (Cont'd)

P.O. GREGORY:
All right, IR 1132-17 - Amending the 2017 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for Safety and Security Improvements for sanitary facilities in Suffolk County Sewer Districts (CP 8103) (County Executive).

D.P.O. CALARCO:
Motion.

P.O. GREGORY:
Motion by Legislator Calarco. Second by Legislator Krupski.

LEG. KENNEDY:
On the motion.

P.O. GREGORY:
On the motion, Legislator Kennedy, then Legislator Trotta.

LEG. KENNEDY:
Hello, Gil. What kind of security is it?

COMMISSIONER ANDERSON:
The project is used for various safety related items.

LEG. KENNEDY:
Such as?

COMMISSIONER ANDERSON:
Such as video surveillance, fire alarms, web-based laboratory management system and emergency electronic generators -- electric generators, excuse me. This is our annual Capital Program where we --

LEG. KENNEDY:
Well, all the rest of them, too? So you're web-based; what was web-based?

COMMISSIONER ANDERSON:
A web-based laboratory management system. My understanding of it, it's very similar to what we do with the traffic signals, everything relates back to Yaphank so we can monitor it. And we can identify, because in the outer districts we really only -- we
don't necessarily have to have 24/7 coverage, so we monitor the processes so we know that if there's an issue going on we can send a crew out right away; an alarm will signal and we'll become aware of it and we can send somebody out.

LEG. KENNEDY:
Okay. So then just later on down we have another Introductory Resolution for lab equipment, that web-based design is not considered lab equipment even though it's lab equipment for monitoring.

COMMISSIONER ANDERSON:
Right, the lab equipment is more --

LEG. KENNEDY:
The beakers and the --

COMMISSIONER ANDERSON:
-- spectrometer, you know, test tubes, that type of stuff.

LEG. KENNEDY:
Okay, thanks.

LEG. TROTTA:
I mean, for some reason I voted no for this.

COMMISSIONER ANDERSON:
The reason you voted no was because there's 100,000 in there for design.

LEG. TROTTA:
Yeah, that's the reason.

COMMISSIONER ANDERSON:
Because of the electronic -- because of the electric nature of some of this work, we need --

LEG. TROTTA:
Under the Tom Cilmi rule, we could hire someone to do this ourselves.

COMMISSIONER ANDERSON:
And we do have one electrical engineer, we are in the process of getting a second, but the electrical engineer is a one-arm paper hangar. I mean, they're just always on the go. And even when we get the second, I think we're going to need the help in the electrical engineering division.

LEG. TROTTA:
Yeah, okay. All right, I understand. It's just mismanagement, not on your fault, I wish you could hire, but I can't support spending $100,000 on a consultant to do something that we can do in-house. It's ridiculous. A hundred grand.
All right. Anyone else? Okay, we have a motion and a second on 1132. All in favor? Opposed? Abstentions?

LEG. TROTTA:
Opposed.

MS. ELLIS:
Fourteen (Opposed: Legislator Trotta- Not Present: Legislator McCaffrey - Absent: Legislators Browning & Muratore).

P.O. GREGORY:
IR 1133-17 - Amending the 2017 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital Fund and appropriating funds for Chemical Bulk Storage Facilities in Suffolk County Sewer Districts (CP 8178)(County Executive).

LEG. HAHN:
Motion.

P.O. GREGORY:
Motion by Legislator Hahn. Who was that?

LEG. KENNEDY:
Second.

P.O. GREGORY:
Second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen (Not Present: Legislator McCaffrey - Absent: Legislators Browning & Muratore).

P.O. GREGORY:
IR 1134-17 - Amending the 2017 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for the Purchase of Sanitation Laboratory Equipment (CP 8166)(County Executive).

LEG. HAHN:
Motion.

P.O. GREGORY:
Motion by Legislator Hahn. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen (Not Present: Legislator McCaffrey - Absent: Legislators Browning & Muratore).

P.O. GREGORY:
IR 1135-17 - Amending the 2017 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for a SCADA (Surveillance Control and Data Acquisition) system for Suffolk County Sewer Districts (CP 8165)
(County Executive).

D.P.O. CALARCO:
Motion.

P.O. GREGORY:
Motion by Legislator Calarco. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen (Not Present: Legislator McCaffrey - Absent: Legislators Browning & Muratore).

P.O. GREGORY:
IR 1136-17 - Amending the 2017 Operating Budget, transferring Southwest Stabilization Reserve Funds to the Capital Fund and appropriating funds in connection with the Construction Management and Inspection at Suffolk County Sewer District No. 3 - Southwest (CP 8155)(County Executive). I'll make a motion. Do I have a second?

D.P.O. CALARCO:
Second.

P.O. GREGORY:
Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen (Not Present: Legislator McCaffrey - Absent: Legislators Browning & Muratore).

P.O. GREGORY:
Okay, IR 1137-17 - Appropriating funds through the issuance of Sewer District Serial Bonds for the Improvements to Suffolk County Sewer District No. 16 – Yaphank Municipal (CP 8158)(County Executive). I have to make a motion to table.

D.P.O. CALARCO:
Second.

P.O. GREGORY:
Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen (Not Present: Legislator McCaffrey - Absent: Legislators Browning & Muratore).

P.O. GREGORY:
IR 1138-17 - Appropriating funds in connection with Installation of Fire, Security and Emergency Systems at County Facilities (CP 1710) (County Executive). Motion by Legislator Calarco. I'll second. All in favor? Opposed? Abstentions?
MS. ELLIS:
Fifteen (Not Present: Legislator McCaffrey - Absent: Legislators Browning & Muratore).

P. O. GREGORY:
IR 1138A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $750,000 Bonds to finance the installation of fire, security and emergency systems at County facilities (CP 1710.327), 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. KRUPSKI:
Yes.

LEG. FLEMING:
Yes.

LEG. BROWNING:
(Absent).

LEG. MURATORE:
(Absent).

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. TROTTA:
Yes.

LEG. McCAFFREY:
(Not Present).
LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. SPENCER:
Yes.

MS. ELLIS:
Fifteen (Not Present: Legislator McCaffrey - Absent: Legislators Browning & Muratore).

P.O. GREGORY:
IR 1151-17 - Appropriating funds in connection with preparing a Sewering Feasibility Study for Brentwood (CP 8112)(County Executive). Motion by Legislator Martinez. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen (Not Present: Legislator McCaffrey - Absent: Legislators Browning & Muratore).

P.O. GREGORY:
IR 1151A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $200,000 Bonds to finance a sewering Feasibility Study for Brentwood (CP 8112.110), same motion, same second. Roll call.

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

LEG. MARTINEZ:
Yes.

P.O. GREGORY:
Yes.

LEG. KRUPSKI:
Yes.

LEG. FLEMING:
Yes.

LEG. BROWNING:
(Absent).

LEG. MURATORE:
(Absent).

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.
LEG. LINDSAY: Yes.

LEG. CILMI: Yes.

LEG. BARRAGA: Yes.

LEG. KENNEDY: Yes.

LEG. TROTTA: Yes.

LEG. McCAFFREY: (Not Present).

LEG. STERN: Yes.

LEG. D'AMARO: Yes.

LEG. SPENCER: Yes.

D.P.O. CALARCO: Yes.

MS. ELLIS: Fifteen (Not Present: Legislator McCaffrey - Absent: Legislators Browning & Muratore).

D.P.O. CALARCO: Okay, IR 1152-17 - Appropriating funds in connection with the Rehabilitation of Parking Lots, Sidewalks, Drives and Curbs at various County Facilities (CP 1678) (County Executive). Motion by Legislator Fleming. I'll second the motion.

LEG. KRUPSKI: On the motion.

D.P.O. CALARCO: On the motion, Legislator Krupski.

LEG. KRUPSKI: I've got to ask you, Commissioner, you know, in light of all the repairs and everything that are needed and the money we're spending on everything. So I've got to ask you, and it's a lot easier to ask if it's in Doc's district or Kara's district or, you know, because -- you know, should we spend the money there. But I know some of this money is earmarked for my district, and certainly for the building that we work in. Is this something that can be -- this is about a million dollars, I think?
COMMISSIONER ANDERSON:
Yes, sir.

LEG. KRUPSKI:
Is this something that could be put off for a year or is this -- do you know, how did you assess the need for this?

COMMISSIONER ANDERSON:
These are assessed generally by our Highway Maintenance staff and occasionally by our building staff, that we identify failures in pavement, failures in sidewalk, raised curbs; these are public safety issues where somebody could trip as well as, you know, get hurt and, yeah, sue us.

LEG. KRUPSKI:
That certainly describes the current conditions, but I just felt I should ask because it's another million dollars. Thank you.

COMMISSIONER ANDERSON:
Yes, sir. There are a number of locations.

D.P.O. CALARCO:
Legislator Kennedy.

LEG. KENNEDY:
Have we used up all of 2016's money for this purpose?

COMMISSIONER ANDERSON:
I don't know if we've used it all at this time. Bear with me one second.

LEG. KENNEDY:
That's okay, take your time.

COMMISSIONER ANDERSON:
There's usually a statement of what -- no, at this time we have -- I don't believe we've used all of the funding.

LEG. KENNEDY:
How much?

COMMISSIONER ANDERSON:
At the time when we did this there was around 800,000.

LEG. KENNEDY:
Left?

COMMISSIONER ANDERSON:
Left from last year.

LEG. KENNEDY:
And last year we took out another million.

COMMISSIONER ANDERSON:
Correct.
LEG. KENNEDY:
So now we're into 2017, why do we need another million or we'll end up just returning the money.

COMMISSIONER ANDERSON:
Right, this -- one of the bigger projects that we're looking to do is Ronkonkoma Train Station, that's going to take up a lot of the funding that's required. We're also looking at Building 360 at the Yaphank Complex, the 7th Precinct, the Cohalan Courts, our BOMARC Complex as well as, as Legislator Krupski mentioned, the Cornell Cooperative Extension Building, and we need some work also at the Highway Yard in Huntington. But it's the Ronkonkoma Train Station that if you go there and see the conditions, it's going to take up a lot of the funds.

LEG. TROTTA:
We're responsible for the Ronkonkoma Train Station?

COMMISSIONER ANDERSON:
Yes, sir. We maintain Ronkonkoma and Deer Park.

LEG. TROTTA:
Just those two train stations?

COMMISSIONER ANDERSON:
No.

D.P.O. CALARCO:
I have a list, Legislator Trotta.

LEG. TROTTA:
Is that -- can't we just give them to the railroad or something?

D.P.O. CALARCO:
I'll put you on the list if you want to query the Commissioner more about it, but I have a list of Legislators who want to speak.

LEG. TROTTA:
Oh, I'm sorry.

D.P.O. CALARCO:
That's okay. Legislator Kennedy, were you done?

LEG. KENNEDY:
Yes, I'm done.

D.P.O. CALARCO:
Legislator Cilmi.

LEG. CILMI:
Gil, there was something in the description of this that we received that says, "The addition of solar panels to parking facilities increases the cost of resurfacing."

LEG. TROTTA:
Absolutely.
LEG. CILMI:
So --

COMMISSIONER ANDERSON:
I can understand the logic in that statement, only because it restricts the ability to maneuver the equipment when you're -- when you're going through an area, so.

LEG. CILMI:
Right.

COMMISSIONER ANDERSON:
Certainly, you know, you just can't go pell-mell up and down and just pave. There has to be some restriction as far as height and how the material is placed underneath the --

LEG. CILMI:
Right. My point in bringing that up is that these solar carports are the gift that keeps giving, apparently, or taking as the case may be.

COMMISSIONER ANDERSON:
Correct.

LEG. CILMI:
So -- and then my question, though, that follows that is how much more money does it cost us because of the solar panels? And my next question would be there are no solar panels at Ronkonkoma, so how does that play into this whole -- this isn't just Ronkonkoma, right?

COMMISSIONER ANDERSON:
This is -- as I mentioned earlier, it's Ronkonkoma Train Station --

LEG. CILMI:
Uh-huh.

COMMISSIONER ANDERSON:
-- the Yaphank Complex, Building 360, which I believe is the old Infirmary, 7th Precinct, Cohalan Courts. Cohalan Courts Complex has --

LEG. CILMI:
Right.

COMMISSIONER ANDERSON:
-- a lot of the solar panels.

LEG. CILMI:
Yeah, they do, uh-huh.

COMMISSIONER ANDERSON:
That's where that statement comes in.

LEG. CILMI:
Uh-huh. So how much more money is it costing us to redo these
parking lots with solar carports on them?

**COMMISSIONER ANDERSON:**
I don't know; I can get that for you but I don't know.

**LEG. CILMI:**
Yeah, I can imagine it must be pretty difficult to do. I guess they have to do it by hand, really, dump the -- are you milling down and then repaving?

**COMMISSIONER ANDERSON:**
Not necessarily. Only if the pavement --

**LEG. CILMI:**
You might go on top.

**COMMISSIONER ANDERSON:**
Yeah, we may just be -- in that particular area we may just be overlaying. If we have to -- if we have to actually reconstruct it, that's going to be a large cost. So I would -- and again, I'll verify this; I would assume that we're just overlaying the pavement there.

**LEG. CILMI:**
Do we need to approve this tonight?

**COMMISSIONER ANDERSON:**
I can wait a cycle.

**LEG. CILMI:**
I mean, I'd be interested to know how much additional we're adding because of those solar carports.

**COMMISSIONER ANDERSON:**
I mean, that's fine. I can wait a cycle.

**LEG. CILMI:**
Okay. Thank you.

**COMMISSIONER ANDERSON:**
You're welcome.

**LEG. CILMI:**
I'll offer a motion to table this then.

**LEG. TROTTA:**
Second.

**D.P.O. CALARCO:**
Ok, we have a motion to table by Legislator Cilmi. Seconded by Legislator Trotta. Legislator Trotta, did you want to say anything on the issue?

**LEG. CILMI:**
Gil, you'll get back to me, right?
COMMISSIONER ANDERSON:
Yes, I will.

LEG. TROTTA:
No.

D.P.O. CALARCO:
Legislator Trotta, did you want back on?

LEG. TROTTA:
No.

D.P.O. CALARCO:
No? Okay. I have -- anybody else? We have a motion to table. All those in favor? Opposed? Abstentions?

MS. ELLIS:
Fourteen (Not Present: P.O. Gregory & Legislator McCaffrey - Absent: Legislators Browning & Muratore).

D.P.O. CALARCO:
IR 1152 is tabled.

IR 1171-17 - Amending the 2017 Operating Budget, transferring Assessment Stabilization Reserve Funds and appropriating funds in connection with the Purchase of Sewer Facility Maintenance Equipment with a temporary increase in the fleet (CP 8164) (County Executive). I'll make a motion to approve. Do I have second from anybody?

LEG. MARTINEZ:
Second.

D.P.O. CALARCO:
Second by Legislator Martinez. On the motion, Legislator Cilmi.

LEG. CILMI:
This is sort of a tangential question, Commissioner. But I have a constituent who is -- who recently purchased a 2017 Ford Explorer and is complaining of a noxious smell that's in the vehicle, and apparently this is something that's inherent in some Ford vehicles. Ford has acknowledged it. It's actually making them sick and they haven't been able to do anything about it. So I'm wondering if you've had any similar complaints. I see there's a couple of Ford Explorers on the list here.

COMMISSIONER ANDERSON:
Correct. Nothing's been raised to my level. I assume if a complaint has come in, we brought it back to the dealership, only because they have an extended warranty, usually 100,000 miles. So, I'll ask.

(*The following was taken and transcribed by Lucia Braaten - Court Stenographer*)
LEG. CILMI:
Ask. I mean, they put some sort of a detector or something inside that detects what it might be and they came back with volatile organic compounds.

COMMISSIONER ANDERSON:
Really?

LEG. CILMI:
So it's -- that might be a problem.

COMMISSIONER ANDERSON:
That's the first time I'm hearing about it.

LEG. CILMI:
All right. Thanks.

D.P.O. CALARCO:
Okay. Anybody else? I have a motion and a second. All those in favor? Opposed? Abstentions?

MS. ELLIS:
Fourteen. (Not Present: Legislator McCaffrey and P.O. Gregory/Absent: Legislators Browning and Muratore)

P.O. GREGORY:
All right. 1171 is approved. I.R. 1187 - Authorizing execution of an amendment to the existing agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest and 515 Broadhollow Road (HU-1438)(Co. Exec.). Motion by Legislator Krupski, I'll second it. Anybody on the motion? All those in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen. (Not Present: Legislator McCaffrey/Absent: Legislators Browning and Muratore)

P.O. GREGORY:
I.R. 1187 is approved. I.R. 1188 - Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 11 - Selden and Vistas of Port Jefferson (BR-1699) (Co. Exec.).

LEG. HAHN:
Motion.

P.O. GREGORY:
Motion by Legislator Hahn, I'll second the motion. Anybody on the issue? All those in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen. (Not Present: Legislator McCaffrey/Absent: Legislators Browning and Muratore)

P.O. GREGORY:
I.R. 1188 is approved.
SENIORS AND CONSUMER PROTECTION

On to Seniors and Consumers: **I.R. 1145 - Approving the reappointment of Christian B. Lister as a member of the Suffolk County Plumbing Licensing Board (Co. Exec.).**

LEG. ANKER:
Motion.

D.P.O. CALARCO:
Motion by Legislator Anker. Second?

LEG. CILMI:
(Raised hand).

D.P.O. CALARCO:
By Legislator Cilmi. All those in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen. (Not Present: Legislator McCaffrey/Absent: Legislators Browning and Muratore).

D.P.O. CALARCO:
I.R. 1145 is approved. **I.R. 1146 - Approving the reappointment of Angelina M. Marketta as a member of the Suffolk County Home Improvement Contracting Board (Co. Exec.).** Same motion, same second okay with everyone? All those in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen. (Not Present: Legislator McCaffrey/Absent: Legislators Browning and Muratore)

D.P.O. CALARCO:
I.R. 1146 is approved. **I.R. 1147 - Approving the reappointment of Daniel J. Meehan as a member of the Suffolk County Plumbing Licensing Board (Co. Exec.).** Same motion, same second okay with everyone? All those in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen. (Not Present: Legislator McCaffrey/Absent: Legislators Browning and Muratore)

D.P.O. CALARCO:
Motion is approved. **I.R. 1148 - Approving the reappointment of Mario Mattera as a member of the Suffolk County Plumbing Licensing Board (Co. Exec.).** We'll go with same motion, same second.

LEG. HAHN:
Shouldn't we have him come in and talk to us?

D.P.O. CALARCO:
These are all reappointments, but --

LEG. HAHN:
I'm just kidding.
D.P.O. CALARCO:
But to save us time, I would like him not to come in.

(*Laughter*)

All those in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen. (Not Present: Legislator McCaffrey/Absent: Legislators Browning and Muratore)

D.P.O. CALARCO:
I.R. 1148 is approved. **I.R. 1149 - Approving the reappointment of Clarence W. Coleman as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment, Bacteria Additives and Maintenance Board (Co. Exec.).**

LEG. HAHN:
Say it ten times.

D.P.O. CALARCO:
Same motion, same second. All those in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen. (Not Present: Legislator McCaffrey/Absent: Legislators Browning and Muratore)

D.P.O. CALARCO:
I.R. 1149 is approved. **I.R. 1150 - Approving the reappointment of Richard L. Crescenzo as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment, Bacteria Additives and Maintenance Board (Co. Exec.).**

D.P.O. CALARCO:
Same motion, same second. All those in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen. (Not Present: Legislator McCaffrey/Absent: Legislators Browning and Muratore)

D.P.O. CALARCO:
I.R. 1150 is approved. **I.R. 1185 - Approving the reappointment of Robert M. Marks as a member of the Suffolk County Electrical Licensing Board (Co. Exec.).** I'll go with same motion, same second. All those in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen. (Not Present: Legislator McCaffrey/Absent: Legislators Browning and Muratore)

D.P.O. CALARCO:
I.R. 1185 is approved.

* Index Included at End of Transcript
WAYS AND MEANS


LEG. FLEMING:
Motion to table.

D.P.O. CALARCO:
Motion to table by Legislator Fleming.

LEG. KRUPSKI:
(Raised hand)

D.P.O. CALARCO:
Second by Legislator Krupski. Anybody on the issue? All those in favor? Opposed? Abstentions?

MS. ELLIS:
Fourteen. (Not Present: Legislator McCaffrey and P.O. Gregory/Absent: Legislators Browning and Muratore).

D.P.O. CALARCO:
I.R. 2083 is tabled. I.R. 1166 - Authorizing the distribution of proceeds from auction sale pursuant to Suffolk County Administrative Code §40-4(L) and Local Law No. 33-2004 Steven M. Cassella and Gretchen G. Cassella, his wife (SCTM No. 0200-628.00-08.00-019.000) (Co. Exec.). I make a motion to approve. Do I have a second?

LEG. MARTINEZ:
Second.

D.P.O. CALARCO:
Second by Legislator Martinez.

LEG. KRUPSKI:
On the motion.

D.P.O. CALARCO:
On the motion, Legislator Krupski.

LEG. KRUPSKI:
So I understand this law here, and I -- because we had looked into this a couple of years ago. Is this something that's automatic, and can we -- can we vote that since the County's made a significant investment in time and manpower, etcetera, that this shouldn't happen, and/or is this an automatic reimbursement according to the law?

MR. NOLAN:
It's not an automatic reimbursement. The prior owner, it has to be a residential property, an improved property, has to make an application after the County -- I don't know when they have to make the application, but they have to apply for proceeds from the
auction sale that are above and beyond the County investment.

D.P.O. CALARCO: I saw Jason Smagen from Real Estate walk in. Perhaps he can answer your questions a little more thoroughly.

LEG. KRUPSKI: Awesome. That was --

D.P.O. CALARCO: There is a whole process to obtaining it.

LEG. KRUPSKI: So the question -- thank you. I didn't see you. So, Jason, so the question is, is this under the law -- and I understand the law. Is it automatic if we -- suppose -- I mean, this is coming to a vote, so if we don't vote for it, is that -- is that the end of it and they don't get reimbursed? Is there really an option here, or does the law say we have to reimburse them?

ACTING DIRECTOR SMAGIN: I mean, it's not automatic in the sense that the person does have to submit an application, as Mr. Nolan expressed. Whether the decision of the -- how the law is written, they are entitled to this, but I believe it is the power of the Legislature to decide if we should move forward. And if we don't move forward, could the individual bring some type of action against the County and then it be decided that way? Possibly.

LEG. KRUPSKI: What grounds would they have to bring an action, I mean, if it's --

MR. NOLAN: I think it's within our discretion. Legislator Krupski, the law gave the discretion to the Legislature whether or not to let the money go back. So we don't -- if it's before you, it's discretionary, you can vote either way.

D.P.O. CALARCO: Legislator Fleming.

LEG. FLEMING: Yeah. I just wanted to note, we did discuss this at committee. And I think we should bear in mind that, you know, we're talking about somebody who lost their home to tax default, obviously, someone in poor financial condition. The County has recouped its investment. It seems only right to me that the money over and above the investment should go back to the woman who lost her home. And, as a matter of fact, I think that there are folks on this horseshoe discussing a bill that would require that Real Estate return money in these circumstances, rather than, you know, requiring that a homeowner have the wherewithal to make the application. To me, the equities clearly indicate that we should allow this money to go back to the woman who lost her home.
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ACTING DIRECTOR SMAGIN:
Legislator, if I may, I just wanted to just make the one point, that on these properties that we do sell at the auction, there are properties that we do not meet the threshold of the County investment. So there's a pocket -- you know, there's a pocket that we make above the County investment and there's some that we make below the County investment. There's also properties that we transfer for the nominal value. So it is a bit of a scale and a balance when it comes to all of the properties in the County's inventory.

D.P.O. CALARCO:
Legislator Krupski.

LEG. KRUPSKI:
Is the -- Jason, is -- so, obviously, someone's made an application, so now it's an additional workload on you and your department to process that, and all that. Are those costs, those manpower costs factored in to the County's investment in those -- in that whole procedure throughout the years?

ACTING DIRECTOR SMAGIN:
I mean, not -- you know, it's not doing a kind of an hour-for-hour analysis. There are fees that do get attached when someone is in default on their taxes, and there is under this section, it points to 40-3, which adds also 5% to be collected as well. So in regards to whether the County is truly being made whole, I don't believe so. The staff does put in a lot of time with all of these actions.

LEG. KRUPSKI:
Right. So wouldn't that -- isn't that something that should be considered, that the County is actually made whole on all expenses, not just on some expenses?

ACTING DIRECTOR SMAGIN:
I believe that would be up to the discretion of this Legislature about it here, so.

LEG. KRUPSKI:
Thank you.

D.P.O. CALARCO:
Are we all set? Okay. We have a motion and a second. All those in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen. (Not Present: Legislator McCaffrey/Absent: Legislators Browning and Muratore)

D.P.O. CALARCO:
I.R. 1166 is approved. I.R. 1170 - Authorizing the County Clerk to file an application for additional state mortgage tax reimbursement (Pres. Off.). Motion by Legislator Hahn, I'll second. All those in favor? Opposed? Abstentions?

* Index Included at End of Transcript
MS. ELLIS:
Fifteen. (Not Present: Legislator McCaffrey/Absent: Legislators Browning and Muratore)

D.P.O. CALARCO:
I.R. 1170 is approved. I.R. 1181 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Roy T. Conn, Diana Conn and the Heirs of the Estate of Lena Vurchio (SCTM No. 0100-146.00-03.00-003.000)(McCaffrey).

LEG. FLEMING:
Motion.

D.P.O. CALARCO:
Motion by Legislator Fleming, I'll second. All those in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen. (Not Present: Legislator McCaffrey/Absent: Legislators Browning and Muratore)

D.P.O. CALARCO:
I.R. 1181 is approved. I.R. 1192 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Robert Schmidt and Joanna Schmidt a/k/a Joan Schmidt (SCTM No. 0400-262.00-02.00-136.000)(Stern). Motion by Legislator Stern.

LEG. STERN:
Motion.

D.P.O. CALARCO:
Second by Legislator D’Amaro. All those in favor?

LEG. STERN:
Hold on. On the motion.

D.P.O. CALARCO:
Oh, on the motion, Legislator Stern.

LEG. STERN:
Yes, thank you. This is a -- this would be a reconveyance of a parcel located in the Town of Huntington acquired through tax default on August 18th, 2014, to the immediate past owners for $174,471 as payment of taxes, penalties, interest, recording fees, and other charges due to the County. The payment would be made within 60 days. And the nonpayment of taxes is related to hardship. This was a discussion with Counsel, and I believe Counsel approved, and we now have this bill before us and I ask my colleagues for their support.

D.P.O. CALARCO:
Legislator D’Amaro.

LEG. D’AMARO:
Yeah, thank you. This is what we call a 215?
MR. NOLAN:
Yes.

LEG. D'AMARO:
George, is that correct? So what -- there are specific criteria that -- can you just explain the criteria one more time for me, please?

MR. NOLAN:
Well, there are certain -- the law lays out certain criteria you can use, illness, military deployment, loss of employment. But the law was changed a couple of years ago to allow it to be any documented hardship, and those are just acceptable categories, but there are others now, if you can document a personal hardship caused the nonpayment of taxes. In this case, it was the illness of the husband. There were other -- there were other circumstances in this particular case, Legislator Stern could talk about them, but, ultimately, what they documented was an illness.

LEG. D'AMARO:
Right. In the first instance, that's reviewed by your office; is that correct?

MR. NOLAN:
Yes, we review it to see that it makes a prima facie showing of meeting a hardship criteria.

LEG. D'AMARO:
Okay. And you -- then you passed it on to Legislator Stern or to this body and said, you know, it does meet the criteria --

MR. NOLAN:
Right.

LEG. D'AMARO:
-- or the standard?

MR. NOLAN:
Correct.

LEG. D'AMARO:
And if we go ahead and pass this bill today, what -- does the County recoup the entire arrears at one time? Is there an interest charge on that? Does it include penalties and interest?

MR. NOLAN:
There's lots of penalties and interest that accrue on late payment of taxes. I think we're getting $174,000. So we need to get that, though, within 60 days of the approval of this resolution. That's how much time they have to pay us, and if they don't, then we will now reconvey the property.

LEG. D'AMARO:
Oh, I see. So they have 60 days to tender a check, or however it's paid for.
MR. NOLAN:
Correct.

LEG. D'AMARO:
And then if that doesn't happen in those 60 days, then we're just right back to where we -- then there's no further redemption of the property?

MR. NOLAN:
There's no second bite at the apple after that.

LEG. STERN:
If I may. George, the -- when this kind of a resolution comes before us, though, there's been that kind of a conversation and at least some kind of assurance that we're going to receive payment within, in this case, a 60-day period, correct?

MR. NOLAN:
Right. They have to -- that was a new requirement of the law that Division of Real Estate wanted a couple of years ago, that when we considered the application, there was some indication they actually could come up with the money to pay the County what they owed us.

LEG. STERN:
Has there ever been a case recently within the past few years where this body has approved this type of a 215, where ultimately payment has not been made?

MR. NOLAN:
It does happen occasionally. Just, in fact, the -- what we did recently in Ridge, the Ridge Motel, there was a contract of sale that indicated they could come up with the monies in that way, but that deal didn't go through, so the -- we didn't get the money, and now the County just owns the property and I believe the old Ridge Motel is being knocked down.

LEG. STERN:
But, ultimately, it's better to have our residents continue to reside in their homes. Ultimately, the County is made whole and all parties get to move on.

MR. NOLAN:
The County has a liberal policy. They made that determination, that we'd rather keep people in their homes, not make them lose their -- maybe their life's investment, and come away with something.

LEG. STERN:
How many 215's would you say we review on an annual basis?

MR. NOLAN:
I would say, probably, we get at least a couple a month, 30, 35, 40, in a year.

LEG. STERN:
In a year.
MR. NOLAN: Yeah. Maybe not that many, but at least 20, 25 a year.

LEG. STERN: Of the 215's that come before this body for review, ultimately, what kind of a percentage would you say are approved?

MR. NOLAN: Once they get here, this body typically approves those resolutions. I would say that probably the ones that come into my office, applications, maybe 10, 15% are denied. Most of them are approved.

LEG. STERN: Thank you.

D.P.O. CALARCO: Okay. Anybody else on this resolution? Seeing none, we have a motion and a second. All those in favor? Opposed? Abstentions?

MS. ELLIS: Fifteen. (Not Present: Legislator McCaffrey/Absent: Legislators Browning and Muratore)

D.P.O. CALARCO: I.R. 1192 is approved. Okay. Moving on to the big manila folder. I.R. 1265 - Amending Resolution No. 8-2017, designating newspaper as an official newspaper of Suffolk County (Co. Exec.). I make a motion to approve.

P.O. GREGORY: Second.

D.P.O. CALARCO: Second by Legislator Gregory, Presiding Officer. Could we have an explanation, George?

MR. NOLAN: As everyone is aware, at the beginning of the year we designate official newspapers, one, the paper that espouses the principles of the Republican Party, one that does the Democratic Party. At the beginning of the year, we designated the Suffolk County News as the Democratic paper, but only through October 15th of this year. I've been advised that this paper won't be the official paper for the entirety of the year, so we're doing that through this correcting resolution. So the Suffolk County News is the official paper, Democratic paper through the end of the year.

D.P.O. CALARCO: Thank you, Counsel. Does anybody have any questions on the issue? Okay. We have a motion and a second. All those in favor? Opposed? Abstentions?

MS. ELLIS: Fourteen. (Not Present: Legislators Kennedy and McCaffrey/Absent: Legislators Browning and Muratore)
D.P.O. CALARCO:
1265 is approved. **Procedural Motion No. 3 - Setting Land Acquisition Priorities in Accordance With the "AAA Program" Requirements (2017 - Phase I).**

LEG. HAHN:
Motion.

D.P.O. CALARCO:
Motion by Legislator Hahn.

LEG. ANKER:
Second.

D.P.O. CALARCO:
Second by Legislator Anker. Legislator Kennedy?

LEG. KENNEDY:
Yup, on the motion. These bills confuse me. Do they preempt property on the master list, the original master list, or is this the new master list? Because I am awaiting four pieces of property from the original master list.

LEG. HAHN:
So these are the ones that came out of the Executive Session through the AAA process, so anything that -- any properties -- sorry, it's been a long day.

D.P.O. CALARCO:
Perhaps this --

LEG. HAHN:
Any properties that, you know, have, except -- have said that they are, you know, willing to be considered to be purchased and then come before us in the EPA Committee in Executive Session, these are the ones that came out of that Executive Session. So I guess I'm just confused as to where your properties are in the process, the ones you're referring to.

LEG. KENNEDY:
The appraisals were done. Two of them --

MR. NOLAN:
Talk into your mic.

LEG. KENNEDY:
Two of them I'm waiting --

MR. NOLAN:
Talk into your mic.

LEG. KENNEDY:
Thank you. Two of them I'm waiting for cleanup, which will be done in two weeks, and the other --
Leg. Hahn: 
Right. So they haven't gone through ETRB yet.

Leg. Kennedy: 
No, they haven't. The ETRB --

Leg. Hahn: 
So are -- these are the ones that have gone through ETRB, and came out of ETRB, and, yeah.

Leg. Kennedy: 
Thank you.

Leg. Hahn: 
Environmental Trust Review Board, for everybody listening at home.

Leg. Kennedy: 
Thank you.

D.P.O. Calarco: 
Do we need anybody from Planning?

Mr. Nolan: 
No. Well, maybe.

D.P.O. Calarco: 
Mr. Marafino.

Mr. Marafino: 
I wish I had the answers to your questions, I don't. My understanding is Jason Smagen and Amy Keyes did just leave. If you'd like me to try and get them back, I can do that.

D.P.O. Calarco: 
How far away are they?

Leg. Krupski: 
Leslie, what's your question?

Leg. Kennedy: 
I'm fine. I'm fine, don't worry about it.

D.P.O. Calarco: 
Okay. Legislator Stern.

Leg. Stern: 
Thank you. So we have -- these properties are before us. Let's see. There's one, two, three, four, five, six, seven, eight; is that correct? Is it --

Mr. Nolan: 
I believe that is correct, Legislator Stern.

Leg. Stern: 
All right. And Legislator Hahn, these ultimately came through the Environmental Committee, correct?
LEG. HAHN:
That is correct.

LEG. STERN:
I'm wondering, I mean, these are substantial properties, and I know that they are quite high up on the priority list. I was wondering, and this would normally be a question that I would pose to Planning, but they're not here. So I ask you, through the Chair, if maybe you could just take us through a very brief explanation of the properties that are listed here.

LEG. HAHN:
Okay. If you want me to begin with yours, I'm just -- I have a map packet that has --

LEG. KRUPSKI:
We can -- I can start with the two that are in my district, the two at the back, Little Bing and Big Bing, two parcels of adjacent farmland on Oregon Road in Cutchogue, between Oregon Road and Long Island Sound, conservation subdivisions. Yes? No?

LEG. STERN:
I'm sorry, Legislator Krupski. I'm sorry. Could you say that again?

LEG. KRUPSKI:
Oh, sure. The first -- I'm starting from the back of the list, the Little Bing and Big Bing, two adjacent parcels on Oregon Road, part of a large block of active farmland between Oregon Road and Long Island Sound, stated conservation subdivision for the farmlands preserved. There'll be a couple of lots on Long Island Sound on the land is not farmable. The next one is Tilden Realty Corp., or the next two, actually, and it's a parcel in Huntington that's currently farmed. It's not all tilled. It went through the Farmland Committee. All these went through the Farmland Committee. The one -- the Tilden they're growing -- they have a tree canopy on much of it, and they're ornamentals underneath, because they require shade. They're growing them in containers underneath the tree canopy, instead of putting up -- instead of clearing the trees and putting up shade cloth houses, they're using the natural shade as a growing tool.

I'm not sure about the Matrix Holdings. The Schultz one I think is a parcel off of Montauk Highway somewhere in Patchogue, and I think it's open space. The Breslin one is the K-Mart parking lot.

LEG. HAHN:
And the Capobianco one is the South Setauket Woods property in Setauket. It kind of threw me because it had their business address here, and it threw me because there was nothing in Port Jefferson being purchased. But that Capobianco property is .32 acres in Setauket. And again, as Al said, the Breslin is the K-Mart property. What town is that in?

LEG. STERN:
And maybe through the Chair, Legislator Krupski, the one that you
had started off with, the property in Southold, farming activity, what kind of farming activities are being conducted there?

LEG. KRUPSKI:
One is in grapes and one is in sod. Yeah, they're both active. It's a big -- it's a big 100 acres of active farmland there. And the lots ever very long and narrow, because they go from the road to the Sound. And so it's taken a long time to put all those pieces together for preservation, and this is -- this is just two more pieces in the puzzle.

LEG. STERN:
And maybe, then, through the Chair to Legislator Krupski or to Legislator Hahn. So there's a list of these properties here. What does the next list look like at this point within this program? How many properties are now in the next phase being considered?

LEG. HAHN:
So we get the list after they come to ETRB, and the Environmental Trust Review Board reviews each property. They review the two appraisals. We pay -- you know, the County pays for appraisals, two separate appraisers, and then we review those appraisals.

The staff in the Real Estate Division, their professional appraisers review the appraisals and give a full market analysis of -- you know, of the appraisals and we come to the fair market value, which is what we have to review in Executive Session as per the AAA Program that we passed a couple of years ago. And I don't know. Did someone talk about the Forge River watershed addition property, the Schultz Holding property? That's a very important piece of property at the -- I think it's the headwaters there of the Forge River, and that's -- it's an important acquisition. It's on the master list. It's 16.4 acres in the Hamlet of Mastic.

LEG. KRUPSKI:
So the offers are going to be made. They -- and then they have, you know, so many days to accept or decline. So there's no guarantee we're going to buy these. This is just part of -- if they accept, then we'll move on from there. It's a steady -- I mean, there's a steady flow of traffic, I know through my office, with parcels, open space and farmland, and some people come in and they want to know about the program, and they want to get an idea of, you know, the preservation, how long it takes and all that. So there's a steady stream. And not everyone that comes in -- I just had someone come in with an open space parcel in Riverhead. I don't think they have applied yet. It's part of an estate. He's got to get his family behind him. You know, someone came in with a piece of farmland and we're in the process of having -- helping them fill out the application to get them into the program. So this is kind of a steady flow.

LEG. STERN:
And at this point, in general, when a property is at this point --

LEG. KRUPSKI:
Yes.
LEG. STERN:
-- and approved by this Legislature --

LEG. KRUPSKI:
Yes.

LEG. STERN:
-- at this level, going forward, do -- in general, do they
ultimately close? And if not, what kind of percentage don't make
it to the next -- the next phase of the process?

LEG. KRUPSKI:
Oh. So --

LEG. HAHN:
No. We actually --

LEG. KRUPSKI:
Fifty percent maybe don't accept. I mean, this --

LEG. HAHN:
Yeah. There's actually been quite a few that have not accepted
recently, and then the money goes back in the pipeline. So they
have a very intricate, detailed, comprehensive chart that they
showed us before. You know, we had the discussion in Executive
Session about where the money is in the pipeline, how many are
being -- are in the offer stage, have been offered, how many, you
know, we're awaiting, we're waiting to see if they reject or accept
the offer. And there have been some rejections recently, so money
comes back in, you know, to the available pot. So that available
pot kind of changes daily, the available funds that we have based
on offers accepted or denied.

LEG. KRUPSKI:
And there's different pots of money. Some towns still have the
12-5(D), the old drinking water money that were freed up a couple
of years ago. Some towns -- so that's -- and then there's also
the -- we did that settlement, the $20 million we had to borrow for
open space. So we're -- you know, we're using some of that money
for open space, and then there's the regular quarter percent fund.
So, you know, there's different pots of money that can be used.

LEG. STERN:
You know, obviously, ultimately, the reason why it doesn't go
forward from there is because there is a disagreement on price.

LEG. KRUPSKI:
The price wouldn't meet their expectations, yes.

LEG. STERN:
But because, as you're pointing out, there seem to be -- is
happening more often lately, are there any other underlying reasons
for some of these not going forward?
LEG. HAHN:
Well, Al, I think at one point there might have been some -- some
question about -- the 1025 had gotten folks worried, what happened
in the suit. With the suit around farmland development had had
some folks maybe reconsider, but Al could talk more to that.

LEG. KRUPSKI:
We did have -- we did have one person drop out of the process, but
he has since -- because, you know, the Farmland Committee met,
we -- it took a long time meeting, and George was very helpful, and
Dennis Brown, very helpful. Because of the lawsuit, the County
Farmland Program operates really under the 1999 law. So that
really covered the program up until 2010 to that first modern,
recent amendment. So the program operates under those rules and
guidelines right now, and it operated just fine before then, so
it's still -- it's still a healthy program. It just -- the big
difference is the farm stand on preserved land can only be
500 square feet, not 1,000 square feet, that's one of the big
differences. You know, lot coverage is -- I think lot coverage was
also governed by the Town, that was included. So there's a few
specific things that are different, but for the most part, the
program still operates. The committee still, you know, meets and
reviews the farms for inclusion.

LEG. STERN:
I just have another question, maybe through the Chair. Legislator
Anker, I know one of these items on the list is the property that
is very important to you, that is the Breslin property. My
understanding, and then we heard from the gentleman who was
speaking about it earlier today, much earlier today, hours ago --

LEG. HAHN:
That was today.

(*Laughter*)

LEG. STERN:
And how important it is to the community. But my understanding is
that this is -- there are a few different parties that are a part
of, right, the ultimate purchase of this property. Do I have it
right, it's Suffolk County, and there's a New York State element,
and --

LEG. ANKER:
Yeah.

LEG. STERN:
-- the owner of the property as well. I understand that the school
district is going to be -- I'm sorry, the League is going to be a
beneficiary, and children in the area are going to be able to
utilize this open space for ball fields.

LEG. ANKER:
That's correct.
LEG. STERN:
Does the League take any kind of an ownership interest? Are they part of this transaction, or they're merely the beneficiaries once this is done?

LEG. ANKER:
So they are going to go into a partnership with the Town of Brookhaven. The Town of Brookhaven has agreed to build the ball fields, and then they're going to go into a maintenance agreement. And it's similar to what the Mount Sinai Heritage or the Heritage Trust has done with the North Shore Heritage Park. So, again, 21 acres designated that Suffolk County will purchase. Twenty-eight acres New York State DEC is looking to purchase from -- you know, from the owners currently, and that will stay. The 28 acres will stay as open space preservation, you know, in partnership with -- you know, with the County. So we're trying to move this around at the same time, so we can go ahead and move forward with the overall plan of active park on the southern portion and open space on the northern portion of this acquisition.

LEG. STERN:
So there's a -- there's a grand plan for the use of those fields. I'm wondering if there has been any movement towards developing a schematic or an actual plan that would -- that's available for the public to see.

LEG. ANKER:
Absolutely. So I met with an engineer, a design engineer, a park -- excuse me, let's backup -- a park design engineer several weeks ago, and he has created a basic understanding of what's needed for the park design with the number of ball fields that have been requested from LYSA. So we have a basic design that we're going to present to the community. And this is going to be an ongoing type of project, because we need community input, just like we did with the Heritage Park. But, again, so far, so good. You know, the question is will the developer accept the fair market value, and that's what we're hoping, that he will, and that's where we are right now.

LEG. STERN:
Very good. Well, very encouraging. So with more than two parties to the transaction here, the -- New York State does the other element. I'm wondering who was taking the lead at the State level of government and --

LEG. ANKER:
Yeah.

LEG. STERN:
Where are they on this?

LEG. ANKER:
So Heather Amster from DEC is actually taking the lead on this. They work through the open space and then eventually -- I don't know if it goes through -- I don't think it even goes through the Senate and the Assembly, but that's as far as acquisition. I could
be wrong on that one. But she's working through this, and so far, so good. We're pretty much at the same levels. They're -- you know, we're looking to acquire this.

Again, this is -- this vote is for appraisal, and we still need to go through another vote for acquisition, so -- and they're also seeking appraisals, too, for -- yeah, to make the offer.

LEG. STERN:
I'm wondering, through the Chair, maybe George, or maybe, Legislator Krupski, if you know at what point the State Legislature considers the purchase of this property for preservation? Is it -- is it simultaneous with the process that we're following now, or is that some time later where the State has to go through their process?

LEG. KRUPSKI:
I'm not exactly sure where they are. It's my impression that they're acting independently of us on it. It's a separate parcel, tax map parcel, so they're acting independently. But I don't know if Legislator Anker was clear. We can't buy this for an active park without a partner. You know, we had that issue in Orient, where we were trying to buy it for a hamlet park, and we -- you need an active municipal partner to guarantee that the County isn't going to bear the expense of developing something and then maintaining it. So we buy it, but then someone else has that responsibility.

LEG. STERN:
Very good. Thank you.

D.P.O. CALARCO:
Thank you, Legislator. Legislator Fleming, did you have anything you wanted to add or --

LEG. FLEMING:
No.

D.P.O. CALARCO:
No, okay. Madam Clerk, do I have a motion on this?

MS. ELLIS:
Yes.

D.P.O. CALARCO:
Okay. We have a motion and a second. All those in favor? Opposed? Abstentions?

MS. ELLIS:
Fourteen. (Not Present: Legislators Kennedy and McCaffrey/Absent: Legislators Browning and Muratore)

D.P.O. CALARCO:
It is approved.
LEG. D'AMARO:
All right. Mr. Presiding Officer, at this time, I'd like to offer a motion to reconsider Resolution -- there was a CN, 1266 of 2017.

P.O. GREGORY:
Okay. Second the motion. Amending the 2017 Capital Budget and Program and appropriating funds in connection with the Health and Sports Facility -- Eastern Campus (CP 2120). All in favor to reconsider? Opposed?

LEG. TROTTA:
Opposed.

MS. ELLIS:
Thirteen. (Not Present: Legislators Kennedy and McCaffrey/Absent: Legislators Browning and Muratore)

LEG. D'AMARO:
Okay. So that -- the bill is now pending before us, yeah. Just I'm sorry to drag everyone through this, but there was some additional information that's come to my attention that I'd like to get on the record and to consider in connection at least with my vote. So, Mr. Zwirn, if you wouldn't mind coming up.

MR. ZWIRN:
Certainly, Legislator D'Amaro. I know that there was a -- I wanted to make it clear, I know there was some suggestions that we take money out of the reserve fund or that we take money out of the Foundation to try to find additional funds for this. And I want to make it clear that then we don't get the matching funds from New York State. They would have to --

LEG. D'AMARO:
Part of what I had asked you, you know, I was joking about doing the thermometer, raising the money, perhaps going back to the Foundation, but -- and it wasn't really clear to me, but what you're saying now is that unless the County itself makes the commitment, the State cannot match any funding that you may get from other sources?

MR. ZWIRN:
That's correct. And the County, which is considered the local sponsor for community colleges, has to go first, so that the State knows that the commitment has been made and then they follow, they follow up.

LEG. D'AMARO:
Right. But just to be clear, the commitment cannot be from any other source?

MR. ZWIRN:
That's correct.

LEG. D'AMARO:
Because my whole position on this was that, look, I had already voted for the 8 million and change and I was committed to the
project. But, at this point, as the escalating costs go up, given
the County's financial picture, maybe it would be best to go to
other funding sources to try and get this done, but you're telling
me that's not the way it would work under State Law.

MR. ZWIRN:
That's correct.

LEG. D'AMARO:
All right. Well, I thank you for that testimony.

LEG. FLEMING:
Mr. Presiding Officer --

D.P.O. CALARCO:
Thank you, Legislator.

LEG. FLEMING:
-- I make a motion to approve the resolution.

D.P.O. CALARCO:
We have a motion to approve by Legislator Fleming.

LEG. HAHN:
Second.

D.P.O. CALARCO:
Second by Legislator Hahn. Anybody else on the motion?

LEG. TROTTA:
Yeah.

D.P.O. CALARCO:
Legislator Trotta.

LEG. TROTTA:
So, to Robert Lipp, how much money do we give the College every
year?

MR. LIPP:
So the County contribution is 41 million; 37 and change is for an
expense in the General Fund budget, and the other, I would say,
around 4 million and change of that contribution is property tax.
On top of that, there's an expenditure for their debt service and
that's over $7 million, close to $8 million now.

LEG. TROTTA:
So we're paying for debt service?

MR. LIPP:
Correct, yeah. That's an obligation of the sponsor, which is the
County.

LEG. TROTTA:
And this money will be --
MR. LIPP:
This money will -- this money would be part of the debt service, which will come into the Operating Budget, the General Fund Operating Budget usually a year after bonds are issued. So it won't be the full 2 million, in all likelihood, in 2018, and, in fact, there maybe nothing in 2018 and starting in 2019.

LEG. TROTTA:
Is this taking into consideration the additional 8 million that we'd have to borrow?

MR. LIPP:
It's an additional 2 million that we have to borrow.

LEG. TROTTA:
Well, if we didn't pass it, we wouldn't be borrowing the eight.

MR. LIPP:
Correct. I believe the project would just totally stall, so you'd not be spending anything other than what you already have as a sunken cost for the planning.

LEG. TROTTA:
Okay. So you don't know anything about the budget of the College, I'm assuming, or very little or -- it goes into a fund?

MR. LIPP:
I'm pretty well versed with the College.

LEG. TROTTA:
Okay. So it goes into a fund, and part of that money that we give them goes into that contingency fund they have, I would assume.

MR. LIPP:
No, that's not the case.

LEG. TROTTA:
Where does the contingency money come from?

MR. LIPP:
So there's a -- I believe you're talking about the County fund balance surplus -- I mean --

LEG. TROTTA:
No, I'm --

MR. LIPP:
-- the College's fund balance surplus.

LEG. TROTTA:
The College's.

MR. LIPP:
So at the end of last year's College fiscal year, I believe it was 24 million, because I looked it up as we were going along, 24 million there, and it's scheduled to go down to about 22 million,
21 million at the end of this college year, the end of August of 2017.

LEG. TROTTA:
There's 22 million in it.

MR. LIPP:
Uh-huh.

LEG. TROTTA:
So, I mean --

MR. LIPP:
Yes.

LEG. TROTTA:
That's the County's money. It's commingled with other money, but it's the County's money.

MR. LIPP:
Well --

LEG. TROTTA:
I just want to ask Counsel if, in fact, that money could be used. I mean, that's County money.

MR. NOLAN:
Which money, Legislator Trotta?

LEG. TROTTA:
The money from the College's contingency fund.

MR. LIPP:
There is a Plan C Agreement. We're not allowed to do anything other than to adopt their County contribution and the total cost. That's the only thing we're allowed to do. We're not allowed to do anything about line items and say you have --

LEG. TROTTA:
No, I'm not saying that. I'm just trying to determine the fact that that money is part of the County's money that went into the College.

MR. LIPP:
Actually, in the following sense you're right, and it's --

LEG. TROTTA:
That's all.

MR. LIPP:
-- part of the County --

LEG. TROTTA:
I like when he said "you're right".
MR. LIPP:
The County share includes the County contribution, plus what's in there.

LEG. TROTTA:
Okay. So the argument here is that this is County money anyway. Whether it comes from us bonding it or us paying it out of a fund where we have cash, I can't see a difference. I can't see that the State Law says, "Oh, it can't be money that you have, it has to be borrowed money." So I find it disingenuous that in the past hour we determined that this is the fact. I'd like to see the section of law where it says that.

And, you know, just on a side note, I mean, I've watched the enrollment decline in the College, and it's going to continue to decline based upon high school enrollment. So here we go again borrowing money for something we haven't had in 35 years, and we have an ability to save money and we're not going to. We're just going to dig ourselves deeper and deeper in debt for a pool. It's -- you know, it's preposterous that this is actually happening.

D.P.O. CALARCO:
Thank you, Legislator Trotta. And Legislator Cilmi wants to speak, but I'm going to -- I haven't said anything yet.

LEG. TROTTA:
I want the Counsel to answer my question about if that money is there.

MR. NOLAN:
Could the County take -- the Community College take cash and apply it to this project?

LEG. TROTTA:
Yeah.

MR. NOLAN:
I don't know the answer to your question, Legislator Trotta. I think it's correct, though, in terms of getting the State match. The sponsor, which is the County, has to up -- put up the money.

LEG. TROTTA:
It doesn't say we have to borrow the money.

MR. NOLAN:
But it's not our money, it's the -- the money sits with the Community College.

LEG. TROTTA:
I know, but does it say --

MR. NOLAN:
We're the sponsor.
LEG. TROTTA:
-- we have to borrow the money? I mean, I want to see the law. This gentleman just came up here and said that we really can't do that. I want to see where it says it.

MR. NOLAN:
Yeah. I don't know the answer to your question, whether or not they could apply that reserve to the project.

LEG. TROTTA:
Well, I'm concerned by the fact that, you know, we have someone representing the College up here making a statement of fact and no one can prove it. I mean, I'm very uncomfortable with that, especially when it seems to me, hey, does it matter where we get the money from, they're making us borrow it to do it?

D.P.O. CALARCO:
Well, I think what Counsel has said is not that we necessarily have to borrow it, but we have to be the provider of those funds.

LEG. TROTTA:
We provided the funds to the school.

D.P.O. CALARCO:
And once the funds are provided to them for their Operating Budget, those operating costs, those operating funds can't be put towards the capital projects.

LEG. TROTTA:
I want to see what --

D.P.O. CALARCO:
And I'm going to take my turn now, because you guys -- you spoke about six times on this. I'm going to take an opportunity to have a few words here.

Dr. Lipp, you said we contribute about 41 million to the College every year?

MR. LIPP:
Well, that's the County contribution, which is considered the County share.

D.P.O. CALARCO:
So the County share, when you look at what the State Law that originally -- that we operate under, the idea was always that it would be split by thirds, right? The College -- the County would contribute a third, the State would contribute a third, and the students would contribute a third towards the cost, correct, that's always been the assumption?

MR. LIPP:
Right, but we don't think that's the case.

D.P.O. CALARCO:
Sure. So what --
MR. LIPP: As a matter of fact, there's a Maintenance of Effort Law that says not a third, but 26.7% and then there's some other stuff that I'd rather George than I speak to that says it's not -- that says that it's not -- that 26.7% is not the right number.

D.P.O. CALARCO: What are we operating at now? How much does our -- how much does our contribution to the College count for their budget.

MR. LIPP: I'll have to guess, around 22, 23%.

D.P.O. CALARCO: But not the 26%, right?

MR. LIPP: Correct. And there's a logic in law for that, too.

D.P.O. CALARCO: And the students are right now picking up what, about 50%?

MR. LIPP: I could get back to you in a few -- in about 60 seconds, if you give me a chance.

D.P.O. CALARCO: So the same law that is also the one that says that the local sponsor is supposed to chip in half of the money for capital expenses for the College, correct, kind of all the same provision of State Law? So, I mean, I guess what I'm getting at here, and this has always been my take and my experience around this body dealing with the Community College, recognizing that the students have been putting in a larger share through their tuition towards the expense of running the College than the County has or the State has, to be quite honest, that at least we have always been -- made a very firm commitment to them in making sure that they have the facilities they need to get the education that they deserve, and to make sure that they get a quality education. And for, you know, around $4,000 a year, we're giving them a pretty good education.

Now I know that in the debate over the years about this facility, and I remember many times, and part of the cost run-up I'm sure is because it was in the budget, out of the budget, in the budget, out of the budget, delayed many times over before we finally moved it forward. But those students who go to the campus on the East End, Mr. Zwirn, they are required to take physical education courses, right?

MR. ZWIRN: Yes.

D.P.O. CALARCO: And they don't have a facility out there right now to take it. In fact, I think they do walking along the highway to meet their requirements, correct?
MR. ZWIRN:
There are no indoor facilities, so in the wintertime they're limited in what they can do.

D.P.O. CALARCO:
They go snow-shoeing?

MR. ZWIRN:
They can either go to the other campuses to take courses, or they just have to not take them.

D.P.O. CALARCO:
Sure.

MR. ZWIRN:
To fill --

D.P.O. CALARCO:
And I guess the point here is that, you know, we are a very large geographic County, we are -- we are very far spaced. And students who are coming from the forks, as our two Legislators from the forks know, who have to trek all the way back home tonight and it's going to take them an hour-and-a-half, just getting to that campus in Riverhead is a long drive if you're coming off of the North or South Fork. And we have more and more students who are in need from those areas, because we have more people who are younger, that their parents work in service sector jobs or construction jobs on the East End and are service -- and aren't -- you know, they are looking to have an affordable college option for them that is close by and they don't -- we don't want them to have to travel 2 1/2 hours to fulfill a gym requirement.

MR. LIPP:
For the record, you're spot on with the 50% for student share.

D.P.O. CALARCO:
Okay. So I guess the point I'm making is that I understand that this is very frustrating for all of us to be coming back to us looking for yet another contribution to us -- from us for this investment. And this -- this Legislature, for the last 16 years that I have been working here, has been very generous to the College, and has always been very supportive of their capital projects, and I think it's because we recognize that we weren't necessarily meeting the level of contribution that we were supposed to, or the State wasn't meeting their level of contribution towards that tuition payment.

So at least what we were doing was making sure that we gave them the facilities that they needed to have that quality education that we wanted them to get. And I think that's made us very successful, because when you look at the amount of State dollars that we have brought back to the Community College for capital investments, it far exceeds anything that any of the other Community Colleges have done. That's because we've always been willing to step up to the plate and deliver, and here is another opportunity for us to do that.
Remember, we're talking about bringing back 2 million in the State, but actually, at the end of the day, $10 million in State dollars. As Legislator Barraga so well pointed out, for a $20 million construction project that's going to be built by people right here in Suffolk County, by local companies that are going to be in all likelihood good union, good paying jobs, where we're going to see our people being put back to work and getting good jobs.

So I think this is a win for us in many ways, it's a win for our students, it's a win for the County, and it's a win for all of our construction people out there who are looking to get back to work. Legislator Cilmi.

LEG. CILMI:
Thank you. So just to make a couple of things clear and ask a question or two, the -- we're assuming, based on what Ben and the others from the College said, that this project dies if we don't approve this additional $2 million. But I'm not sure if any of you have ever had the same experiences I have when it comes to negotiating the purchase of something or other, whereby somebody says, It's going to cost you this much money," and you say, "No, thanks," and you walk away, and all of a sudden, "Wait a minute, don't get so far away, come on back, let's talk." And all of a sudden the price goes down, and then sometimes it goes down again, and sometimes it goes down again. I'm not -- I'm not willing to just give up on that negotiation here and spend another couple of million dollars on a project that we've already committed substantially to.

The fact of the matter is that this Legislature supported an $8 million-plus investment in this -- in this facility. And the State's $8 million match does not go away if we don't approve this additional $2 million, it only goes away if the College doesn't find a way to get this thing done for the cost that we originally approved. So that's the first thing I wanted to point out.

The second -- the second thing, I guess, would be a question, and it would be a question to the County Executive's Office. Is there anyone here from the County Executive's Office still? John. John, did we get any answer, by the way, to that other question?

MR. MARAFINO:
Tonight I'm not withdrawing that bill.

LEG. CILMI:
Okay, thanks. So the other question would be, is there another capital project, perhaps, in our Capital Budget that we could swap out and say, all right, we're going to -- let's invest this $2 million tonight and -- but we'll -- you know, we'll postpone this other thing that we needed to do? I know we don't -- we're not required to do -- to have an offset, because we have a 50% match here. But if the County Executive is supportive of this, as I assume he is, why don't we try and find an offset so that we're not putting additional burden on our debt?
MR. MARAFINO:
I mean, the budget question, I can't give you an answer off the
top, I would have to talk to our Budget Office on that. You know,
that's just, I would assume --

LEG. CILMI:
Right. So you're unprepared really to offer any sort of compromise
as far as that goes. Robert, are there any other capital projects
that you can determine might be able to be postponed to do this?

MR. LIPP:
It's hard to say. You know, we would have to gain what we think so
early in the year would not be adopted, you know, so it's like --
and one capital project that you would think is not a big deal,
maybe other Legislators would, so it would be very speculative at
this point.

LEG. CILMI:
I mean, I have tried every single option here to make this work,
and I really, really want to make it work, but I keep -- I keep
getting told no. You know, I want to make this clear, this is not
my decision not to support the College. This is a failure that may
not be yours personally, Ben. You've done a valiant job of
fighting for this, but the circumstances are such it's last minute.
It didn't need to be last minute. If the cost increases have been
occurring over the years, as you described them to be occurring
over the years, then why are we sitting here at the last minute
with a CN in front of us? It just doesn't make any sense, and it's
really disappointing that we've been put in this position. I have
supported almost every single capital project, if not every single
capital project for this college, and to not be able to support
this one is disappointing to me, but it's not my fault.

D.P.O. CALARCO:
Okay. We've had a lot of debate here. Oh, Legislator Trotta,
quickly, and then Legislator Spencer.

LEG. TROTTA:
To Budget Review. If we borrow this money, this is -- this is
actually going to increase their tuition, because now we're paying
debt back, we're going to have less money to subsidize the College.
So if you were to ask the kids if you wanted a lower tuition or a
pool, what do you think they'd say? What do you think the kids in
that college would say if we wanted to lower tuition or a pool?

MR. LIPP:
I'm tempted to say whatever you think I'm not going to say.

LEG. TROTTA:
No. I mean, I think the answer is pretty obvious, they would
rather have lower tuition, but now we're going to raise their
tuition by putting this pool in.

MR. LIPP:
So the money is fungible in their budget, how that all works.
LEG. TROTTA:
Well, no matter what, the bottom line is we're going to have serious, serious problems next year with the budget, and this is going to make it harder and harder to fund anything, especially the College. So this is a direct relationship. And, by the way, for 37 years they got by without a pool, 37 years, no pool, no problem. Now we need a pool?

D.P.O. CALARCO:
Okay. Legislator Spencer, very quickly, and I think we're going to call the vote.

LEG. SPENCER:
I will take as much time as I need. After my colleagues, Trotta and Tom have been around four times, I have one thing to say. But I will be quick, actually, I'm just kidding. I have to just make a brief statement, that my biggest concern is that you're giving us hard numbers over a $20 million development project, and I just know that we can do better and get some more competitive pricing and negotiate, and I've heard that point, and that's very frustrating. And I know that any developer listening to this debate, knowing how much money is there, the job's going to fit the money that's there. But, in any case, I am still a reluctant yes at this point. I started out as a strong yes, but I'd still support it.

D.P.O. CALARCO:
Legislator D'Amaro.

LEG. D'AMARO:
Yeah, just a final comment. I had offered the motion to reconsider. And, you know, again -- again, I was -- I wanted to ask this question. Ben, if you know, did we already expend, or how much have we spent so far on planning and design and all of that?

MR. ZWIRN:
Approximately $650,000.

LEG. D'AMARO:
Yeah. So, you see, I voted for this project in the past. We've spent 650,000 already. I don't want you to take the money out of your reserve fund, because I know you have Middle States issues with all of that and other contingencies, and it's a very complicated situation, college budgeting. My hope was that these funds could be raised from an alternate source, you know, maybe through the foundation. But if it's Albany that's looking for the local sponsor, which is Suffolk County, to make the commitment, and that's what it's going to take, and that is not an option to go to an alternate source, then I'm prepared to support this project for that reason.

D.P.O. CALARCO:
Okay. Thank you, Legislator D'Amaro.
LEG. TROTTA:
Just one.

D.P.O. CALARCO:
Legislator Trotta, one.

LEG. TROTTA:
Yeah. It just came up on Newsday.com that the Aquatic Center in
Nassau County is for sale because they don't have any money. So
I'll leave you with that thought.

D.P.O. CALARCO:
Maybe they could sell their naming rights and reduce tuition for
our kids.

LEG. TROTTA:
Yeah, but no. Keep in mind, when you vote for this, you're voting
for a raise in tuition for the kids, you'll see next year.

D.P.O. CALARCO:
Okay. I think we've talked this one out. We have a motion and a
second. All those in favor? Opposed?

LEG. CILMI:
Opposed.

LEG. TROTTA:
Opposed. Roll call.

D.P.O. CALARCO:
Abstentions?

LEG. TROTTA:
Roll call, please.

MR. NOLAN:
There's only two opposed.

D.P.O. CALARCO:
We've only got two opposed.

MS. ELLIS:
Twelve. (Not Present: Legislators Kennedy and McCaffrey/Absent:
Legislators Browning and Muratore)

D.P.O. CALARCO:
Motion is approved. Okay. 1266A, the corresponding bond
resolution, we'll do same motion, same second. Roll call.

(Roll Called by Ms. Ellis, Chief Deputy Clerk)

LEG. FLEMING:
Yes.

LEG. HAHN:
Yes.
LEG. KRUPSKI:
Yes.

LEG. BROWNING:
(Absent)

LEG. MURATORE:
(Absent)

LEG. ANKER:
Yes.

LEG. LINDSAY:
Yes.

P.O. GREGORY:
Yes. Oh, I'm sorry.

(*Laughter*)

LEG. MARTINEZ:
Yes.

LEG. CILMI:
No.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
(Not Present)

LEG. TROTTA:
No.

LEG. MC CAFFREY:
(Not Present)

LEG. STERN:
Yes.

LEG. D'AMARO:
No -- I mean, yes.

(*Laughter*)

LEG. SPENCER:
Yes.

D.P.O. CALARCO:
Yes.

P.O. GREGORY:
Yes.
MS. ELLIS: Twelve. (Not Present: Legislators Kennedy and McCaffrey/Absent: Legislators Browning and Muratore)

D.P.O. CALARCO: Motion is approved. Congratulations, Ben. Don't come back for a long time.

(*Laughter*)

MR. ZWIRN: Thank you. Thank you very much, I appreciate it.

D.P.O. CALARCO: Okay. That's all we have there. We -- I'd like to make a motion to -- I'd like to make a motion to waive the rules and lay on the table the following resolutions: I.R. 1249 to Public Safety -- 1259, excuse me, to Public Safety; I.R. 1260 to Government Ops; I.R. 1261 to Economic Development; I.R. 1262 to EPA; I.R. 1263 to EPA; I.R. 1267 to Public Works.

MR. NOLAN: 1264?

D.P.O. CALARCO: I'm being told I missed 1264 to Parks. Second by Presiding Officer Gregory. All those in favor? Opposed? Abstentions?

MS. ELLIS: Fourteen. (Not Present: Legislators Kennedy and McCaffrey/Absent: Legislators Browning and Muratore)

D.P.O. CALARCO: Okay. We are adjourned.

(*The meeting was adjourned at 7:55 p.m.*).
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