SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
THIRD DAY
MARCH 7, 2017

MEETING HELD AT THE EVANS K. GRIFFING BUILDING
IN THE MAXINE S. POSTAL LEGISLATIVE AUDITORIUM
300 CENTER DRIVE
RIVERHEAD, NEW YORK

Minutes Taken By
Lucia Braaten & Alison Mahoney
Court Stenographers

* Index Included at End of Transcript
(*The following was taken and transcribed by Lucia Braaten - Court Stenographer*)

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

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

MS. ELLIS:
Good morning, Mr. Presiding Officer.

09:35AM

P.O. GREGORY:
Okay. Could I have all Legislators to the horseshoe. Please do the roll call.

(Roll Call by Amy Ellis, Chief Deputy Clerk)

LEG. KRUPSKI:
Here.

LEG. FLEMING:
(Absent)

LEG. CILMI:
Here, if you said my name.

LEG. BROWNING:
Here.

LEG. MURATORE:
Here.

LEG. HAHN:
Present.

LEG. ANKER:
Here.

LEG. LINDSAY:
Here.

LEG. MARTINEZ:
(Not Present)

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Here.

LEG. TROTTA:
Here.

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LEG. MC CAFFREY: Here.

LEG. STERN: Here.

LEG. D'AMARO: Here.

LEG. SPENCER: (Not Present)

D.P.O. CALARCO: Present.

P.O. GREGORY: Present.

MS. ELLIS: Fifteen. (Not Present: Legislators Martinez and Spencer/Absent: Legislator Fleming)

P.O. GREGORY: Please mark Legislator Fleming as an excused absence. And she asked that her -- that we keep your mother, Audrey, in our prayers. She's been on life support.

Okay. Please rise for the salute to the flag, to be led by Legislator Krupski.

(*Salutation*)

Okay. The opening prayer will be given by Rabbi Barbara Sheryll of Mattituck, a guest of Legislator Krupski, who will introduce her.

LEG. KRUPSKI: And, actually, before we -- before we start, if I could ask for -- there was a high school student passed away last night from Riverhead, and I would just like to ask for a moment of silence first for him and his family.

(*Moment of Silence*)

Thank you. So I'd like to introduce Barbara Sheryll. Now I've got a long bio, and she's certainly done a great deal in our community. So -- and Barbara and I go way back, because we raised our children together, going through Cutchogue and then Mattituck School. And so it's really -- to me it's like a great honor to introduce her and have her here today to participate in this.

A lot of her work, she does write for the local newspaper, you know, the community page. She's been very active in a lot of different things regarding youth in our community over the years. And she's also North Fork Alliance, the Health and Human Service System, Youth -- the Southold Town Youth Bureau, the North Fork Reform Synagogue, and, of course, all the things that relate to the
school with the PTA and the Boy Scouts, and all those things. So she's been so active in our community, and I'm just so pleased that she could come here today and be part of this.

RABBI SHERYLL:
Thank you, Al. The honor is truly mine. And as Legislator Krupski mentioned, we have known each other for nearly 25 years as parents, and I've known him as a Board Trustee of the Town of Southold. Al's cross endorsement of Democratic and Republican Parties are a testament to his bipartisanship and desire to represent all whom he serves. Let us pray.

Blessed are you, our God, who established the heavens and the Earth, who loves, honors and cherishes that which is here, and has guided us to this day. For our legal system dates back to the Sheva Mitzvos Bnei Noach, the Seven Laws of Noah. The seventh instructs us to set up courts and bring offenders to justice. Our ancestors knew that even in its simplest form, legal disputes would exist, and that we need a legal system which advocates for justice.

The Suffolk County Legislature gives us judicial districts and 12 operating committees from which our representatives formulate laws and serve the residents of Suffolk County. The 18 Legislators that we have elected uniquely represent us, while taking into account our diverse needs. Their perspectives are built upon years of knowledge and experience in areas such as small businesses, the environment, education, planning, finances and more.

Blessed are you, our God, whose intentions are good, and is the source of best practices, who is humble in creating with love and is a source of grace, dignity, civility, wisdom, vision and strength. For as Halal has taught, the whole of the Torah is to learn; that which is desplicable to oneself, not to do to another. May our ability to hear and listen increase and be rooted in humility and love. May we as individuals, as a Legislative body, Local, State, and Federal governments draw upon you, our God, for guidance in discernment, deliberations, decisions and actions, all the while bringing honor and blessing to all. And let us say amen.

(*Amen said in unison*)

P.O. GREGORY:
If you all will please remain standing while we maintain a moment of silence. As mentioned, Johnny Anderson from -- 18-year old, 18-year-old from Riverhead, as Al Krupski mentioned, committed suicide yesterday. As always, let us remember all the men and women who lost their lives in service to our country, and those who continue to sacrifice for our freedoms.

(*Moment of Silence*)

Okay. Is there a Kenneth Nilson, Nilson in the audience? No Kenneth? If so, you lost your ATM card. I promise I won't use it, I don't have the pin, but it's here, it's available for you.

(*Laughter*)
Okay. We're at the presentation portion of our agenda. We have several proclamations, first being Legislator Krupski.

LEG. KRUPSKI:
Thank you, Mr. Presiding Officer. We'll start with Officer John Crosser. And John is someone who I knew when he was young, because he was the same age as my son, and actually went to school with, you know, with John's daughter and with Gwynn's children, on my staff, so it's someone we've knows for a long time. And so, I mean -- and I'd like him to say a few words about what he did that day, and I'm not -- knowing him all his life, I'm really not surprised the way he acted, and we're very proud of him.

OFFICER CROSSER:
I just want to say thank you for having me here. On March of last year, we received a call of a gentleman that got lost in a marsh area up by -- on the East End. The dispatchers worked hard to try and get a location where he was. The original officers that got there were unable to reach him due to the water that surrounded him. Officer Richard Jernick called me and asked me to bring my waders down to the scene. I was able to put on the waders, and with those, I was able to go in and find this 20-something-year-old gentleman about five feet into the marsh stuck in the sand and the water. I was able to pull him out. He had been in there for approximately 45 to an hour. His legs were numb. We were able to carry him over to the water, where the Fire Department had an Ice Rescue Team that was able to access it through a pond. And through the group effort he was able to get out safely and where he was brought to the hospital and treated for his hypothermia and other injuries.

(*Applause*)

LEG. KRUPSKI:
Just to thank you, thank you for -- you know, for that, for your efforts and everything, and to thank Chief Flatley for coming also this morning. I don't know if you want to say anything, add anything.

CHIEF FLATLEY:
The only thing I'd like to add, Al, is just that I'd like to thank you for your never ending support of the Southold Police Department. It means a lot to us, Al. Thank you.

(*Applause*)

LEG. KRUPSKI:
So this is -- someone getting stuck in the water and being rescued in a water rescue is -- it was a great story and a great rescue. And now there's another great story and a great rescue. Officer Goss made -- to me it's amazing, because you drive on the road every day and to hear this story was -- it was kind of -- it was kind of unusual and I think very daring. If you'd like to give us a rundown of what happened that day.
OFFICER GOSS:

Thank you for having me and thank you for your time. It was -- I remember it very well. It was December 29th of 2016. It was right around rush hour. I was -- it was a rainy day and I was parked just right along Exit 63 of the Long Island Expressway. Then I got dispatched a call of a car that was just driving very slow at Exit 68 on the Long Island Expressway in an eastbound direction.

Several calls kept coming in and coming in, so I was going as fast as I could with the weather. And I eventually caught up with a vehicle heading eastbound at Exit 69. The car, when I saw it, traffic was all backed up because the car was going only about 20 miles per hour. And when I finally got behind the car, the car was actually in the right and center lane, straddling the center line where the lines are broken up. So I wanted to get a closer look, because I didn't know if it was a medical condition or what was going on with this car, because it was a gigantic hazard because it was rush hour, and you know what means, what people want to do, they want to get around.

So I pulled up alongside of the car on the shoulder of the car. I rolled down my window because it was raining. I didn't have a good visual of what was going on. And the motorist that was actually driving really slow rolled their window down, to my surprise. I looked in, I screamed at them to pull over. And the woman that was driving actually told me, she said, "I can't." I was like, okay, that's a little bizarre, because she was able to answer me. But then I notice in the back seat that there was a small infant in a forward-facing car seat in the passenger side. So this all of a sudden became a real situation, because now I knew I needed to stop that car one way or another, because I knew it was going to crash if they didn't. So, at that time, I still had cars that are going around me on the right-hand side of the shoulder, the left lane, just trying get passed me. I was able to back up, and what I started doing is what we call slow roll in Highway. It's just to back up traffic, to bottleneck the traffic behind, so I don't get hit and the motorist doesn't get hit.

So, at that time, she slowed down and she kept slowing down gradually more and more to where she was at a crawl. So I just pulled ahead of her vehicle, got out of my vehicle, exited it, ran up to the passenger side, because she had rolled down the window to tell me that she can't stopped, and I screamed at her. I was able to talk to her while we were going, because it was going that slow. And I'm screaming at her to "Stop the car, stop the car, stop the car." And the third time she put her hand up on the shifter and she looked out the windshield. And I said to myself, "I got to stop this car now," because I was pretty confident she was either going to run or not going to do what I said.

So what I did at that point, all I did is when the car was in motion, I leaned in, shoved the car into gear, and I was able to get the car to come to a stop. Fortunately for me, I wasn't hurt, the baby wasn't hurt and the driver wasn't hurt. But at this time we were still in the middle of the road. We weren't on the shoulder, we were in the middle of Long Island Expressway with cars still going around me. And fortunately for me, my Deputy Inspector
pulled up, blocked off the right lane, grabbed the female motorist. I was able to run around, grab her and get the kid off the road safely, so no one was able -- no one got hurt, so we're very thankful.

(*Applause*)

LEG. KRUPSKI:
Thank you very much for your bravery.

OFFICER GOSS:
Thank you.

LEG. KRUPSKI:
And, Stan, would you like to say anything, add anything to that?

OFFICER GRODSKI:
I just want to say thank you for you all to recognize the officer. This isn't the first time that the Legislative body has recognized officers from the Highway Patrol, and we do appreciate your support, and I know the officers do appreciate the recognition, and thank you.

OFFICER GOSS:
Thank you.

(*Applause*)

LEG. KRUPSKI:
And the Officer said the car was going slow, so he didn't think it was one of the Legislators.

(*Laughter*)

So, Larry, could you come up? I'd like to recognize Larry Williams.

(*Applause*)

Larry's worked at the Calverton National Cemetery, just a couple of months after it opened, originally. And I just wanted to recognize him. He got out of the Air Force and he started there. And, as we know, the -- you know, the cemetery has grown a lot over the years, and he's been a big part in its operation, certainly, and the way it's run very well. And so we wanted to honor him, and I thought one of the -- you know, we're reading the bio and everything and all the stories about you. I thought one of the -- the funniest thing was your wife always packed you a piece of candy for lunch every day, and I like that, having a sweet tooth, so I thought that was good.

(*Laughter*)

So if you -- could you say a few words about your work there?
MR. WILLIAMS:
Yes. First, I want to thank all of you, and I want to thank
Legislator Krupski for this proclamation he's about to hand me.

Over the years, working -- well, put it this way: I started out
when I was 18 years old joining the Air Force. After four years in
the Air Force, I got out of the military and I actually started
working at Calverton National Cemetery. And, in a sense, Calverton
is the only real job I ever had. But not only did I serve at
Calverton, I served across the country, servicing veterans and
family members. I was an instructor for two years teaching classes
across the country.

But getting back to Calverton, indeed, working at Calverton was a
humbling experience. I had opportunity to service the veterans,
and I had opportunity to meet some of the veterans, their family
members. I often realized that when situations happen in the
cemetery, a lot of times it was misunderstandings that the people
had about our processes. I always at the time, I had to show
compassion and some empathy for them, so that they could -- that I
would listen to what they were saying, no matter what they were
saying, and a lot of times, again, it was just a misunderstanding.
And by the time I was done speaking with them, they pretty much
left with a clear conscience and a clear mind as to what the
processes was in the cemetery.

Now, to speak about Mr. Krupski. While my last year at the
cemetery, we realized the need to have bus stops in front of the
cemetery. And I contacted his office, and I actually had an
opportunity to run into him at one of our church functions. When
we have an annual barbecue, and I go, "Oh, here's my chance again."
So I walked up to Mr. Krupski and I mentioned it to him again, and
he said, "Okay, Larry, I'll take care of it."

Just recently, I had a call from Mr. John Stype and I asked him,
"How's those bus stops coming along?" Because I said the cemetery
promised to take care of those. He says, "Actually, Larry," he
says, "Those bus stops are in our budget," and it made Larry a very
happy camper. And I'm sure it will serve well for the veterans at
our cemetery and their loved ones. So I want to thank Mr. Krupski
for that.

And I want to thank all of who invited me here today to receive
this proclamation. And my wife is back here, Mrs. Williams.

(*Laughter and Applause*)

And, indeed, for all those years she packed me a lunch every day
with that piece of candy on top.

(*Laughter*)

Thank you. God bless you.

(*Applause*)
Next, Legislator Anker will make a presentation to Jade Pinkenburg.

LEG. ANKER:
Can Jade's parents, and grandma and grandpa and sister come up? So I'm here today to recognize Jade Pinkenburg. He's a junior at Rocky Point High School. He's being honored for his outstanding academic accomplishment and for being a role model to his peers. He earned a perfect score on his ACT. Let's give him -- perfect score, 36 --

(*Applause*)

-- when he took the exam in December 2016. It's accomplished by one-tenth percent of the ACT test-takers.

Jade has also dedicated -- is a dedicated community leader who is involved in many school activities. He's the captain of the Robotics Team, the vice president of the Science Club, a member of the Math Team, Math Honor Society, the School Orchestra, Track-Field Team and the Human Rights Club. In his spare time Jade also volunteers for North Shore Youth Council, which is a local not-for-profit organization that offers comprehensive youth and family services. Through this unparalleled commitment to his education and to the community, Jade Pinkenburg has provided a great honor to the residents of Rocky Point and to Suffolk County. And I have the honor of presenting you with a proclamation for all of the services and the dedication you have put forth to your community. Congratulations.

(*Applause*)

And his parents -- his grandparents, where are your grandparents from? They're here. What country?

MR. PINKENBURG:
Portugal.

LEG. ANKER:
Portugal. They made a special trip from Portugal to come and visit. Look, they're laughing. Well, to visit the family, but also in honor of Jade and receiving his outstanding proclamation. So, again, thank you so much for coming out here. Thank you.

(*Applause*)

(*Photograph Was Taken*)

(*Applause*)

D.P.O. CALARCO:
Okay. Our next presentation this morning is going to be by the Presiding Officer, who's going to present some Employee Excellence Awards.

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P.O. GREGORY:
So good morning. It's my pleasure to be here before my colleagues
to make this presentation. This is the first meeting that we are
starting a new employee recognition program. We have two employees
that were -- that we are recognizing this morning, and we're
calling it the Suffolk County Legislature Employee Excellence
Award. We're recognizing outstanding employees in various
departments throughout the County, and today we have two
presentations. But just a little bit about the program.

At General Meetings of the Suffolk County Legislature in 2017, I
will join my fellow colleagues and honor two Suffolk County
employees from various departments with the Suffolk County
Legislature's Employee Excellence Award. Many County employees
work tremendously hard and are valuable assets to their
departments, but are not recognized for their dedication,
outstanding efforts and achievements.

Any employee nominated should have the following characteristics:
Conscientious, hard -- honest and hard-working.
Dedicated to fulfilling their job responsibilities.
Consistently dependable and punctual in reporting to work.
Displays a helpful, cooperative and positive attitude towards
superiors and co-workers.
Takes initiative.
Contributes to the success of the department.
Goes above and beyond the requirements of his or her job.
Accurately completes work assignments on time.
And Maintains a high overall quality performance.

So, again, I am pleased to be here today to announce our first two
awardees. The first -- and we're going to -- Legislator Anker is
standing with me, because the first honoree is from her district.
So is Vincent Cordiale here? Vincent. All right.

(*Applause*)

So today Legislator Anker and I join my fellow colleagues in
honoring Vincent Cordiale, Systems Analyst Supervisor from the
Suffolk County Department of Information Technology as an
outstanding Suffolk County employee with the Suffolk County
Legislature's Employee Excellence Award. Many County employees
work tremendously hard and are valuable assets to their
departments, but, as I said, but are not recognized.

I would like to thank Commissioner Scott Mastellon for
participating and by nominating Vincent for this new award.

Vincent has been an employee for the County for 20 years and is
currently responsible for the County's overall technology
infrastructure. He is a leader in the department, and is
responsible for not only the maintenance of the overall technology
infrastructure, but the original design and subsequent design
improvements. No one is more knowledgeable about the County's
infrastructure and server architecture than Vincent. He is the
“go-to" guy for all things technology.

Vincent was lead designer of the County's redundant data centers, and has worked hard to ensure that the County remains up and running during storms, disasters, and virtually anything that comes our way. Thanks to his dedication, the County was operational for Superstorm Sandy, Hurricane Irene, Superstorm Nemo.

Vincent's contribution to the County infrastructure cannot be understated, and among the technical staff around the County, he is a rock star. A lot of adjectives.

(*Laughter*)

Vincent is always available to serve the County. There has not been one where he was not available, even while traveling, to solve a technical problem, or guide staff toward a solution 24/7, 365 days a year. He is the first employee to respond to issues in the evenings, during the weekends and even during holidays. Vincent's personality promotes cooperation, has worked hard to train the other County staff to make themselves self-sufficient.

Living that philosophy is not always easy but even when faced with obstacles, he remains an almost "Zen-like" attitude, always works towards a solution. Vincent lives by a moral code of ethics and he has -- that has served him well in his career in the County.

In a recent audit conducted by a large multi-billion dollar software publisher, Vincent was successful in obtaining an exception to a licensing rule that resulted in significant cost savings and avoiding the need to purchase an additional $150,000 in hardware. His persistence, dedication, expertise and overall desire to do what is best for the County is what drove him to be successfully in this -- to be successful in this challenge.

Vincent Cordiale is deserving of the Suffolk County Employee Excellence Award and appreciation for a job well done. Congratulations.

(*Applause*)

LEG. KRUPSKI:
Congratulations.

MR. CORDIALE:
Thank you.

(*Applause*)

P.O. GREGORY:
We have another award to present today. Is Jennifer Kohn here? Hi, Jennifer. It's my pleasure to present this award to Jennifer Kohn from the Suffolk County Department of Law as an outstanding County employee with the Suffolk County Legislature's Employee Excellence Award. I would like to thank Dennis Brown for participating and nominating Jennifer for this award.

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Jennifer started with the County Attorney's Office on March 14th, 1988. She is a graduate of Brandeis College and Northeastern Law School. There are several people in the County that hold a Masters of Law Degree, but she is the only current employee to hold the Masters of Environmental Law Degree. This accomplishment is one of the things that make Jenny invaluable to the County.

Her portfolio of work for the County is extensive, deserving of special recognition by itself. She has represented County interests in many diverse areas such as farm preservation, planning issues, Cornell Cooperative management. Jennifer holds the distinction of ushering through the sale of the remediated Circutron property, which may be unique in County history, and negotiating numerous consent orders and remediation agreements with the EPA and the DEC, for example, the Blue Point Laundry, under storage -- underground storage tanks, and storm water sewer overflows.

Her most recent work finds her as a team member coordinating the County's response to the dedicate -- the detection, excuse me, of fire suppressing chemicals at Gabreski and Yaphank and managing a response to dumping at West Hills. Jennifer is now actively involved in bringing the 21st Century to the Sanitary Code. She has been instrumental in drafting a new Sanitary Code Article 19, redrafting Article 6 and Article 18, and simultaneously leading the research to protect the County from liability if a change is made on current policy relating to the grandfathering of water flow -- wastewater -- excuse me -- flow rates.

On any given day, you will find Jennifer laboring away in her office on these extremely complicated issues, all of which could have serious financial consequences to the County. She is the model of professionalism. She seizes a task and works it diligently without complaint until completed. Even in the face of adversity, the words “can't do,” “overworked,” “too busy” never entered Jenny's vocabulary. She has sacrificed untold precious hours away from her husband and daughter, going well above and beyond the call of duty to make sure work is completed.

Our County employees deserve our appreciation and recognition for a job well done, and Jennifer Kohn is deserving of the Suffolk County Employee Excellence Award. Congratulations.

MS. KOHN: Thank you.

(*Applause*)

(*Photograph was Taken*)

(*Applause*)

P.O. GREGORY: Okay. That is all the presentations that we have for this morning. Now we are at the Public Portion part of our agenda. I see a lot
of new faces, so I'm just going to go over our rules. If you're not familiar with them, each speaker is given three minutes. You are to make a statement. We are not allowed by our rules to answer any questions.

So the first person that I have is Mr. Gorman. I saw him earlier. Fred Gorman, and then on deck Denise Schwarz, it looks like.

MR. GORMAN:

10:09AM

Good morning, Legislators. My name is Fred Gorman. I live in Nesconset and I chair the Nesconset Sachem Civic Association, which the 800 -- most of the 800 families that are in the watershed are north of the watershed in our area. We are very concerned about the quality of water of Lake Ronkonkoma, which is one of the most famous places on Long Island, and has been very much respected by all the previous Legislators -- Legislatures that have met.

10:10AM

I want to start off by telling you that your previous Legislator spent millions of dollars to clear all the runoff from the northern end of the Lake. It's -- basically, it doesn't happen anymore, because it goes into a filtration system, and they raised County Road 16 by over 12 feet in order to accomplish that. It's all stored now in a recharge basin and basically evaporates up. That was an amazing event.

They also, back in the '70s, started an eminent domain in order to protect Lake Ronkonkoma. They took 100 acres of land, where there was some houses on it, by eminent domain, and that is now known as Lily Pond Park, which is the 100 acres of forest directly behind the Lake. So Suffolk County has spent an awful lot of money on Lake Ronkonkoma because they understand the importance of it.

10:10AM

Now as respects the importance of this new septic system, I'm going to mention Mrs. Kennedy, who's a good friend of mine, who has spent weekends during the summer down at the Lake, saying to the people, and a lot of them don't speak English, so they don't pay attention to the signs, "Please don't go in the water, it's polluted." And they respond to her with things like, "I've been coming here for years." Well, that can -- that can certainly lead to major litigation if a couple of those kids really get sick, because there's a lot of problems with that water. And it's not just created by the pollution coming out of the park, there's other pollutions. But Suffolk County, who has an opportunity to come up with a new system, should be -- should definitely approve it.

10:11AM

And the last thing I want to say about this particular system that they're talking about, there was a comparison made between how cheap it is for somebody like me to put in a system, $12,000 versus 300,000. Well, I sat on the Ronkonkoma Advisory Board in 1993, when we were looking at what to do with a million dollars we got to build something to go around the Lake, a walk or whatever. We spent that money on developing the Raynor Park. There wasn't a bathroom in the Raynor Park. At that time, the Chamber of Commerce, a guy -- the guy who ran the Chamber of Commerce, I'm forgetting his name, he said, "Listen, I'm an architect, I'm a contractor, I can build it for 35,000." The County built if for
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175,000. That -- when you have those kinds of situations, you have to take that into account. My three minutes are up. Thank you.

P.O. GREGORY:
Thank you, Mr. Gorman. All right. Denise Schwarz, and then on deck, Ron Gibbons.

MS. SCHWARZ:
Good morning. My name is Denise Schwarz and I'm president of the Chamber of Commerce of the Greater Ronkonkosas. I have been invited to speak here today by the County Executive, and also from our chamber membership, which is 300 members strong. We just wanted to -- that we approve of the Resolutions 1113, 1109, 1122 and 2056. We support them. We feel it's good for our area, for jobs, for housing, economic development and our environment. Thank you.

(*Applause*)

P.O. GREGORY:
Okay. Ron Gibbons, and then on deck, looks like John DaSilva.

MR. GIBBONS:
Yes. Good morning. Thank you very much for letting me speak. To give you a background, I'm a high end pool builder on Long Island, been in the Town of Islip for 41 years. I was just elected four times the Commissioner of the Great River Fire Department, and for eight years on the Islip Town Economic Development Board.

I see that the sewers eventually should be everywhere through our County. Great River, we stopped having our sewers during Southwest Sewer District. Eighteen-inch pipe is underneath our parkway. Eventually, we want to be hooked to that.

I have a good pulse. The reason I give you my background, I have a good pulse on our community and how they feel about sewers. I see the Ronkonkoma Hub as an amazing project. I mean, you look at the Tappan Zee Bridge, I think this Ronkonkoma Hub is going to be just as famous, where we have two towns and a county working together to make our water safer. Thank you.

D.P.O. CALARCO:
Thank you. Next speaker is Ron -- is that Ron? Our next speaker is John DaSilva, DaSilva, followed by Kyle Chaikin.

MR. DASILVA:
Good morning. My name is John DaSilva. I live in Islip. It was nice to see Mr. Cilmi there on Sunday braving the cold wind.

D.P.O. CALARCO:
So I've been a resident of Suffolk County my entire life, 43 years. I'm here today to express my strong support for the approval of two resolutions before you today, the Ronkonkoma Long Island Railroad Station, along with the Ronkonkoma Hub. Approval of the resolutions is essential to creating thousands of construction jobs, millions in tax revenues for the local community and Suffolk
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The type of transit-oriented development has been proven to spur tremendous economic growth and development for our Long Island towns and communities. I welcome the future. The way I see it, Long Island is a little bit of a dinosaur, so, you know, with the Ronkonkoma Hub Project comes the future, comes infrastructure, jobs, for our children especially. I have a three-year-old and a three-month old, so I'd like to keep them on the Island, so, you know, I don't have to be down in Florida and travel up here to see them. So please support this. Thank you very much. Thanks.

(*Applause*)

D.P.O. CALARCO:
Thank you, John. The next speaker is Kyle Chaikin, followed by Marc Herbst.

MR. CHAIKIN:
Good morning. My name is Kyle Chaikin, and I've been a resident of Suffolk County my entire life. I am here today to express my strong support for the approval of the two resolutions before you today.

There has been a movement underway across the County that supports the redevelopment of our downtowns and transit centers. These types of developments have seen extraordinary success, and have had tremendous positive economic impacts to the local communities where they have been built. Suffolk County would be wise to realize that the potential positive economic growth associated with these types of developments are exactly what we need. Expanding the sewer system is essential to economic growth across the County.

Thank you for the opportunity to express my opinion today, and I hope you'll support the resolutions and the project.

(*Applause*)

D.P.O. CALARCO:
Thank you. Our next speaker is Marc Herbst, followed by Joseph Hayes.

MR. HERBST:
Good morning, my name is Marc Herbst, and I serve as the Executive Director of the Long Island Contractors Association. We represent our region's heavy construction industry. We are government's partner in building and maintaining all the services that we have, the sewers, roads, bridges, parks, what have you. And I'd like to thank you for your leadership. The two resolutions dealing with sewers and Ronkonkoma Hub are very important and we support those efforts.

The heavy construction industry has gotten a lot of attention recently. We've seen a lot in the news about mega projects, the third track of the Long Island Railroad, rebuilding our major airports, and it sounds like good news for the region. But for the
economic viability of our firms, our member firms, we represent about 160 Long Island firms, many second and third generation family-owned here in the region that hire local employees, union employees. Jobs like this, the large mega projects seem to attract joint ventures, national and international firms into our region. So other needs that we have such as these sewer projects are precisely the type of work that's done by the men and women who live here and work here and own the local businesses. They're the ones we need to support. These projects will support them.

And we wholeheartedly ask that you support this legislation and help our men and women work to prepare in not only the economic development, but take care of the natural resources that make this such a great place to live that we all love. Thank you very much, and I hope you support these measures.

(*Applause*)

D.P.O. CALARCO:
Thank you, Marc. Next speaker is Joseph Hayes, followed by William Hubbs.

MR. HAYES:
Good morning. Thank you for taking the time to hear my statement. I'm a Director of Operations of Island Diversified and Island Companies as a whole. I speak for all 1100 of our employees in New York State that we support the Ronkonkoma Hub and any affiliated programs.

I will keep this short. The Ronkonkoma Hub will protect our drinking water. It will also bring in plenty of tax revenue. For those two points alone, we should push this project ahead. Not only will it help that, it will give jobs to other construction firms in our neighborhood that is very needed at this point in time. I thank you.

(*Applause*)

D.P.O. CALARCO:
Thank you. Next speaker is William Hubbs, followed by Lenny Minervini.

MR. HUBBS:
Good morning, members of the County Legislature. My name is William Hubbs. I've been a resident of Suffolk County for 60-plus years. I'm here today to express my strong support for the approval of the resolutions before you today.

The plans to expand the Southwest Sewer District and the redevelopment of the area surrounding the Ronkonkoma Train Station will have a huge positive economic impact for Suffolk County. Businesses, both small and large, will be drawn to the area, and millions of additional tax revenues will be generated for both the County and the affected townships.

Thank you for the opportunity to express my opinion today.
D.P.O. CALARCO:
Thank you, Mr. Hubbs. Next speaker is Lenny Minervini, followed by Kyle Strober.

MR. MINERVINI:
My name is Lenny Minervini, and I'm here as a representative of a company we run in Bohemia. We are strongly in favor of supporting --

D.P.O. CALARCO:
Can you just pull the mic a little closer?

MR. MINERVINI:
Okay. We are -- I strongly support the station and the hub for its economic development along the sewer line. The economic development is currently underutilized in the area. It will bring thousands of construction jobs, millions of additional tax revenues, and it will continue the long-range plans for the smart growth and development on Long Island, so we strongly support that.

D.P.O. CALARCO:
Thank you. Next speaker is Kyle Strober, followed by Chris Poelka.

MR. STROBER:
Good morning. My name is Kyle Strober, and last time I was here Presiding Officer Gregory called me the not-so-young-anymore Executive Director for ABLI.

ABLI's mission is to preserve Long Island's economic viability, as well as for today and for tomorrow, and we believe this project does so. It provides affordable housing, housing for seniors, maintains the "brain drain", and will create a young -- hopefully, a young work force that will attract other companies to come to the region.

So for all those reasons and everything else that was said today, we fully support the project, and support Resolution 2056-16 and 1122-17. Thank you.

D.P.O. CALARCO:
Thank you, Kyle. Next speaker is Chris Poelka, followed by Evelyn Vollgraff.

MR. POELKA:
Good morning, County Legislators. My name is Chris Poelka. I am the Town Engineer for the Town of Islip. I'm here today on behalf of Supervisor Angie Carpenter, and Commissioner of Planning, Ron Meyer, to show support for the Introductory Resolution 1109-2017 for the MacArthur Industrial Sanitary Sewer Project.

(*Applause*)
The Town feels that by installing sanitary sewers in the MacArthur industrial area would double the floor area ratio of the existing industrial development surrounding the airport, as well as benefit the airport itself.

Currently, the airport is required to hold and haul their septic waste, and by connecting up to the sanitary sewers would eliminate the trucking and possible spillage that could occur by doing so. We feel that the environmental impact of installing sanitary sewers alone will positively impact the MacArthur industrial area significantly.

I would like to end just by saying thank you to -- saying that the Town appreciates the Board’s consideration for this project, and would like to thank you all for this opportunity of being before you today. Thank you.

(*Applause*)

D.P.O. CALARCO:
Thank you. Our next speaker is Evelyn Vollgraff, followed by Bruce Edwards.

MS. VOLLGRAFF:
Good morning. My name is Evelyn Vollgraff. I’m the president of the Lake Ronkonkoma Historical Society and the Lake Ronkonkoma Improvement Group. There are 1,200 members combined in the two groups. We support the resolution of the 1113, the construction of the wastewater upgrades at the Lake Ronkonkoma County Park. We also support the Resolutions 1109, 1122, and 2056. Thank you.

(*Applause*)

D.P.O. CALARCO:
Thank you. Our next speaker is Bruce Edwards, followed by Jack McCloy.

MR. EDWARDS:
Good morning. My name is Bruce Edwards. I’m the president of the Ronkonkoma Civic Association. Our organization is made up mostly of the Ronkonkoma residents within the Town of Islip. We are in support of I.R. 2056, the resolution to connect the Ronkonkoma Hub to the Southwest Sewer District. This is especially important to us because it allows for the creation of the MacArthur Industrial Sewer District, that's I.R. 1109, which we feel will be both environmentally and economically beneficial to our residents.

We're also glad to see that the County is interested in our water quality, and we do support I.R. 1113, the improvements to Lake Ronkonkoma County Park. Thank you for giving me this opportunity to speak.

(*Applause*)
D.P.O. CALARCO:
Thank you. Our next speaker is Jack McCloy, followed by Stephen
Ruth.

MR. MC CLOY:
Thank you for allowing me to address you today. Did the Clerk
distribute the materials that I gave them earlier to all of you
about the increase? I'm asking the Clerk.

MS. ELLIS:
Yes.

MR. MC CLOY:
Oh, they're giving them to you right now. I'm a member of the
Baldwin Civic Association, the Baldwin Oaks Civic Association,
Baldwin Chamber of Commerce in Nassau County, but I grew up in
Melville, where my mother still lives today.

I want to bring to your attention an increase in natural gas
pricing proposed by National Grid-KeySpan that may not be on your
radar, but it was published in Newsday as a 22% increase in natural
gas service. And I addressed this issue to the Nassau County
Legislature last week when they met. I'd like to make sure that
you're aware of it.

I'd like to briefly read what I provided to you. Newsday recently
published another price increase proposed by National Grid. A copy
of the proposal is attached. Please note the highlighted portion
of the price increase proposal identified as residential heating
service, which is the type of service that most homeowners are
charged. This rate increase reflects an increase of over 22%.
Please consider a bipartisan action to oppose this increase, and
help residents of Long Island stay on Long Island by limiting the
usurious increases of costs associated with residing here.

My contact information is there. I'd like to put any of you that
are interested in contact with like-minded Nassau County
Legislators. And thank you very much.

(*Applause*)

D.P.O. CALARCO:
Thank you. Our next speaker is Stephen Ruth, followed by Bryan
Valentine.

MR. RUTH:
Good morning, Ladies and Gentlemen. I wanted to know if anybody
ever went and looked on the boy who was killed, on his memorial
page and the pictures of the boy, because there was 227 pictures.
His name was Nicolo Signore, and he was in Legislator Anker's
district. And I had been advocating for that intersection to be
made safer for over a year since John Luke's death, and the video
was deleted, and I discovered the engineering failures in that
intersection.

This death was preventable. It's on your hands. Yeah. And we
have the black and white evidence that the lights were shortened. I handed it out at the Public Safety Committee meeting this past week. I'm sorry for the Legislators that don't have it in front of them right now. But we have black and white hard-core evidence that the Department of Transportation sent an email out to their employees telling them to go to the red light camera intersections and retime them. This was back in 2011. This evidence can't be discredited, and nor does anybody on this panel have the authority to discredit the black and white evidence. Okay?

People are getting killed in this intersection and other ones like Old Town Road and County Road 83 because of engineering malpractice that came along with the Red Light Camera Program to enhance revenue to the County. I'm asking you guys, if you have the slightest conscience, to please protect the children, and temporally, if anything, please suspend the program until we have an investigation. The evidence is concrete, in black and white, and you can't deny it. You can't just say that, "Oh, that doesn't make any difference." It does make a difference. Kids have gotten killed. The videos have been deleted.

And not to mention, this is -- this is really another thing I want to talk about. Nobody ever wants to mention the eyewitness testimony that I gather from these accidents that every time say the lights played a role, the short yellow lights played a role in the past three tragic accidents in which it was all children that were affected, and two of them didn't make it out alive. Now I speak to the people that spend the last breath with these children who are witnessing the accident as it took place. I load it on the internet and they all say the same thing, someone was trying to get out of the way of the camera and beat a shortened yellow light.

So, please, I'm urging you to act. You owe it to the children. This has nothing to do with the County's financial obligations, it really doesn't. It has to do with safety, and the children are being put at risk for revenue, and it's not fair, it's not fair at all.

I don't think anyone of youse would like it if it was your kid that had to cross these intersections every day and were put at risk. I have the video of that boy's accident, and it is cut and dry that that lady was trying to get out of -- out of the view of the camera. She was waiting for her opportunity to make a left, she had a green light, and as soon as she got the opportunity, she hit the gas. And any one of us would to do the same thing, and that kid lost his life because of it. We have a duty to act. I'm urging you to please act.

And, also, I need you to stop disassociating yourself with these children and go to these pages and look at the pictures. This kid was a beautiful boy. He did not deserve to die. His family --

D.P.O. CALARCO:
Mr. Ruth, your time is up. We appreciate your time.
MR. RUTH:
Like I said, he was a beautiful boy and he did not deserve to die.
It was not his time to go, nor was it John Luke's time to go.

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

MR. RUTH:
Thank you.

(*Applause*)

D.P.O. CALARCO:
Our next speaker is Bryan Valentine, followed by Dennis Pedra.

MR. VALENTINE:
Good morning. My name is Bryan Valentine. That was a nice speech
you gave this morning about the Legislators, the government and the
way everything should work. It would be nice if it wasn't a bunch
of B.S. We clearly see none of you Legislators work for us, you
work for your campaign contributions.

Your lack of action with these yellow lights, the shortened yellow
lights and the red light cameras are the reason why kids are dying
at intersections. Your unwillingness to acknowledge the yellow
lights is why kids are dying at intersections. Your corrupt
money-driven actions and your ability to ignore the problem are the
reason why kids are dying at intersections. You've been given
evidence that prove that the yellow lights have been shortened,
that the lights are malfunctioning, that people are walking when
cars are turning, and you haven't done anything about it. You
clearly don't work for the people, it's pretty cut and dry. I
mean, you've been given evidence. Steve's been coming for over a
year and telling you the same thing, telling you that people are
going to get hurt, and now people are getting hurt, people are
dying, and you stand up there and you look like you don't even
care. Thank you.

(*Applause*)

D.P.O. CALARCO:
Thank you. Our next speaker is Dennis Pedra, followed by David
Guercio.

MR. PEDRA:
Good morning. Thank you for your time. It's tough to follow that,
the last two speakers, but I'm here to speak in support of the
sewer line for the Ronkonkoma Hub.

I grew up in Ronkonkoma, I'm now in Holbrook, and I'm drawing a
blank after -- I'd like to see the area revitalized, and I think
the sewer line is important for that. So, please, do all you can
to support the project and get the project moving. Thank you.

(*Applause*)
D.P.O. CALARCO:
Thank you. Our next speaker is David Guercio, followed by Alec Slatky.

MR. GUERCIO:
Give me a minute. Sorry. The weather hurts my joints. Okay. So my grandmother was, a million years ago, Republican Woman of the Year. I don't know if you guys know the name Guercio from that, but either way.

I'm here about the red lights, and also about the fact that there's crosswalks that have the ability to go while there are green lights for the people to turn in both directions. That to me sounds like it's a pretty terrible idea and needs to be fixed.

I'm not going to deny the importance of personal responsibility to anybody. It's -- you know, everybody's responsible for themselves and how they drive. So people are going to say -- of course everyone's going to say, you know, "So stop at a red light." Yeah, that's great and all, but, again, if it's a green light and you don't happen to know, because there may be sun or anything else, somebody's crossing and you have a green light, you're now running them over. That doesn't sound normal to me or to anybody else, I'm sure.

Now, on the flip side of personal responsibility, human beings are very emotional individuals, okay? We all know this. It's a scientific psychological fact that human beings are extremely emotional. That -- and the definition of harassment, look that up, I'm not going to say it, and also the fact that it's extortion to have these lights here to intentionally make people lose their minds and blast through during rush hour, or anything else, or even when it's not rush hour, it doesn't a matter, is just another way of making money and not caring about people.

You know, engineers have not signed off on anything. Stephen Ruth has plenty of evidence to show. None of you are showing faces that you care. You're all looking at me like you don't give a crap. Nobody else here seems like they care. You're all too tired. You just have faces going, "I don't really care about what this guy is saying, I'm just going to stare at him blankly, or look at the table," like that's all I'm getting. That's all I'm getting from any of you and nobody here cares. And that's kind of a problem, because you're supposed to work for us. Not only are you supposed to work for us, I don't see where the revenue is going for -- from the red light cameras. I heard they're going to the Police. That's great, but they're also one of the highest paid police forces in the country, let alone in the state or -- so why can't, instead, if these actually even did work to hold safety, which they don't, I would rather them actually work, but why aren't the money, the blood money being used to fix our roads, take care of our schools, something actually important? No, of course not.

So, again, blood money, death, people, these are all things you guys need to think about and you're not, and it's kind of sickening. And none of you seem to care. You know, I get
grimaces, I got people not looking, and they're not even paying
attention, so they don't even care. It's kind of sickening to
think about that.

(Timer Sounded)
Literally we have legislation up here who does not care about
children, about people. Yes, I know, ding, ding, time for me to
get off. None of you care at something you should think about.

(*Applause*)

D.P.O. CALARCO:
Thank you, Mr. Guercio. Our next speaker is Alec Slatky, followed
by Bill Pearson.

MR. SLATKY:
Good morning, everyone. My name is Alec Slatky. I'm here
representing AAA Northeast, which serves a membership of
5.2 million drivers region-wide. And I'm here to testify about
I.R. 2051, which would increase administrative fees for TPVA, for
moving violations, parking violations, from $55 to $110.

As I said at the last meeting, we strongly oppose this fee increase
and we think it's legally questionable. We think it's bad public
policy, and I think the process arrived at the increase has been
lacking, to say the least. The reason I think it's legally
questionable, and it will be outlined in what I'm passing out to
you, just a couple of months ago there was a case decided in Nassau
County, Guthart versus Nassau County, that upheld their TPVA's
imposition of a $30 driver responsibility fee as, quote, reasonably
related to the cost of administering and/or enforcing its
regulations and programs. And the reason I bring that up, given
that it actually was ruled in favor of Nassau, is two reasons.
One, it's virtually certain or highly likely that if this fee were
to be passed, then someone, either a lawyer or someone who knows a
lawyer, maybe someone who has time on their hands, they would
litigate this. And I think it's an open question whether the
courts would look as kindly on a $110 fee as they would on a $30
fee.

And courts have struck down fees for being disproportionately high
in the past. The New York State Comptroller has actually ruled or
written that, quote, "In order for a fee or charge not to be
considered a tax, it must bear a direct relationship to the cost of
furnishing a special service, not go to the supportive government
without relation to the particular benefits provided." And knowing
this, the County justifies the increase by saying that, quote, it
would defray administrative costs. That's from the text in the
budget. But that assertion is contradicted by the figures in the
budget.

TPVA already makes $7 million in profit on fees alone, that's not
counting fines. So I don't see how you could say that hiking the
fees defrays administrative costs when those costs are already
covered one-and-a-half times over. It's clearly just an instrument
to make money for the County, and that's why I think it's bad
public policy, we think it's bad public policy, because that removes this traffic safety culture that we're trying to build.

And penalties really should be about deterring behavior without being excessively punitive. But here, this seems to me the only reason that you would do this is to increase the revenue for the County. And to the extent that that's the case, we have to oppose it. And like I said last time, I still haven't been able to see a fine schedule.

I know I'm strongly in support of Legislator Browning's -- I think it's I.R. 1126, which would require TPVA to put a fine schedule online, and we support that. But I still think, just from a process standpoint, you should continue to table this resolution until you see an actual fine schedule, because from the perspective if someone gets a ticket, yes, there are fines, fees and surcharges, they're all different, but to them it's the same amount of money coming out of their pocket. And so we really need to see what the actual charges are so you can make an informed decision as to what someone who gets a ticket is going to be paying.

So thank you for the opportunity to comment today.

D.P.O. CALARCO:
Thank you, Mr. Slatky. Next speaker is Bill Pearson, followed by Brian Herz.

MR. PEARSON:
Good morning, Legislators. I'm here again to talk about fees, the fees that the County has been pushing for the last year-and-a-half, I see. Basically, there are new additional fees since the last time I was here. One is the fees that the gentleman before me was talking about, and the pricing fees. Basically, it's a fee when you go and you want supermarkets to put the prices on every object that they have, and if they don't want to do that, they will charge -- you know, they will be charged, I think, $1,200. I'm not actually sure of the money, but the thing is that money will be paid for by the grocery store, but relayed back to the people. The grocery stores, as I said, they will again put it back on the people. So, in other words, we're paying fees again. We're paying fees, too many of them, too many of them.

You guys have got a broke county. Do what you got to do to cut costs. You hire two people, a husband and a wife, a hundred and something thousand dollars apiece. You made up a job. We're broke, this County is broke. You guys don't -- I guess you don't get to, you know, realize that, but I do. Right, I'm a taxpayer, and I use the facilities around here. Beach fees went up, everything's gone up, right? How can we expect to survive in this County when we're fee'd to death.

You guys don't want to raise taxes, so it's a sneaky way to raise taxes by charging fees, alarm fees, where houses -- when people's burglar alarm goes off. Oh, it's too much trouble for a cop to come to your house. Believe me, this is too much, men and women, this is too much.
As you know, it's a part-time job you guys got. You guys get a remarkable pay for a part-time job. And you guys get a 4%, up to 4% increase, cost of living, every time you want a raise. That's crazy. But then again, we're just the taxpayers, we're the fee'd people, right? Maybe we're being fleeced by fees. But, again, I'm not -- I'm going to be here again, and I guess you guys are going to have more fees coming along, right? I'll bring them to your attention next time. Thank you.

(*Applause*)

D.P.O. CALARCO:
Thank you, Mr. Pearson. Our next speaker is Brian Herz, followed by Michael Neokleous.

MR. HERZ:
Good morning. My name is Brian Herz. I'm a lifelong Suffolk County resident and a Suffolk County business owner. I'm here to support the two resolutions in front of you regarding the Ronkonkoma Hub. It's an essential program for Long Island's economic future. Thank you.

(*Applause*)

D.P.O. CALARCO:
Thank you. Our next speaker is Michael Neokleous, I hope I got that somewhat close, followed by Jill Lewis.

MR. NEOKLEOUS:
The second pronunciation was much better. Michael Neokleous. I'm a 50-year resident of Suffolk County, and I am here this morning to express my strong support and to ask you to approve the resolutions that are before you in regards to the expansion of the sewer system to accommodate for the Ronkonkoma Hub Project.

I grew up in Smithtown, and from 2005 to 2015, I lived just a couple of hundred yards east of the Ronkonkoma Hub Phase I project, so I'm very familiar with the area and the need for this improvement.

As a landscape professional, I've had the opportunity to study the plans for this project and to recognize the beautification that it's going to bring to this area. As a past resident, and having friends and neighbors that still live in the area, on behalf of myself and them, we all would favor the sewage system, as opposed to an onsite sewage treatment plant. That would be very inconvenient and bothersome to the residents. So I ask you to approve the resolutions. Thank you.

(*Applause*)

D.P.O. CALARCO:
Thank you. Our next speaker is Jill Lewis, followed by Michael Morbillo.
MS. LEWIS:
Good morning. Thank you for the opportunity to speak. I'm Jill Lewis. I'm the Deputy Supervisor from the Town of Riverhead, here to speak on behalf of Supervisor Sean Walter, who is unable to attend. We're here to offer our support on Resolution 1111, which is to initiate planning steps for Riverview Lofts in downtown Riverhead.

This project, the Supervisor's been working with the principal of this development project for years, trying to get him to make an investment in downtown Riverhead. And by working with, I mean, begging and pleading for him to please come downtown and invest the money in downtown Riverhead. So we're getting closer. We're hoping that you'll support this.

It's a 117-unit mixed use development project that will not only create a new building in a blighted area, it will also offer the local businesses walk -- foot traffic, people that are supporting them, which is badly needed in downtown. And we support you being here with your committees as well, because that also helps our downtown businesses, and we hope that you'll support this project as well. Thank you.

(*Applause*)

D.P.O. CALARCO:
Thank you, Ms. Lewis. Our next speaker is Michael Morbillo, followed by Michael French.

MR. MORBILLO:
Good morning. My name is Michael Morbillo. I am the past president of the MacArthur Business Alliance, and on its Board of Directors. On behalf of the MacArthur Business Alliance, we would like to endorse the resolutions to improve the sewer system relative to the Ronkonkoma Hub.

The Ronkonkoma Hub transit-oriented development is a tremendous opportunity for job creation, economic growth and tax base revenue for both Brookhaven and Islip. If implemented correctly, it can be an enormous economic and social benefit to the business community surrounding the MacArthur Airport, Bohemia Business Corridor, Veterans Highway, and Foreign Trade Zone. Our intentions are to fully capitalize on all the benefits that this regional infrastructure can provide. We firmly feel that expanding this proposed system would spur growth in industry by retaining and attracting new businesses to the area. Thank you.

(*Applause*)

D.P.O. CALARCO:
Thank you. Our next speaker is Robert French, followed by James Teixeira.

MR. FRENCH:
Good morning. My name is Robert French. I'm a 25-year resident of the Town of Islip, and also a Council representative for the
Carpenters Union here on Long Island. I represent 2,000 members. We're here to show our support for the resolution regarding the development of the Ronkonkoma Hub, and I hope that you consider your support as well. Thank you.

(*Applause*)

D.P.O. CALARCO:
Thank you. Our next speaker is James Teixeira, followed by Kimberly Cirolli.

MR. TEIXEIRA:
Good morning. My name is James Teixeira. I've been a Suffolk County resident for the past 18 years. I'm here today to express my strong support for the approval of two resolutions before you today.

For Long Island to continue to grow as it is, it is essential that sewer systems be expanded, and also expand the Southwest Sewer District for Ronkonkoma Hub, and all the other businesses along the line will be essential for stimulating economic growth across the County. The expansion of our current system of sewers is essential to the preservation of our drinking water, and Ronkonkoma Hub will bring additional jobs to the area.

Thank you for the opportunity to express my opinion today and I hope you support these resolutions.

(*Applause*)

D.P.O. CALARCO:
Thank you. Our next speaker is Kimberly Cirolli, followed by George Finn.

MS. CIROLLI:
Good morning. My name is Kimberly Cirolli. I am from Miller Place. I am here today to ask you to please not just reevaluate the roads in Miller Place, but do something immediately. Our town is grieving. Two families have been impacted. We are all devastated, we are devastated. Please help us. The roads are not safe. There are accidents weekly. Everyone is calling their family, "Is it you? Are you okay?" This is ridiculous. Please help us. The red light cameras have got to go. Thank you.

(*Applause*)

D.P.O. CALARCO:
Thank you. Our next speaker is George Finn, followed by Jack McCarthy.

MR. FINN:
Good morning, members of the County Legislature. My name is George Finn. I own a website called civilliberty101.com. It is of vital interest to all of you. It is regard to safety, on traffic safety, and specifically a cure for a cancer in our traffic plan that is causing people to run red lights. It is not the person that is the
cancer, it is a flaw in our safety plan that causes people to run red lights.

Most specifically, it's this. We're thankful that the red means stop, not just in every city, every county and every nation, but in every industry around the world. Everybody knows red means stop. The problem with the yellow light is that every yellow light is timed differently. Somebody -- it is impossible for a driver to know how to react if they don't know exactly how much time is on any yellow light. The problem with that is yellow lights will always be timed differently, because going uphill at 20 miles an hour is going to be a shorter yellow than going downhill at 70.

The solution is to provide drivers with what's called an aid to navigation. Let me stop for a moment. I'm a retired Chief Engineer, Chief Engineering Officer in the United States Merchant Marine. No one on the planet is more committed to safety than the Merchant Marine. These ship owners who have operating costs upwards of $90,000 a day plus will turn a ship around and send it back in the other direction at full speed to save -- just for the chance that they might save a life, regardless of nationality.

Another thing is my father was Chief of Police in my hometown for 24 years. He was a police officer for 42 years. He taught me the solution to how to perfectly time the yellow light. Unfortunately, that it wasn't a formal program and it's gone away. What I'm trying to do is bring back something so that you, as Legislators, can go to the public.

And, first of all, you need to recognize one thing. There's a lot of anger out there because of these red light cameras, and there's righteous anger because what they perceive is a criminal enterprise. People who are collecting money to -- about a safety problem, which is causing people to die. And you will do nothing to take any amount of that money and pour it back into solving the problem. Instead, you just want to point fingers, "It's the drivers, they're bad people," and treat them like criminals. They're not criminals. The criminals are the people who take this money and refuse to invest it into a program that will solve the problem and give drivers an aid to navigation.

Remember, I'm in the Merchant Marine. I speak in terms of navigation terms. I'll give you one example. I'm not following my script here. I'll give you one example. It's because I've been doing this for over -- since 2014. I volunteer -- been volunteering my time to solve this problem. I have professors at Northeastern University who are ready, willing and able to help do what's necessary to get to first base, which is to do a scientific study.

(Marker Sounded)

May I continue?

D.P.O. CALARCO:
No. Your time is up, sir.
MR. FINN:
All right.

D.P.O. CALARCO:
And everybody has a three-minute time limit.

MR. FINN:
All right. Again, my website is civilliberty101.com. I would like to leave something with you to address this issue, to show people you really care about the problem and you don't really want to beat up on people. So where do -- who do I give this to?

D.P.O. CALARCO:
Sir, you could leave your documents with the Clerk and she'll distribute it to everyone.

MR. FINN:
Thank you very much.

D.P.O. CALARCO:
Thank you very much, sir.

(*Applause*)

Our next speaker is Jack McCarthy, followed by Michael McDermott.

MR. MC CARTHY:
Hello. I am a former Miller Place High School student, and I am from Sound Beach, and I am here because I am concerned about the intersection of 25A and Miller Place Road. Seems there is an accident there almost every other week.

For those of you who are unfamiliar with the intersection of 25A and Miller Place Road, is a very busy intersection in Miller Place, as BP Gas Station, Speedway Station, 7-Eleven, McDonald's, Wendy's, Stop & Shop, Marshalls. And that combined with the high school being right up the street, there is a lot of traffic from the community there, including high school pedestrians and drivers. There have been multiple pedestrian deaths there, including two Miller Place students, who one got hit just the other week. There are also constant car accidents, one of which over the summer my friend was in, who, thank God, didn't get seriously hurt.

I realize that there have been steps taken to try to make this intersection safer, including the crossing guard that is now sometimes there after school hours. But there is more that we can do to help make this safer, including, I think we should have a red turning arrow so that people can't drive and while there is pedestrians crossing or other cars going. Oh, we could also make the yellow lights, as many people were saying, yellow lights timed longer, so that people have more time to get out of the intersection before more oncoming traffic is going through. I know this would make travel time through the intersection longer, but I'd rather leave my house a couple of minutes earlier than see more people in my community die or get hurt.
We should also -- I think we should also remove the red light cameras, because it is distracting people. And when other people are crossing the intersection, not only are they looking at the light, but they're also looking up to see if there's a camera there, because they want to try to avoid getting red light cameras. And it just makes all of these intersections that are already really confusing and dangerous even more confusing and dangerous. And people have to decide whether they're going to go through to avoid the red light or slam on their breaks and risk getting rear-ended.

I know all these things are easier said than done, but we have to do something so that more people in the community don't get injured or killed due to these intersections. Thank you.

(*Applause*)

D.P.O. CALARCO:
Thank you. Our next speaker is Michael McDermott, followed by Dave Gallo.

MR. MC DERMOTT:
My name is Michael McDermott. I'm the Chairman of the Suffolk County Libertarian Party.

I was at the Public Safety Committee meeting the other day. Lovely Ms. Browning called me out of order a number of times, and then -- because she didn't like what I was saying, and then thanked me, and "Have a nice day." Ms. Browning, that's infuriating. You know, these people that are here are speaking in impassioned pleas to do something about these deaths.

Do you know that all across the country, in Flint, Michigan, in Minnesota and Chicago, these cameras were taken down as unconstitutional. That's going to happen here, too, it's just a matter of time.

Where is Sheriff DeMarco, I wonder, in all this? As the constitutional Sheriff, why is he not stepping in, if you people won't do anything? And I -- listen, Steve Ruth said he's urging you to reconsider. I'm not urging you, I'm demanding you do something. There are children, mothers, fathers, sisters, brothers walking around out there today. Some of them, unfortunately, will be killed in the coming weeks, because that's what's been happening. With Nicholas and John Luke and a number of others, they're being killed.

Now I want one of you to have the courage to stand up and take -- lead the charge. Doc Spencer. Bob Trotta tried; try harder. Tom Cilmi, you had the key with the yellow lights. And I know that you people, at least you two I know give a crap about this, but you've got to work harder to convince these others that something must be done.

At the Public Safety meeting, after impassioned pleas and speeches
by people trying -- pouring their hearts out, Bridget Fleming stands up and says, "Oh, the evidence that Stephen Ruth gave was from the State, not from the County." Who cares. What are doing? Are you disputing the fact that these red -- that these yellow lights are -- have been shortened? They have been shortened. Why? What is -- listen, I understand you signed a bad contract with the camera people, that there are quota systems involved. Okay. Change it. Pay whatever penalties there are. It's not worth the lives that are being lost, and lives are being lost. And, like I said, there are people out there today that are walking around, laughing, having dinner with their families, that won't be here in a couple of weeks because they'll be dead, or injured, or hospitalized. Now that has to mean something to somebody on this Board.

Why not somebody lead the charge to immediately suspend this program and to, at the very least, consider -- not even consider, just make those yellow lights longer. To hell with the camera companies. You may not get campaign contributions from them if you do that, but who cares. We need to do something and we need to do something immediately, and you've got to understand that.

Mrs. Kennedy, I know that you care. Why aren't you leading the charge? Bob Trotta will work with you. Tom Cilmi will, I know that. And Doc Spencer, I don't know where he is here, but he's a good man. Why is he not leading the charge? I don't understand it.

So I'm really asking you all, with all due respect that may not be deserved, to immediately suspend the camera program, and to please do something before that family that's having dinner tomorrow or tonight are no longer a family, because somebody else is killed. Okay? Thank you.

(*Applause*)

D.P.O. CALARCO:
Thank you, Mr. McDermott. Okay. We need to make a motion to extend the public session, seconded by Presiding Officer Gregory. All those in favor? Opposed? Abstentions?

MS. ELLIS:
Sixteen. (Not Present: Legislator Spencer/Absent: Legislator Fleming)

D.P.O. CALARCO:
Okay. I have a few cards left. Next speaker is Dave Gallo, followed by Matt Cohen.

MR. GALLO:
Good morning. Dave Gallo, president of Georgica Green. Unfortunately, I'm not going to be here later today when our resolution regarding our proposed downtown development is going to be heard. But I did just want to acknowledge, we will have a representative here. We are very excited about delivering workforce mixed income retail housing in the downtown, very much
supported by the Town.

Walkable, vibrant communities is something -- that's our mission, that's what we look to deliver. I know that often in these proposed projects questions come up about the sources of funds, and how does a developer like ourselves mix private and public sources, especially when we come to a county to ask for their assistance. And I just wanted to give everyone a flavor for -- our total project costs are roughly $50 million, of which 25 million of it would be in debt, and roughly 20 million of that would be private equity investment. The remaining would be grants and other subsidies provided by the State.

We can't thank you enough for your support, and we hope later on this afternoon, if there are any questions, folks from my office will be here to answer them. But thank you again, and we'll wait to hear.

D.P.O. CALARCO:
Thank you, Mr. Gallo. Our next speaker is Matt Cohen, followed by Lance Reinheimer.

MR. COHEN:
Good morning. My name is Matt Cohen, Vice President of Government Affairs for the Long Island Association, the leading business organization in the region. We are here today to support three resolutions that are being considered, I.R. 2056, I.R. 1122, and I.R. 1109.

We support efforts to improve the Southwest Sewer District to better serve the Ronkonkoma Hub Project, as well as expand capacity for MacArthur Airport. This will help expand economic opportunities there, grow the business community, and will contribute to the overall success of the Ronkonkoma Hub, which we believe will be a truly transformational project for the region.

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

MR. COHEN (Cont’d):
Similarly, the LIA supports the growth and success of McArthur Airport, because it's not just a key asset for the Town of Islip, but also for the entire County. And the expansion of sewer capacity there to serve the airport and the surrounding area will help retain and attract employers, as well as better protect the environment. Thank you for your time.

D.P.O. CALARCO:
Thank you, Matt. Our next speaker is Lance Reinheimer, followed by Eric Hofmeister.

MR. REINHEIMER:
Thank you very much. Lance Reinheimer, Executive Director of the Vanderbilt Museum. I'm here to speak on behalf of IR 1054 which is a Capital appropriating resolution to replace our aging, 20-year-old dump truck that we use for plowing snow, moving
equipment, picking up building supplies for the construction that we do at the museum. This truck is vital to the life of the museum. It's got problems with its -- structural problems with rust, and I did present with you a folder with some pictures. I think the pictures really say the whole story and I ask for your support.

This truck is very critical, especially in the winter for snow plowing. In order to keep our property open, make it safe for our visitors, make it safe for our employees, we need this four-wheel drive truck replaced, 20 years. The truck only has 49,000 miles on it, but I just want to let you know, those are 49,000 hard, stop and go, quarter-mile on, turned off, restarted; so the truck is tired and needs replacement. Thank you very much.

D.P.O. CALARCO: Thank you, Lance. Our next speaker is Eric Hoffmeister, followed by Mario Mattera.

MR. HOFMEISTER: Good morning, Mr. Presiding Officer, Members of the Legislature. My name is Eric Hofmeister, I'm District Director for the 3rd Senatorial District, Senator Tom Croci; I'll be representing him today.

I'm here in support of three resolutions on the agenda today; IR 2056-16, IR 1109-17, and IR 1122-17. The Senator is aware of the synergies of these three resolutions and how they relate to each other to accomplish the goals of these particular projects.

Specifically, the McArthur Industrial Sewer District will provide a positive impact on the business community within the district and around the Long Island McArthur Airport. Many businesses are fully built out based upon Suffolk County Health and Town of Islip Code restrictions. With the implementation of the MISD, the business community could realize the Town Code permitted level of 35% FAR; with this increase, it is projected an additional 9,722 new jobs could be realized and almost five thousand -- five million square feet of new building space.

With a modest increase of that FAR to 40%, additional jobs could be realized and an additional two million square feet of new building space would be realized as well. It will also creates new options to diversify industry types surrounding the airport, including food service and other liquid intense businesses such as breweries and the like.

The MISD will include the Long Island McArthur Airport. The project will enable the service -- the existing terminal facilities to planned FIS, fixed space operators and future development on the airport. In addition, a port could be constructed enabling disposable waste both from based and transient aircraft. This will save costs to transport waste by aircraft which is currently done by third party cesspool trucks to the Bergen Point Treatment Facility. Therefore, this option will provide cost savings in the best case and cost stabilization in the worst case scenario which could aid in the future airline growth of Long Island McArthur
Airport.

Sewer capacity at the airport will also result in environmental benefits for the facility and the surrounding area, specifically through the connection of general aviation services at the airport as well as commercial industry. Therefore, Senator Croci supports the resolutions as set forth on today's agenda. Thank you for the opportunity to be heard today.

11:05AM

D.P.O. CALARCO:
Thank you, Eric. Our next speaker is Mario Mattera, and that is our last card.

11:06AM

MR. MATTERA:
Wow, last but -- always the best for last; right, everybody?

Good morning, Presiding Officer Gregory and all Legislators. Thank you very much for letting me speak here today on this very, very important -- these three resolutions, 2056, 1122 and 1109. My name is Mario Mattera, I'm the Business Agent with Plumbers Local 200 representing approximately 1100 members that 80% of them live in Suffolk County, which we're very proud of.

I'm also here to represent the Nassau-Suffolk Building Trades which represent approximately 60,000 members; hard-working men and women of labor, which labor, everybody knows, brings in revenue which we need to make sure with construction jobs, right now that is the backbone of the economy. And everybody has to understand, thousands of construction jobs will be created by this project.

What about thousands of permanent jobs? You know, it's great, my daughter right now is getting into the workforce, she's going to college and I love it. Because we enable, I'm sorry, we do, but you know what? Her getting out in the workforce -- why are you looking at me, Kara? Getting out in the workforce, you know, with our kids is really important. You know what? Yes, we want to make sure that we keep our young here, our middle age and our seniors. Every time I get up and speak and I hear -- listen to people speaking, you hear about, Oh, we've got to keep our young here; no, I want to keep my parents here, too; even though they had to move to Florida, they did not want to. But guess what? We need to make sure that we keep all of them.

You know, a project like this Ronkonkoma Hub is so, so important. And we have a developer, TriTech, great developer, local developer. That's what I love, not out of state. They understand what our region needs, mass transit. Ronkonkoma Hub, I do not go with my family to that train station. I will, you will go there, people will be eat, sleep, play, you have everything at Ronkonkoma Hub. Fifty -- you go right on the train station right to the city, right out to Montauk Point. And you know what? This is called positive. This whole project is positive. Look at even the Ronkonkoma civic groups. Even what TriTech did, they made sure they went out of their way to get all the groups together, had meetings over the years. We're at the twelfth hour, all Legislators; really the thirteenth. This has to get, please, passed today. We need to put a shovel in the ground and get this great project moving forward.

11:07AM

* Index Included at End of Transcript
Look at Patchogue Village with this developer what they did. I know every time I get up and speak and I'm so proud of every time we had a meeting on this sewer force main, everything was positive. Did everybody notice there wasn't one negative comment on this project? That's an easy one, it's very easy. Please, we need this passed today; 2056, 1122 and 1109. And I'm going to be honest with you, me -- talking about even the McArthur Airport, we're in the 21st Century. We're using pumping trucks out to go pump out these airplanes? How could we not go for 1109, more that you think about it. We need to make sure that we move forward. And you know what? To have sewers, I know we're only 30% sewer, I will be here. You know, I'm sitting on the Suffolk County Water Authority, I'm very, very proud of that, it was unanimous from all you Legislators.

(Timer Sounded)

I always say, it's not enough, three minutes; you've always got to put five minutes on that, please. And one thing I'd like to say is my Tom Muratore; love you, my friend. You look great! Let's give him a round of applause, please.

Applause

Now that's a man that cares about men and women in labor, and everybody around this horseshoe I know does, too. And I thank you so much for everybody's time. Pass this today. And I'm actually going to stay here, by the way.

D.P.O. CALARCO:
Thank you, Mario.

Okay, that was the last card I have. Is there anybody else in the audience who would like to address the Legislature this morning? Anybody else? Come on up.

MR. STRAUSS:
Good morning, Legislators. Alex Strauss, 184 Radio Avenue, Miller Place, New York, right around the corner from that intersection. Before the red light cameras were there, there were accidents every week. It's a bad intersection; it has nothing to do with the red light cameras. We're talking about the yellow lights. Every yellow light on Long Island, the minimum time for a yellow light is three seconds. Three seconds. As you're driving along and you see a light way up in front of you, there it is, it's way down there. You get closer and closer and closer, you say, Oh my God, it might turn yellow. I might have to stop. Let's see, let's run this through your little brain. You know, all the times that you drove through the last hundred years and you say, My God, it's yellow! I'm going to have to stop now.

This is -- this is elementary stuff. I don't know, maybe I'm getting electrical. I don't understand what the problem is. People have to learn how to drive maybe. If you see a light, it has a chance of turning yellow and then it's going to turn red. You can see it a long distance. This is not something where you're
going to dream about it. It's not dropped out of the sky in front of you. There it is, way down there, you get closer and closer and closer. Come on, people. Let's learn how to drive. It has nothing to do with the red light cameras; the red light cameras are proven that they stop people from getting them killed. It has nothing to do with people walking across the street and getting hit by a car, that could happen whether it's a yellow light, a green light, a purple light or a green one, it ain't going to matter. If a person walks across the street and get's hit by a car; it has nothing to do with the yellow lights and the red lights. Thank you and have a great day.

D.P.O. CALARCO:
Thank you, Alex.

Is there anybody else who would like to address the Legislature at this time? Oh, come on up. No, you already spoke, sir.

UNKNOWN AUDIENCE MEMBER:
I came from New Jersey, it's a long ride.

MS. FAVA:
Good afternoon. My name is Diane Fava, Customer Service Manager for Building Structures Unlimited, representing the company and also Dave Muller, the President of the company, who could not be here today.

We just wanted to express our strong support for the approval of the resolution to pass the Ronkonkoma Hub project, and it would be a turning point for the Suffolk County economy and the local community. Thank you.

D.P.O. CALARCO:
Thank you very much. Is there anybody else who would like to address us at this time? Legislator Anker would like to make a point of personal preference.

LEG. ANKER:
I have to say, you know, again, being the Legislator and experiencing this tragedy in Miller Place has been really overwhelming, not only for myself but the entire community, and I just want to provide facts regarding this accident.

In clarifying the facts regarding the 14-year old boy that was tragically killed at the intersection of New York State Road 25 and Brookhaven Town Road, Miller Place Road. According to Suffolk County Police Chief Oswald, the accident was not caused by red light cameras, but involves a woman making a left-hand turn on a green light from Miller Place Road onto New York State Road 25A. The accident has nothing to do with the red light cameras. The child was trailing behind a group of boys on bikes.

MR. RUTH:
(Inaudible).
LEG. ANKER:
The driver did not see him. She had a green light and was not trying to beat up the light.

MR. RUTH:
I have video that --

LEG. ANKER:
In October 20th, 2016 --

D.P.O. CALARCO:
Sir, please.

LEG. ANKER:
-- I partnered with Miller Place Superintendent Marianne Higuera to request a traffic safety study from New York State Department of Transportation requesting a red turning arrow and additional safety measures for that intersection. In addition, I worked with Suffolk County Police Commissioner Tim Sini to institute school crossing guards at that intersection before and after school.

Even though this is not a County Road, I will continue to do everything in my power to make sure that this road is safe and I'll be very happy to work with New York State and also the Town of Brookhaven. This is a horrific accident. Both families have been affected and it is absolutely deplorable for anyone to use this for personal gains.

I want to thank all those that are working to make this a safer place, all levels of government, everyone in the community. And again, my sympathies and condolences go to the families, the many families that have experienced tragedies at that intersection and tragedies throughout our County. Thank you.

Applause

P.O. GREGORY:
Okay, I'm going to make a motion to close the public portion.

D.P.O. CALARCO:
Second.

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

MS. ELLIS:
Sixteen (Not Present - Legislator McCaffrey - Absent: Legislator Fleming).

P.O. GREGORY:
Okay, make a motion to approve the Consent Calendar. Second by Legislator Barraga. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen (Absent: Legislator Fleming).
P.O. GREGORY:
Okay, I have been asked to have IR 1113 on page nine, EPA, pulled out of order. So motion by Legislator Hahn --

LEG. HAHN:
Yes, motion to take it out of order.

P.O. GREGORY:
-- to take IR 1113-17 - Authorizing the construction of wastewater upgrades at Lake Ronkonkoma County Park, using the New Enhanced Suffolk County Water Quality Protection Program funds (CP 8733)(County Executive). Motion to pull out of order. Second by Legislator Muratore. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen (Absent: Legislator Fleming).

P.O. GREGORY:
Okay. IR 1113-17 is before us.

LEG. HAHN:
Motion.

P.O. GREGORY:
Motion to approve by Legislator Hahn. Second by Legislator Muratore. On the motion, anyone? On the motion, Legislator Krupski.

LEG. KRUPSKI:
Thank you, Mr. Presiding Officer. So at the committee we did ask some questions about the type of treatment and the cost in relation to other systems and I was wondering if there's anyone here who could, you know, could speak to the specifics.

COMMISSIONER ANDERSON:
Good morning.

LEG. KRUPSKI:
Good morning.

COMMISSIONER ANDERSON:
And the question is you're looking for --

LEG. KRUPSKI:
So we just spent $300,000 at Meschutt on what I was told was a successful installation and a very successful treatment, level of treatment there. And is it going to be a similar treatment type at Ronkonkoma? Is it going to be a different system? And the questions that came up at committee were why the costs were significantly higher.

COMMISSIONER ANDERSON:
Okay, the treatment system itself is similar in that it's an alternate septic system, but it is a different manufacturer. In this particular case we're looking at a Norweco Hydro-Kinetic unit which uses extended aeration as the process and attaches a

growth process to treat waste water and reduce nitrogen to less than 19 milligrams per liter. The difference in the cost is really site specific. The proximity of the park to the lake, our concern was -- is that, you know, we'll need to dewater. So in the estimate there is an additional -- additional cost -- sorry, additional cost in the estimate of around $100,000 for dewatering. Right now, we don't anticipate that to be a need, but we wanted it in the estimate in case water levels rise and we don't have to come back to the Legislature and say, We need more money. If we don't need the dewatering, we will not spend the funding and eventually those funds will go back into the Water Quality Fund that they came from.

**LEG. KRUPSKI:**
Is this a seasonal use park?

**COMMISSIONER ANDERSON:**
Yes and no. It gets its highest use during the warmer seasons, but it's a community park used by the community. There -- we don't have exact numbers, but during the height of the season we're looking at about 350 cars per weekend, and that's just a rough estimate of the amount of people that use it. But in the summer if the weather is nice, that -- between the park, the playground, the ball fields, the beach area, it's packed.

**LEG. KRUPSKI:**
Thank you.

**COMMISSIONER ANDERSON:**
You're welcome.

**P.O. GREGORY:**
Legislator Kennedy.

**LEG. KENNEDY:**
Hi, Gil. Let me just --

**COMMISSIONER ANDERSON:**
Good morning.

**LEG. KENNEDY:**
-- answer a little further. Its maximum use is about nine months a year, its playground use continues if the winter weather is mild. I take my own grandchildren to the playground. I do not take them to the beach until we get the pollution in the water cleared, I do not feel it's safe. I went to the meeting where the plan and the proposals for the septic system were discussed, that area is known for a seven to nine year variable in groundwater levels, we flood continually. The last time the groundwater level went up we had over three -- 3,000 families that were eligible for Federal funding to fill in their basements. It's a problem, and if they don't do what they're doing, this is extremely low groundwater level at this time due to the drought. If they don't do what they're doing and be prepared for dewatering, the system will be absolutely useless during the
high ground water times.

P.O. GREGORY:

LEG. D'AMARO:
Thank you. Commissioner, what is the -- I'm looking at the map, the aerial map and I see that there's a cutout in the center of the 91 acres?

COMMISSIONER ANDERSON:
Um --

LEG. D'AMARO:
Is that the wrong one? Oh, all right, sorry.

COMMISSIONER ANDERSON:
I know that there is a former road that runs through the park, if that's what you're talking about. I don't have the aerial in front of me.

LEG. D'AMARO:
1119? Oh, my apologies, I'm on the wrong -- yeah, my apologies.

P.O. GREGORY:
No problem. Anyone else? Okay, so we have a motion and a second on IR 1113. All in favor? Opposed? Abstentions?

MS. ELLIS:
Fourteen (Not Present: Legislators Hahn, Martinez & Spencer - Absent: Legislator Fleming).

P.O. GREGORY:
Okay, IR 1113A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $407,755 Bonds to finance construction of wastewater upgrades at Lake Ronkonkoma County Park under the enhanced Suffolk County Water Quality Protection Program (CP 8733.310), same motion, same second. Roll call.

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

LEG. HAHN:
(Not Present).

LEG. MURATORE:
Yes.

LEG. KRUPSKI:
Yes.

LEG. FLEMING:
(Absent).

LEG. BROWNING:
Yes.

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LEG. ANKER: Yes.

LEG. LINDSAY: Yes.

LEG. MARTINEZ: Yes.

LEG. CILMI: Yes.

LEG. BARRAGA: Yes.

LEG. KENNEDY: Yes.

LEG. TROTTA: Yes.

LEG. McCAFFREY: Yes.

LEG. STERN: Yes.

LEG. D’AMARO: Yes.

LEG. SPENCER: Yes.

D.P.O. CALARCO: Yes.

P.O. GREGORY: Yes.

LEG. HAHN: Yes.

MS. ELLIS: Seventeen (Absent: Legislator Fleming).

Resolutions Tabled to March 7, 2017

P.O. GREGORY: Okay. All right, Tabled Resolutions, IR 1870-16 - To expand the Scope of the Energy Utility Legislative Oversight Committee (Martinez).

LEG. D’AMARO: Mr. Presiding Officer, please note my recusal for the record.
P.O. GREGORY:
Yes, I will.

LEG. D'AMARO:
Thank you.

LEG. HAHN:
Mr. Presiding Officer, I also need to note my recusal.

P.O. GREGORY:
Yes, okay. IR 1870.

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

P.O. GREGORY:
Tabled motions.

LEG. CILMI:
Tabled resolutions.

P.O. GREGORY:
Tabled resolutions, excuse me. I make a motion to table.

D.P.O. CALARCO:
Second.

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

MS. ELLIS:
Fourteen (Not Present: Legislator Martinez - Absent: Legislator Fleming - Recused: Legislators D'Amaro & Hahn).

P.O. GREGORY:
IR 1988-16 - Adopting Local Law No. -2016, A Local Law to enhance provisions of the item pricing law (County Executive).

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

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

MS. ELLIS:
Sixteen (Not Present: Legislator Martinez - Absent: Legislator Fleming).

P.O. GREGORY:
IR 2051-17 - Adopting Local Law No. -2016, 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 (County Executive). Motion to table.
1: LEG. McCAFFREY:
2: Second.
3:
4: LEG. KENNEDY:
5: Second.
6:
7: P.O. GREGORY:
8: Second; who was that? You guys work it out. (Laughter). All right, second by Legislator Kennedy. All in favor? Opposed? Abstentions?
9: 11:23AM
10: MS. ELLIS:
11: Seventeen (Absent: Legislator Fleming).
12:
13: P.O. GREGORY:
14: Budget & Finance:
15: IR 1032-17 - Amending the 2017 Operating Budget and transferring funding to IGHL, Inc. (Calarco).
16: 11:24AM
17: D.P.O. CALARCO:
18: Motion.
19: P.O. GREGORY:
20: Motion by Legislator Calarco.
21: LEG. BROWNING:
22: Second.
23:
24: 11:24AM
25: P.O. GREGORY:
26: Second by Legislator Browning. All in favor? Opposed? Abstentions?
27: MS. ELLIS:
28: Seventeen (Absent: Legislator Fleming).
29:
30: P.O. GREGORY:
31: IR 1033-17 - Amending the 2017 Operating Budget to provide funding for Welcome Friends of Greater Port Jefferson, Inc. (Hahn). Motion by Legislator Hahn. I'll second. All in favor? Opposed? Abstentions?
32: 11:24AM
33: MS. ELLIS:
34: Seventeen (Absent: Legislator Fleming).
35:
36: P.O. GREGORY:
37: IR 1034-17 Amending the 2017 Operating Budget to provide funding for Christian Life Center Church (Presiding Officer). I'll make a motion.
38: 11:24AM
39: LEG. D'AMARO:
40: Second.
41:
42: P.O. GREGORY:
43: Second by Legislator D'Amaro, thank you. All in favor? Opposed? Abstentions?
MS. ELLIS:
Seventeen (Absent: Legislator Fleming).

P.O. GREGORY:
IR 1035-17 - Approving 2017 funding for a contract agency
(Patchogue Medford Youth) (Calarco). Motion by Legislator Calarco.

LEG. CILMI:
I'll second.

P.O. GREGORY:
Second by Legislator Cilmi. On the motion, Legislator Stern.

LEG. STERN:
Just very quickly on the motion. I know this was up for discussion
during committee, but Legislator Calarco, just once again. Usually
when this is the subject matter of this kind of resolution, there's
dialogue with the Comptroller's Office. I just wanted to make sure
that that dialogue had occurred ongoing to make sure that the
Comptroller's Office is on board that the organization is or will
be in compliance.

D.P.O. CALARCO:
Yep, they have spoken. Their accountant has certified that had
they properly allocated the salaries and benefits for people
according to what programs they were working on, they would be at a
6% level for the administrative costs and their 2016 990s will
reflect that.

LEG. STERN:
Okay, thank you.

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

MS. ELLIS:
Seventeen (Absent: Legislator Fleming).

11:25AM

P.O. GREGORY:
IR 1036-17 - Approving County funding for a contract agency
(Medford Chamber of Commerce) (Calarco). Motion by Legislator
Calarco. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen (Absent: Legislator Fleming).

11:25AM

P.O. GREGORY:
IR 1037-17 - Amending the 2017 Operating Budget and transferring
funds to Girls Incorporated of Long Island (Martinez). Motion by
Legislator Martinez.

11:26AM

D.P.O. CALARCO:
Second.

* Index Included at End of Transcript
P.O. GREGORY:
Second by Legislator Calarco. All in favor? Opposed?
Abstentions?

MS. ELLIS:
Seventeen (Absent: Legislator Fleming).

P.O. GREGORY:
IR 1055-17 - Approving County funding for a contract agency (Holbrook Chamber of Commerce) (Lindsay). Motion by Legislator Lindsay. Second by Legislator Calarco. All in favor? Opposed?
Abstentions?

MS. ELLIS:
Seventeen (Absent: Legislator Fleming).

P.O. GREGORY:
IR 1068-17 - Amending the 2017 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (County Executive).

LEG. D'AMARO:
Motion.

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

LEG. STERN:
Second.

P.O. GREGORY:
Second by Legislator Stern.

LEG. TROTTA:
On the motion.

P.O. GREGORY:
On the motion; who was that? Legislator Trotta.

LEG. TROTTA:
Which one was this again? Somebody from the County Attorney's Office?

MS. BIZZARRO:
Good morning, Presiding Officer and Members of the Suffolk County Legislature. Legislator Trotta, you had a question; I'm sorry?

LEG. TROTTA:
Which one was this?

MS. BIZZARRO:
This was the vehicle on, I think it's County Road 83 in Brookhaven. We came before you --

LEG. TROTTA:
With the water?
MS. BIZZARRO:
I'm sorry?

LEG. TROTTA:
With the water?

MS. BIZZARRO:
With the water, correct, sheathing across it; right, exactly.

11:27AM

P. O. GREGORY:
You're good, Lou?

MR. NOLAN:
It was Trotta.

P. O. GREGORY:
Oh, I'm sorry.

11:27AM

MS. BIZZARRO:
I'm sorry, if I could. Ways & Means approved the settlement of
this matter on September 1st of last year; it was some time ago.

P. O. GREGORY:

11:27AM

LEG. KRUPSKI:
Thanks. Where did the water come from?

MS. BIZZARRO:
It was a rainy afternoon and it was basically pooling on the road;
I mean, that's basically what was happening. The way the road was
pitched, it was pitched up and then it was sheathing across the
road. And the car driver was coming south on Route 83, I don't
know if you're familiar with --

LEG. FLEMING:
No, I'm not.

MS. BIZZARRO:
-- that location, and she -- the car went out of control and
skidded and went into the other side of the road over a median.

LEG. KRUPSKI:
So someone on this world is responsible when it rains.

MS. BIZZARRO:
Someone in this world, yes.

11:28AM

LEG. KRUPSKI:
Wow. Thank you.

D. P. O. CALARCO:
Anybody else on the issue? Okay, seeing none, we have a motion and
a second, I believe?
MS. ELLIS: Yes.

D.P.O. CALARCO: All those approved?  Opposed?

LEG. TROT TA:  Opposed.

LEG. KRUPSKI:  I'm opposed.

LEG. KENNEDY:  (Raised hand).

D.P.O. CALARCO:  Abstentions?


D.P.O. CALARCO:  1068A, the corresponding Bond Resolution (of the County of Suffolk, New York authorizing the issuance of $1,000,000 Bonds to finance the settlement of a General Liability Case against the County).  I'll make a motion to approve.

LEG. LINDSAY:  Second.

D.P.O. CALARCO:  Second by Legislator Lindsay.  Roll call.

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

D.P.O. CALARCO:  Yes.

LEG. LINDSAY:  Yes.

LEG. KRUPSKI:  No.

LEG. FLEMING:  (Absent).

LEG. BROWNING:  Yes.

LEG. MURATORE:  Yes.
LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
No.

LEG. TROTTA:
No.

LEG. McCAFFREY:
No.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

P.O. GREGORY:
Yes.

MS. ELLIS:

MS. BIZZARRO:
Thank you.

P.O. GREGORY:
Okay, IR 1087-17 - Revenue Anticipation Note Resolution No. -2017, Resolution Delegating to the County Comptroller the power to authorize the issuance of not to exceed $55,000,000 Revenue Anticipation Notes of the County of Suffolk, New York, in anticipation of the receipt of certain revenues for the fiscal year ending December 31, 2017, to prescribe the terms, form and contents of such notes, and to provide for the sale and credit enhancement thereof (County Executive).

LEG. D'AMARO:
Motion.
P.O. GREGORY: 
Motion by Legislator D'Amaro.

LEG. STERN: 
(Raised hand).

P.O. GREGORY: 
Second by Legislator Stern.

LEG. TROTTA: 
On the motion?

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

LEG. TROTTA: 
Just to BRO; this is part of the 410 that we authorized? This is just 55 million that we need to make payroll; is that what it is?

MR. LIPP: 
The 410 million they're referring to is the TAN resolution, Tax Anticipation Note which was issued in December. So the County has three market cash flow borrowings right now; one is the one that I just mentioned, Tax Anticipation Note for 410 million; this is the Revenue Anticipation Note, in this case here for a maximum of 55 million; and then in the early Fall, I believe, there's a DTAN, Delinquent Tax Anticipation Note borrowing which I believe was 110 million the last one.

LEG. TROTTA: 
So if we don't do this, no one gets paid.

MR. LIPP: 
Well, there's a cash flow problem so we need the money. So I'm not sure how the Comptroller will juggle things; in other words, he could potentially set up a priority list where we would get paid but other bills would go lacking for a while.

LEG. TROTTA: 
Thank you.

P.O. GREGORY: 

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

LEG. D'AMARO: 
Yes.

LEG. STERN: 
Yes.

LEG. KRUPSKI: 
Yes.

* Index Included at End of Transcript
LEG. FLEMING: (Absent).

LEG. BROWNING: Yes.

LEG. MURATORE: Yes.

LEG. HAHN: Yes.

LEG. ANKER: Yes.

LEG. LINDSAY: Yes.

LEG. MARTINEZ: Yes.

LEG. CILMI: Yes.

LEG. BARRAGA: Yes.

LEG. KENNEDY: Yes.

LEG. TROT TA: Yes.

LEG. McCAFFREY: Yes.

LEG. SPENCER: Yes.

D.P.O. CALARCO: Yes.

P.O. GREGORY: Yes.

MS. ELLIS:
Seventeen (Absent: Legislator Fleming).

P.O. GREGORY:
Okay. All right, I have a request for several resolutions to be called out of order.

On page ten, Public Works & Transportation), IR 2056-16 - A resolution making certain findings and determinations and issuing an order in relation to the improvement of facilities for Sewer District No. 3 – Southwest (Ronkonkoma Hub Project (CP 8156)) and
the acceptance of certain real property for such improvement purposes (SCTM No. 0200-800.00-02.00-028.004 p/o)(County Executive). Motion by Legislator Browning, second by Legislator Muratore to take out of order. All in favor? Opposed? Abstentions?

MS. ELLIS: Seventeen (Absent: Legislator Fleming).

LEG. HAHN: Motion to approve.

P.O. GREGORY: Okay, IR 2056 is before us. Okay, it looks like motion by Legislator Hahn. Second by Legislator Muratore to approve. Anyone have a question?

LEG. McCAFFREY: On the motion.

P.O. GREGORY: Okay, Legislator McCaffrey.

LEG. McCAFFREY: Yes, I wonder if there's anybody available here to speak about the project? I'm talking about from the County.

MS. HORST: We're trying to track them down. We weren't anticipating this being taken out of order. Oh, there he is.

COMMISSIONER ANDERSON: I'm sorry. What is the question?

LEG. McCAFFREY: I didn't ask the question yet. I just --

COMMISSIONER ANDERSON: Oh, okay.

LEG. McCAFFREY: Hi, Gil. How are you?

COMMISSIONER ANDERSON: Good morning.

LEG. McCAFFREY: And, you know, I thank you for meeting with me the other day as well as Peter Scully and others to help me through this. As you know, the connection to my district is the fact that eventually all this will end up at the Southwest Sewer District which is right in the heart of my district. And my concern is not just about the expansion of that plant that happened years ago, and the decision was made before I was even here to expand that plant, but also the economic impact on the residents of the Southwest Sewer District.
I'm truly concerned about the environmental factors. We need to get the nitrates out of the water, we need to connect more of these homes and businesses into the sewers to keep those nitrates from not going into our groundwater, not going into the Great South bay because it effects each and every one of us.

I'm even equally concerned about the economic development. I'm very much in favor of economic development. The developers, TriTech, have made a commitment to make sure that the people we hire here are local people and that's very important to me as well. My concern at this point is the impact on the residents of the Southwest Sewer District.

I can tell you it's very important. Besides the birth of my two children and getting married, one of my best days is hooking up into the sewer because a lot of worries went out of the way. And I'm sure anybody that could benefit from this is going to and appreciate the fact that we have sewers in their district, even beyond the environmental impact.

My real concern, though, is the basis for paying back the residents of the Southwest Sewer District for the capital outlay that they made to expand the sewer district to eventually take in some of the -- take any additional sewage. Can you kind of walk me through the process in terms of this project, the -- and the financial impact that it would be on the residents of the Southwest Sewer District and how we anticipate making sure that they're made whole and not being -- paying for the privilege of taking sewage from outside the district.

COMMISSIONER ANDERSON:

As you stated earlier, the expansion has been under way of the plant to provide an additional 10 million gallons per day. This was a decision that was mandated due to regulatory concerns as well as the desire by this body to, you know, increase economic development.

With that said, the project that's before you currently has funding coming in in multiple sources that we believe will negate any impact to the local taxpayer within the district. So we have 400 -- sorry, a $4 million grant from Empire State Development Corps to offset this cost of design and construction. We have from -- and if I can just step back a second. I just want to state that keep in mind, this is not just about the Ronkonkoma Hub, it's also about the airport and the McArthur Industrial Sewer District. So we have the ability here to move 1.5 million gallons per day. The connection fees from the hub itself would come in at about $12 million, that would be used to offset the construction. Additionally, there is a capital contribution that the developer is putting towards the project of around $7 million that would go to it. So at the end of the day, all but 27% of the capital cost of this project will be borne by the Ronkonkoma Hub.

To the south, you have the airport, you have the McArthur Industrial Sewer District which we're anticipating will bring in connection fees for 1.1 million gallons per day, so that's 300 --
I mean, that's three -- 30 million gallons per day if I do the math in my head right, that can also be used to offset the cost and go towards the district and to reimburse the district for some of the expansion costs that we've met. So --

LEG. McCAFFREY:
So the cost of the expansion I think I remember was about $70 million to the Southwest Sewer District; is that in round numbers about right?

COMMISSIONER ANDERSON:
Yes, right.

LEG. McCAFFREY:
And in terms of the -- and that included how many -- how much capacity, additional capacity did that buy us?

COMMISSIONER ANDERSON:
That bought us a little over 10 million gallons per day.

LEG. McCAFFREY:
And we expect these two projects to how much gallon -- how much additional capacity?

COMMISSIONER ANDERSON:
One point five million gallons per day.

LEG. McCAFFREY:
So it's about 15% of the additional capacity is going into that.

COMMISSIONER ANDERSON:
Right, yes.

LEG. McCAFFREY:
Okay. And how much additional revenue would be going into the Southwest Sewer District beyond -- you know, a lot of these numbers that we talked about is used for the actual infrastructure, meaning running that force main and the additional pumping station which is outside the district, basically, or eventually into the district. But they -- that doesn't take into account offsetting the cost to the ratepayers for the expansion, right? Is there anything in there that calls for paying back that money that was laid out for the expansion?

COMMISSIONER ANDERSON:
That's generally what we use -- one of the basis for the connection fee is, in fact, to pay back the district for the capital cost that.

COMMISSIONER ANDERSON:
It's incurred to date. So on top of the 1.5 million gallons per day, you also have an 8.5 million gallons that for other capacity and other areas. So that -- those connection fees will also go towards reimbursing the district for its capital costs.

LEG. McCAFFREY:
Right.
COMMISSIONER ANDERSON:
And then on top of that you have your annual rate plus a 5% administrative fee which is -- you know, is the rate for operating and maintaining the sewer district and its infrastructure.

LEG. McCAFFREY:
So in theory, the connection fees should pay back the residents of the Southwest Sewer District for the money that they use out of whatever fund they used to expand the district to take in additional capacity from outside.

COMMISSIONER ANDERSON:
That's the intent, yes.

LEG. McCAFFREY:
Now, the only wild card in this is a resolution that was passed last year, and I think it was IR 1027, that allowed for substantial reductions in the amount of connection fees that need to be paid based on the amount of affordable units that were brought in for each one of these developments. So in theory, you could have a developer -- and it's a sliding scale, so actually it's not really 20%. It starts out at 20% as 20%, but when you get to 35% of affordable units it's 38% reduction in connection fees, yet 50% of affordable units brings you 56%, and if you build 75% of affordable units, 100% of the connection fees are eliminated. So you can, in theory, have somebody from outside the district hooking up into this -- into our district, and if some way they're able to have enough subsidies to provide a 75% affordable housing unit, the district would not be paid back for the capital expenditure they made to expand the plant to be able to take the sewage.

So it's almost as if the residents of the district are not only taking additional sewage, but they're paying for the privilege of doing that, and that's something I'm having trouble with. But since we spoke, I've since found out -- and I just need to have this confirmed on the record -- that this development, this Ronkonkoma Hub development, is -- they already have that contract in place and they -- regardless of the amount of affordable units that they build, there will be no reduction in the connection fees.

COMMISSIONER ANDERSON:
Yes, correct.

LEG. McCAFFREY:
Right.

COMMISSIONER ANDERSON:
And if I may, the -- again, the intent of the McArthur Industrial Sewer District is a specified industrial area, so there is no connection outside of that area that would bring in any type of affordable housing that might reduce their connection fees as well.

LEG. McCAFFREY:
Right. So I'm going to be supporting this today. It's a great project, it's great for our working people here, especially the
unionized workforce which TriTech has made a commitment to employ in here, local people. And the economic benefit I agree with, especially when we grow McArthur like we're trying to do and grow that Ronkonkoma Hub.

Just my concern is, and it's a fight I'm going to have to fight down the road, is that the burden of providing affordable housing in this County should not be borne by the residents of the Southwest Sewer District. So, thank you. I appreciate it.

COMMISSIONER ANDERSON:
You're welcome.

P.O. GREGORY:
Okay, Legislator Krupski.

LEG. KRUPSKI:
Thank you. And I think a lot of my questions were answered by Legislator McCaffrey, although I am missing something completely on this discussion because I don't find this as personally gratifying as Legislator McCaffrey did.

(*Laughter*)

I'll do some soul searching in the future, though. How does this -- there's a couple of things. One in relation to the sewer district itself currently; did the rates go down significantly in 2017?

COMMISSIONER ANDERSON:
Um --

LEG. KRUPSKI:
You know, for the existing ratepayers?

COMMISSIONER ANDERSON:
I don't have that information, maybe BRO might be able to answer it? I believe it did but I --

MR. LIPP:
Yeah, there was a decrease; I think it was seven and a half million, but I may be wrong on that, I'm going to take a quick look just to make sure. In other words, their property tax was reduced.

COMMISSIONER ANDERSON:
The annual fee, right?

LEG. KRUPSKI:
While he's looking, Commissioner, is there any consideration -- we've talked about replacing the pipe that connects the treated waste into the ocean and replacing that. Is there any big picture? What's the consideration for this project and all the other expansion towards replacing that pipe?

COMMISSIONER ANDERSON:
Um --
LEG. KRUPSKI:
As now you have one bigger system.

COMMISSIONER ANDERSON:
Well, the -- I assume you're talking about the outfall replacement?

LEG. KRUPSKI:
Yes.

COMMISSIONER ANDERSON:
That is sized and originally was sized for well beyond the capacities we're speaking of right now. I don't know the number, but I do know it was significantly more than what the 40 million gallons per day. We are actually out to bid with that outfall replacement at the current time.

LEG. KRUPSKI:
So we're not going to replace that pipe to the tune of how many million?

COMMISSIONER ANDERSON:
Two hundred and seven --

LEG. KRUPSKI:
And then be surprised that now that the expansion --

COMMISSIONER ANDERSON:
No, no.

LEG. KRUPSKI:
-- is going to require a larger capacity. Okay.

COMMISSIONER ANDERSON:
No, for the full -- again, for the 40 million gallons per day, which is the expanded capacity of the treatment plant, we are -- that pipe will handle significantly more; I don't know the number, but I do know it's --

LEG. KRUPSKI:
That's fine. And then the other thing is, you know, we spoke about the additional capacity for additional areas. And we've had, over the past year, a lot of people come in from different unsewered areas, you know, asking to be hooked up. So have you accounted specifically for those certain areas and is -- you know, is there a limit to where you're going to be able to extend those hook-ups?

COMMISSIONER ANDERSON:
We keep a tally ongoing generally on a relatively daily basis of all the -- of the capacity, including what is reserved based on conceptual or even eventually formal approval through the Sewer Agency. Plus roughly what we're looking at in the near future, what we anticipate projects coming in as, and where we feel we have sufficient capacity to handle all of that.
LEG. KRUPSKI:
Okay, thank you. Dr. Lipp, do you have a -- even a ballpark number is good.

MR. LIPP:
It looks like it was reduced by 14 million.

LEG. KRUPSKI:
Okay, thank you.

MR. LIPP:
Sure.

LEG. KRUPSKI:
Thank you.

P.O. GREGORY:
Legislator Browning.

LEG. BROWNING:
Thank you. I have to say, I remember this Ronkonkoma Hub project now for, it's been going on for quite some time, and the one thing that -- you know, I can support it, but Kevin, I'm on your side on this one because this is -- it's a great project. We have nine acres in Ronkonkoma by the airport, by the train station where a sewage treatment plant should have been built. And this is something that our former Presiding Officer, Bill Lindsay, advocated for, very strongly, and also that the Oakdale and Sayville communities could be hooked up to this. So it's an absolute debacle, in my opinion, how this has been turned around and now everything's getting sent to the Southwest Sewer District. It's wrong; it's wrong to continue to send everything to Southwest, especially when there are communities who are in the Southwest Sewer District still not hooked up. So this has to stop. We need to move forward, we need to build new sewage treatment plants, and that nine acres should still be considered for a sewage treatment plant for Suffolk County residents.

So while I can support this today, I really -- I know when we hear Al talk about it all the time also, a salt water intrusion, that is something we have to be seriously concerned about because the new sewage treatment plants are recharging back into the ground and that's what we should be doing. And I kind of feel bad for TriTech because TriTech has a phenomenal project and through no fault of theirs, they're kind of caught between a rock and a hard place. And I don't want to see them have to be delayed again another five plus years because somebody screwed up and will not put a sewage treatment plant on that nine acres; not you, Gil. But I'm adamantly opposed to continuing to send everything to Southwest.

So we can approve this project, but do not bring us one more project to go to the Southwest Sewer District when it doesn't belong in southwest.

Again, the nine acres, I'm going to continue to say our former Presiding Officer said build it and it didn't happen. It needs to happen. We need to build more sewage treatment plants for our
communities and that's the right way to go, where we're going to recharge into the ground and not be sending them out to the ocean. So again, let's stop sending everything to Southwest, it's just not fair. Because when they keep saying, Yeah, we have capacity, we have capacity, I really -- I have a lot of concerns that we really do, and I think at some point in time you're going to be looking to hook up some of these people who live in the district and then they're going to be saying, Oh, now we need to expand because we don't have room.

So that's my stick on it. I'm going to continue to say, you know, this was -- it's not fair to the developer, this was a total screw up on the part of -- and I'm going to tell you on the part of this administration to not continue to push forward and get that sewage treatment plant on that nine acres. And just out of curiosity, Jill -- Gil, what is that nine acres being used for still? We have not really heard what it's getting used for. It's valuable land; yeah, it's valuable, we own it, and how much less expensive it would be to build a plant on that property. That's the smart thing to do.

COMMISSIONER ANDERSON:
Legislator, you and I have had numerous discussions on this, and while I respect your opinion, you know, dutifully I am -- we're at a point right now where we're moving this project forward. The nine acres, while not being used at the current time, is planned for improvement in the future with the hopes that that entire area on the south will be developed similarly to the area in the north. There'll be an entrance to the airport; again, this is all very conceptual. But there is a plan to put a treatment plant there at this time, and then all of a sudden ten years from now we get to a point where we're ready to develop that southern end, now we have to find a location for that treatment plant, it becomes very problematic.

I would like to address, if I could, one of the questions or statements that you made regarding available capacity of homes within the district that aren't connected. Under the current State funding that we have, that $380 million, one of the projects that we're going to be undertaking is connecting the roughly 2,000 homes that aren't connected as part of that project. The capacity has always been for that -- has always been there for them, they will now, under this new project, be connected, and so that takes away any concerns of all the residents within the Sewer District 3 being connected. I just wanted to get that --

LEG. BROWNING:
However, when you're saying about a proposal to expand on that nine acres, if there's a need to expand and hook into sewers, you don't have a plant there to hook it into, so where's it going to go? It's going to go to Southwest; correct?

COMMISSIONER ANDERSON:
Not necessarily. At this point -- I mean, our hope is with the McArthur sewer district we will include the airport. And at that point, if there's any additional flow that's required or capacity
that's required, we're going to have to develop a plan that handles that. If the entire 1.5 million gallons per day is currently being used by others, including the airport, and we've got to add to it, now we have to come up with some type of means of treating that, so.

LEG. BROWNING:
Well, I'll continue to defer to our -- and I will always say that our former Presiding Officer had it right the first time and I will never say that he was ever wrong.

11:53AM

COMMISSIONER ANDERSON:
Yes, Ma'am.

11:54AM

LEG. BROWNING:
He was absolutely right on this one. And it's really a shame that it's gotten to this point, but hopefully, you never know, maybe they will see the light and put a plant there.

COMMISSIONER ANDERSON:
Thank you.

P.O. GREGORY:
Legislator Kennedy.

LEG. KENNEDY:
Kate Browning, ditto. Not to reiterate what she just said, I just have a couple of more questions on this whole process, this bill and the rest of the votes. The $4 million in the Empire State -- whoops, it's on. I have to get a longer neck. The $4 million in the Empire State Development Grant was for a sewer. Have we applied to get it altered to be for a pump station?

11:54AM

COMMISSIONER ANDERSON:
It is -- yes. We have under the current plan revised the grant to conform to the current plan.

LEG. KENNEDY:
Have we received that four million?

11:55AM

COMMISSIONER ANDERSON:
We will not receive that four million until we spend it. It comes in three -- four different trunches, one of the them being -- the first one being $2 million has to be expended by the County, then we'll get $1 million back, and then as we move forward and spend more money we will then get additional funding back in. I don't recall the -- but there's three more points where we get funds back in.

11:55AM

LEG. KENNEDY:
Additional funds, okay. So add those four times that we receive, I guess, a million dollars each, that will go into debt service payments? It will not go into the General Fund as we have previously done? Sometimes it will go towards paying back; is not your purview that is either the County Executive's or Budget? Anybody? No answer.
COMMISSIONER ANDERSON:
I mean, the intent was to pay down capital debt.

LEG. KENNEDY:
That would seem appropriate, but sometimes it goes into the General Fund. So I'm just putting it on the record that its purpose, according to what we were told with this resolution, is to go to pay down debt service in there.

My other question is not on this particular bill but it's in the same issue. Adding McArthur, the water study that was done for the hub was my concern, since the hub is pumping and porting from the magathy (sic), we're going to lose ten and a half inches. The initial study that was done for the hub, that two-and-a-half mile radius of influence includes McArthur?

COMMISSIONER ANDERSON:
Yes.

LEG. KENNEDY:
It does.

COMMISSIONER ANDERSON:
Yes, it does.

LEG. KENNEDY:
So we do not have to do another --

COMMISSIONER ANDERSON:
Correct.

LEG. KENNEDY:
-- study. Okay, that's all I needed to know. Thank you.

COMMISSIONER ANDERSON:
You're welcome.

P.O. GREGORY:
Legislator Trotta.

LEG. TROTTA:
Yeah, I asked you before on this. You know, clearly I'm not an expert on groundwater but, you know, Legislator Krupski has concerns about groundwater intrusion and I suggested to you that, you know, we get a price for putting a pipe to pump the water back once it's cleaned and have it recharged there. I'm sure the plumber's union would love the idea, but I think that, you know, it's something that -- you know, we're digging a hole, we're going to lay a pipe in it; laying two pipes in it can't be that much more expensive. And having that pipe for the future in case something fails on the other pipe can't be a bad thing either. So I was wondering, I suggested this to you, you said you would get bark to me with a price, I never heard anything. I know you're very busy but, you know, this -- I can't imagine that it would be so much -- I'm not saying we need to use the pipe, but have the pipe there
just in case, because it can't be that expensive. Put it in the hole, connect it and if you need pumping stations in the future if we run into that problem it's there, so we're not behind the ball. I mean, I don't think it's an unreasonable request, I don't think it's a lot of money. And I think that, you know, we'll be kicking ourselves down the line if we don't have that.

COMMISSIONER ANDERSON:
Well, the issue has become not only the pipe but where -- eventually where you're going to discharge that storm water and --

LEG. TROTTA:
It's unimportant, as long as the pipe's there.

COMMISSIONER ANDERSON:
But if you were to -- for sake of argument, let's say there are three parts to this project right now; you've got the pump station and you have two pipes that are basically going to be installed. If we, for the sake of argument, say that the pump station itself is, I'm throwing rough numbers out there, $15 million. The pipes themselves are another ten, less than ten, you know. That -- you're adding millions of dollars. It's not just a matter of -- and again, that's a cost that would have to be borne, we have to -- you know, where do you put it, what do you size it for? I mean, are we putting the same, are we putting one large pipe that has the capacity for all the flow? We have to have a pump station on the --

LEG. TROTTA:
You don't have to have anything now, you just have to put a four-inch pipe that's going to pump water back to the -- or a six-inch pipe, you know, that you can go to Home Depot and buy and you run it back. Now, if you need it ten years from now it's there, or five years from now, it's there, rather than digging the whole thing up. I mean, I watched them do it, you know, pave a road and then dig it up and pave it again. Because I can't see that, you know, it's going to cost $10 million to run the pipe.

COMMISSIONER ANDERSON:
Even if it's four million. I mean, again, you're --

LEG. TROTTA:
It's $4 million, it could be 50 million ten years from now.

COMMISSIONER ANDERSON:
In the late 80's the County had a program where any subdivision that was constructed would have to put in piping in anticipation of future connection to a sewer district, and if not they had to pay a fee. There are thousands of feet of unused pipe in numerous subdivisions that were constructed that were never hooked in. I as an engineer find it difficult to -- and I understand what you're saying, you're trying to -- I mean, logically it makes sense, you've got an open hole, fill it. But to be honest with you, by the time we get to that point, it's a decade away, the minimal cost would be the opening of the road, that's coming through, opening the trench. These aren't deep, these are relatively -- they're
force mains, they're shallow, they get below the frost and that's really all you really need to make sure of. So I don't necessarily -- I don't agree that it's appropriate right now to put in a --

**LEG. TROTTA:**
Well, what if we find out a year from now that the water table's draining and the salt water intrusion's coming in and we've got to recharge that water in that location, or near that location?

**COMMISSIONER ANDERSON:**
We've looked at it. We did a study, we felt that the study determined that there would be a reduction in the water table by ten inches. Now, the water table fluctuates between five --

**LEG. TROTTA:**
What if the study was wrong? What if we go through a drought? It just makes sense to me to put an extra pipe in. We don't need -- just have it in the hole. I mean, every time I do something at my house, I always put pull strings and pipes and everything and I've used them a hundred times. I don't think about it when I'm going to do it, but all of a sudden three years from now my son wants a TV in his room my string is there; I pull it right through, it takes me five minutes. Now, why not do that on a different level?

**COMMISSIONER ANDERSON:**
Because we don't know, number one, are we -- you're making certain assumptions for essentially what you're saying is a pipe chase; something eventually that will allow us to connect. Is this body willing to spend $4 million and that impacts the --

**LEG. TROTTA:**
If it's going to save us 50 million three years from now.

**COMMISSIONER ANDERSON:**
I disagree.

**LEG. TROTTA:**
And we can always use the pipe for something else.

**COMMISSIONER ANDERSON:**
I disagree.

**LEG. TROTTA:**
Okay.

**COMMISSIONER ANDERSON:**
At that point, if we -- again, without an engineering design --

**LEG. TROTTA:**
We probably won't be around when this happens, but my kids will tell you, I told you.

**P.O. GREGORY:**
Legislator Stern

* Index Included at End of Transcript
LEG. STERN:
Thank you. I have a question about the agreement with the Village of Islandia and the 200,000 gallons that are being set aside. The 200,000 gallons that being set aside I guess, first of all, conceptually what could that 200,000 gallons be used for? Is that capacity capable of serving local residential area, or because of the infrastructure that’s already going to be in place can that only serve potential commercial in the future? Do we have any idea what the ultimate vision of the use of that 200,000 additional gallons might be in Islandia?

COMMISSIONER ANDERSON:
It -- right now we're not -- we don't care what use it will be, whether it be residential or commercial. That's really the Village would have to come before the Sewer Agency, provide some kind of plan and then connect into the system. Being the system is under pressure, it's not a matter of running, you know, a connection from a home on the street into the pump -- into the force main itself. You would have to have a localized connection point which would then be constructed to essentially connect into the system. You know, you'd build a pump station right next to the existing pump station, or next to the force main, wherever you want to hook it in, and then you would have to build all the infrastructure to connect -- do the connection very quickly. It can be done, you know, it's just engineering, but it wouldn't be a matter of being able to tie gravity lines directly into it.

LEG. STERN:
Right, okay. So there would be a lot additional infrastructure that would be required in order to do that based on --

COMMISSIONER ANDERSON:
Correct.

LEG. STERN:
-- what their future plans are.

COMMISSIONER ANDERSON:
Correct.

LEG. STERN:
The 200,000 additional gallons that are set aside for the Village, is that a capacity that lasts forever, or is there some type of a time consideration? What happens in the future if that is additional capacity that we see there might be a need for, but there's this 200,000 that's already been set aside; for how long do they have the ability, do they have that reservation to be able to utilize it?

COMMISSIONER ANDERSON:
I don't have the IMA in front of me. I don't know that there is a time constraint, but I think if we were at a point where there was 200,000 gallons of capacity left and there was a use for it, we would approach the Village to negotiate some other means of providing them sanitary treatment.
LEG. STERN: And presumably there would have to be some type of compensation for that on our part in the future, because that was essentially part of the deal.

COMMISSIONER ANDERSON: Right.

LEG. STERN: Okay. If you could, if you can review that and see --

COMMISSIONER ANDERSON: Sure.

LEG. STERN: -- if in that memorandum there is some type of requirement on the time.

The other question that I have, and maybe this is for you, Gil, maybe it's for Peter. But the analysis was done that ultimately, I'm just reading from here, that approximately $21 million ultimately will be the net financial gain of cost. Just in terms of time perspective, do you or maybe Peter has an idea as to the time when the projection of a 20 million -- $21 million net financial gain would be realized? How long does it take for us to have that realization of the gain?

COMMISSIONER ANDERSON: Do you want it, or I'll handle it?

MR. SCULLY: Thank you, Legislator Stern, for that question. I think that that is -- the honest answer is it's dependent a little bit on our ability to advance the McArthur Industrial District Project, since the -- you know, the lion's share of the capacity that we're trying to advance here today is really going to be made available for that purpose at the request of the Town of Islip. And our hope is to advance the design of McArthur Industrial and then move into the construction phase. So it's a within five to ten-year period we're looking to see that additional capacity utilized.

LEG. STERN: Thank you.

P.O. GREGORY: Legislator McCaffrey.

LEG. McCAFFREY: Thank you. Peter, if you can come back because I just want to ask you a question just in my mind about the financing of this. So we're authorizing to take out a bond now, correct; is that what we're doing?

MR. SCULLY: Yes.
LEG. McCAFFREY:
As part of that? And that is a -- is that right, Gil?

MR. SCULLY:
If the initial resolution is a findings resolution, then the
appropriating resolution would follow and the bonding resolution to
implement provisions that are already in the Capital Program.

LEG. McCAFFREY:
Right. And so basically -- I know you had given me this before.
This is for the force main and pump station; is that correct?

MR. SCULLY:
For the -- what we're calling the Ronkonkoma Hub project.

LEG. McCAFFREY:
The Ronkonkoma Hub project.

MR. SCULLY:
All related infrastructure.

LEG. McCAFFREY:
Okay. And that is about twenty something million dollars.

MR. SCULLY:
I think the estimated cost is 27.6.

LEG. McCAFFREY:
Twenty-seven point six? Okay.

MR. SCULLY:
I'm sorry, 26.375, I stand corrected.

LEG. McCAFFREY:
And is that -- now, who's going to pay that back? That's going
onto the Southwest Sewer District residents; correct?

MR. SCULLY:
It wouldn't be paid by the residents, it would be an asset of the
district and paid back through the district, but the contributions
that are going to be made by the Town of Brookhaven's selected
Master Developer for the Ronkonkoma Hub project would be used to
offset that cost so that there's no burden on them.

LEG. McCAFFREY:
Right. I mean, I just want to go back to -- and we did the math on
this and my concern was there was a gap in there and just for the
record, that gap is expected to be paid back with the connection
fees and you expect those connection fees to actually exceed the
amount of outlay by the district --

MR. SCULLY:
Yes.

LEG. McCAFFREY:
-- correct, for the capital costs?
MR. SCULLY:
That's correct.

LEG. McCAFFREY:
Okay. And in this case, as the Commissioner said, there is no waiving of any connection fees based on affordable housing for that Ronkonkoma Hub.

MR. SCULLY:
No, we have a Memorandum of Understanding and the connection agreement will require them to pay the full connection fee of $12 million.

LEG. McCAFFREY:
Okay. And where is that pump station going to be built?

MR. SCULLY:
Approximate location of the pump station?

COMMISSIONER ANDERSON:
For Ronkonkoma Hub?

MR. SCULLY:
Right.

COMMISSIONER ANDERSON:
That'll be at the southeast corner of the Ronkonkoma Hub project adjacent to the railroad tracks.

LEG. McCAFFREY:
And who owns that property now, the developer?

COMMISSIONER ANDERSON:
Well, with the finding statement will be an accepting resolution for the land, so the County will own the land that the pump station is constructed on.

LEG. McCAFFREY:
Are we buying that land from the developer? Is that included in their contribution?

MR. SCULLY:
They will make the land available to the County for the purpose of constructing the pump station --

LEG. McCAFFREY:
Pump station.

MR. SCULLY:
That's one of the things that will be authorized today.

LEG. McCAFFREY:
Okay. Thank you.
P.O. GREGORY:
Legislator Cilmi.

LEG. CILMI:
Peter, could you -- sorry. How are you? You and I had a
conversation yesterday with respect to these resolutions and I just
hope that, for the record, you could sort of reemphasize what we
talked about insofar as the investment that the County is planning
to make cooperatively with our partners in the State and Federal
government with respect to sewer connections in Sayville and
Oakdale and Great River. And if you can just speak to TriTech's
support of this project here and, you know, opine on whether or not
their support for this project here is sort of instead of similar
support from TriTech, for a route that would go down into the
Sayville area, for example.

MR. SCULLY:
Sure. I think it's been encouraging to hear the discussion and the
questions. I know that Legislators have a lot of different
concerns about this project. Obviously the Legislature made the
decision to invest in additional capacity at Sewer District No. 3,a
and I guess the premise is that that capacity will be utilized.
There are a lot of areas in Islip which are not yet sewered, one of
them is the Oakdale through Sayville area which is extremely
low-lying and close proximity to the bay. We know there are
environmental impacts there that we'd like to eliminate and we know
that there are constraints on development in those downtowns that
we'd like to address.

The County Executive recognizes the importance of sewering south
Islip. The Town of Islip is a partner with us on the hub project
and McArthur Industrial. The Town of Islip completed a sewer
feasibility study for south Islip which kind of gave us a snapshot
into what will be required to advance that project. The
Legislature added a project we call Sayville Extension to the
Capital Program and we've recently let a contract to begin the
design process. We continue to work closely with our partners on
all levels of government trying to advance these projects, they're
very expensive. We look for every opportunity we can to gain
leverage by investing in design so that we're in a position to take
advantage of infrastructure funding when it becomes available.
We're hearing a lot of talk right now, both on the State and the
Federal levels, about significant investments in infrastructure.
These areas cry out for sewering. In order to be in a position for
us to take advantage of these infrastructure dollars, we need to
get these designs moving. As I explained to you yesterday, the
Department of Public Works recently let a contract for design of
what we call the Sayville Extension. It would be built -- it would
build on one of the projects as part of our Coastal Resiliency
Initiative, the connection of 500 homes in Great River, by
extending a main east through Oakdale, West Sayville and Sayville
where communities are crying out for that type of sewer connection.
I don't know if that answered your question; if not, I'll --

LEG. CILMI:
I guess for the most part it does. But the question -- the
follow-up question would be, so if -- I know that you are working very hard, as many of us are, to make sewers in Sayville and Oakdale, Great River a reality. We know how important funding is because we know how expensive that whole project is going to be. And so I just want you to reflect on the investment that TriTech is making to this project relative to the overall cost of what the other project would have been had the County decided that that was the appropriate route to take.

**MR. SCULLY:**
Oh, that's a good question. Okay, so when you say the other project, you mean a connection for Ronkonkoma Hub that involved a connection through West Sayville, Oakdale --

**LEG. CILMI:**
Exactly.

**MR. SCULLY:**
Right. So that was a tremendously expensive project; I think that DPW put the cost of that connection at about $65 million, it would have been far in excess of what we're talking about here. Obviously the developer's contribution towards that would have left a significant additional burden on the residents of the district. This is obviously a more cost effective way to approach that. It leaves us with the challenge of trying to access State and Federal money to help move forward both the McArthur Industrial District and the Sayville Extension, but we're -- you know, the County Executive is committed to doing that. I'm hearing directly concerns of some of the Legislators here today, it's very helpful to me as I try to navigate my way through this. But I think there's good information to provide in response to some of these concerns and I'm happy to engage in discussions with you here or individually. And I appreciate your support.

**LEG. CILMI:**
But as you noted, had we said to TriTech that, you know, rather than connect through the Johnson Avenue, Islandia force main, had we said to them we want to go down into the West Sayville area, down Johnson or whatever the proposed route was at the time, the point that you're making is that there would still have been significant investment necessary beyond what TriTech is committing here that would have required us to, you know, find that money somewhere else, whether it's Federal partners or State partners. And so if we can get TriTech -- I mean TriTech's already committed to this. Your hope -- and I would suggest that it's probably more than a hope, you tell me -- is that the money will be forthcoming for the entire project to go down through that West Sayville area and into Oakdale and Great River as well; correct?

**MR. SCULLY:**
Yes, we're very hopeful for that. All this discussion of infrastructure funding and interest in trying to provide large, you know, trunches of money to get this kind of work done makes us extremely hopeful. And your point about the more expensive aspects of going south with the hub connection is absolutely on point. In addition, there are time constraints. You know, the route through
Islandia is almost fully developed. We know that the cost of developing the project down through Sayville south of Lakeland Avenue would have been significant, the time delays associated with that route would have been significant. We see this as a much more cost effective way to go.

LEG. CILMI:
Thanks, Peter.

P.O. GREGORY:
Legislator Krupski.

LEG. KRUPSKI:
A little bit off topic, and you can tell me if it's apples and oranges. But the County embarked a few years ago on an unsuccessful effort to put solar panels in that area. Is there -- as part of the design of all this, is there a continuing will to have solar production there in the parking areas, or is that being considered in this whole design?

COMMISSIONER ANDERSON:
As far as I know there is no intent of pursuing any type of solar panels in the parking area on the south side of the railroad tracks, and it's certainly not part of this project.

LEG. KRUPSKI:
Because, I mean, as far as I know there was -- from what I had heard in the past is that the solar panels were aligned based on the parking lot versus the other way around. And so that's why I was wondering at what point does someone say we should design the parking lot to accommodate solar production instead of putting the parking lot in and saying, Well, it doesn't really work that well. We'll put it in but we're not going to have the efficient system that we could have.

COMMISSIONER ANDERSON:
Again, everything I'd be saying about any type of design is hypothetical at this point. But yeah, I mean, if you were going for put in a solar program there, you would likely have to do some reconfiguration of the parking itself. We are looking to do some improvements to the parking lot just because of maintenance, but any type of solar panel project in that area would require significant reconfiguration of the parking lot itself. I don't know if that answers your question.

LEG. KRUPSKI:
Well, I didn't know, you know, the extent of this project, how it would effect the current parking there.

COMMISSIONER ANDERSON:
No, this --

LEG. FLEMING:
And if it was going to be a --
COMMISSIONER ANDERSON: No, we have nothing to do with anything to the south of the tracks at this point. The current -- eventually, when hopefully everything is approved and we're able to hook McArthur Industrial Park up, we will likely run a force main up through this area. There's a couple of routes we've looked at, none have been formerly selected yet, but you will eventually go under the tracks and connect into the pump station at that point. So whatever we -- whatever pavement we damaged to install the force main would be repaired as part of that project.

LEG. KRUPSKI: Okay, thank you.

COMMISSIONER ANDERSON: You're welcome.

P.O. GREGORY: Okay. Anyone else? Okay, so we have a motion and a second on IR 1050 -- excuse me, 2056-16. All in favor? Opposed? Abstentions?

MR. RICHBERG: Seventeen (Absent: Legislator Fleming).

P.O. GREGORY: Okay. Also on page 11, I have a request to take IR 1109 out of order, Amending the 2017 Capital Budget and Program and appropriating Pay-As-You-Go funds in connection with Macarthur Industrial (CP 8102)(County Executive). I'll make a motion to take out of order.

LEG. CILMI: Second.

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

MR. RICHBERG: Seventeen (Absent: Legislator Fleming).

P.O. GREGORY: Okay. You want to make a motion, Tom?

LEG. CILMI: Sure.


MR. RICHBERG: Sixteen (Opposed: Legislator Browning - Absent: Legislator
General Meeting 3/7/17

P.O. GREGORY:
Okay, IR 11 -- I also have a request to take IR 1122 out of order, Appropriating Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 3 – Southwest (Ronkonkoma Hub Project (CP 8156))(County Executive). I'll make the motion, second by Legislator Calarco, to take out of order; on page 11, it's below 1109. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Seventeen (Absent: Legislator Fleming).

P.O. GREGORY:
Okay. I'll make a motion to approve.

LEG. STERN:
Second.

P.O. GREGORY:

MR. RICHBERG:
Seventeen (Absent: Legislator Fleming).

P.O. GREGORY:
Oh I'm sorry 1122A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $25,000,000 Bonds to finance the cost of Improvements to Suffolk County Sewer District No. 3 – Southwest (Ronkonkoma Hub Project) (CP 8156.310), same motion, same second. Roll call.

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

P.O. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. KRUPSKI:
Yes.

LEG. FLEMING:
(Absent).

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. HAHN:
Yes.
LEG. ANKER: Yes.

LEG. LINDSAY: Yes.

LEG. MARTINEZ: Yes.

LEG. CILMI: Yes.

LEG. BARRAGA: Yes.

LEG. KENNEDY: Yes.

LEG. TROTTA: Yes.

LEG. McCAFFREY: Yes.

LEG. D'AMARO: Yes.

LEG. SPENCER: Yes.

D.P.O. CALARCO: Yes.

MR. RICHBERG:
Seventeen (Absent: Legislator Fleming).

P.O. GREGORY:
Okay, if we can go back to IR -- or page seven.

Applause

Economic Development

IR 1044-17 - Directing the Department of Economic Development and Planning to assess the effectiveness of economic development incentives in Suffolk County (Presiding Officer Gregory).
I make a motion to approve.

LEG. LINDSAY:
Second.

P.O. GREGORY:
Second by Legislator Lindsay.

LEG. CILMI: 
On the motion.
P.O. GREGORY: On the motion.

LEG. TROTTA: What motion is it?

P.O. GREGORY: Motion to approve.

LEG. TROTTA: No, what --

LEG. CILMI: It's 1044, Rob, Economic Development.

LEG. CILMI: So here's my question with respect to this. Obviously our Department of Economic Development & Planning supports the variety of projects that Economic and Planning does, and here we're asking the same department to do a study to evaluate the effectiveness of those projects? It just doesn't seem to make too much sense to me.

P.O. GREGORY: Well, we're asking them to --

LEG. CILMI: If we do want -- let me just ask the question. If we truly wanted to determine the effectiveness of the variety of projects that Economic Development & Planning, you know, is involved with, then we should have somebody else look at whether or not they have been effective, don't you think? Or am I off base?

LEG. KRUPSKI: You're out.

LEG. CILMI: This is IDA?

P.O. GREGORY: Yeah.

LEG. CILMI: So we're asking Economic Development & Planning to assess the effectiveness of IDA projects?

LEG. TROTTA: Of course. It's ridiculous.

LEG. CILMI: Who's the Chairperson of the IDA right now?

LEG. BROWNING: The Commissioner.
P.O. GREGORY:
Well, the point is --

LEG. CILMI:
The Commissioner of Economic Development & Planning?

LEG. LINDSAY:
And I'll speak for -- I don't want to speak for the Presiding Officer, but --

P.O. GREGORY:
I was going to let him finish.

LEG. LINDSAY:
-- I think because we vetted this through the Economic Development Committee, we're just asking them for statistical data; how many -- what grants were given, what incentives were given.

LEG. TROTTA:
DuWayne?

LEG. LINDSAY:
How many jobs they were able to add or save and whether those companies ended up stayed here.

LEG. CILMI:
Okay. So you're just asking -- we're just asking for information here. It's not really -- they're not going to spend time creating some document that says how effective IDA has been in granting benefits and whatnot.

LEG. LINDSAY:
No, that's not what we discussed in committee. It's all really just gathering of data, and the data's the data, the numbers are the numbers.

LEG. CILMI:
How will we know whether or not the data that we're being presented is accurate data? And a lot of these things are, you know, you're asking -- you're looking at whether or not a company, for example, that you've given an inducement to through whether it be a sales tax reduction or a property tax reduction, they're going to tell you they created X number of jobs and then they're going to tell you, Well, that wouldn't have been possible were it not for the economic -- were it not for the inducement.

LEG. LINDSAY:
You know, the one variable that is indisputable would be if the company is still here. If the company took the incentives and then moved anyway, there's a clawback and those statistics are closely tracked.

LEG. CILMI:
As part of the presentation, can they discuss how many companies aren't here any longer because they can't afford to pay the taxes here and they haven't been able to get or haven't -- aren't
eligible for IDA benefits; is that going to be part of this study? I'd like to see that as well.

P.O. GREGORY:
No, that's not the scope of the request. The request is to see what incentives we provided and if those promises made were promises kept; it's pretty much that simple. If Cilmi --

LEG. CILMI:
So we're looking to hold the IDA accountable, basically, for the inducements? Is that the objective here, is to hold the IDA accountable? Because if that's the objective then I'm all for it. But I didn't hear --

P.O. GREGORY:
We'll see --

LEG. CILMI:
-- that that's the objective.

P.O. GREGORY:
Yeah. Well, we have to see what information is there, right? I mean, you know, if --

LEG. CILMI:
Is it your intent as the Presiding Officer to have them come to the Legislature and discuss the findings of this analysis?

P.O. GREGORY:
Yeah, absolutely. The report will be available to everyone. The State just did a report, a similar report of various companies. Anecdotally over the years you hear about companies receiving incentives and then leaving or not fulfilling those promises. I want to see, you know, what the net effect is, you know. So when Ms. Ward came before the Legislature for her approval for her nomination, I had asked her specifically about incentives; is there a different way that we can do it? Instead of giving a hundred percent up front, do we, you know, give them an increase, you know, start at a zero base and then increase the incentives based on their commitment, fulfilled commitment? But we have to see what information is out there, if they are people that are making commitments to the County. Because these are taxpayer dollars, we were told that we have to remain competitive to provide these incentives. But I think if it shows that we're not, you know, getting the commitment that the people are making, the corporations are making to us, then maybe we should award those incentives in a different way or look at a different approach. But --

LEG. CILMI:
This is your resolution?

P.O. GREGORY:
Yes.

LEG. CILMI:
Did you explore any other means of actually accumulating the
information that you're seeking rather than going to Economic Development & Planning for that information?

P.O. GREGORY:
No, I didn't because most of that information, if there is any questions about the validity of the information -- I mean, there's resolutions that the IDA has to pass. It's a lot of public information. It's not -- people don't necessarily go to the meetings, but it's not done in, you know, the cover of darkness. I mean, there is a paper trail available to demonstrate what incentives have been provided and what those commitments were. So there are ways to vet this information if there is any reason to believe that it's not valid.

LEG. CILMI:
And you don't have a problem that the Commissioner of the Department of Economic Development & Planning is the Chairperson of the IDA that you're asking for information about?

P.O. GREGORY:
No, I don't. I think, you know, we'll see what information is provided. She's a professional, the department's a professional department and I trust that they'll give the appropriate information. And we'll see, you know, what information is provided to us. I want to look at the information before I question the legitimacy of it.

LEG. CILMI:
All right, fair enough.

LEG. LINDSAY:
If I could just add to that further to Legislator Cilmi's questions. I look at it as the beginning of what could be a deeper deep into whether all of the IDAs, how they function, should we have one IDA rather than multiple IDAs that exist within the County, and to me this is the first step.

And further, to the Presiding Officer's answer, I would trust the information we get from them the same as I would trust crime data information that we get from the Commissioner of Police. So unless we have information otherwise, I don't see any reason why they wouldn't give us the information accurately. But at least it gives us a starting off point. I don't see any harm in doing this. To me, it's a better way to begin this process than paying some outside consulting firm, money to do this type of work for us when we should have the information readily available.

LEG. CILMI:
Could we -- do we have somebody here from Economic Development & Planning that could answer a question or two? Ah, Theresa is here.

COMMISSIONER WARD:
Hi.
LEG. CILMI:
Hi, Theresa.

COMMISSIONER WARD:
Good afternoon.

LEG. CILMI:
How are you?

COMMISSIONER WARD:
Good, good.

LEG. CILMI:
Good. So how difficult is it going to be for you to accumulate all
of this information? Is it something that you kind of keep track
of just as a matter of course anyway?

COMMISSIONER WARD:
Companies that have benefits, they need to submit an annual
compliance information and that includes their New York State -- I
think it's the New York State 45 tax return that shows their
employees. So it would really be taking all the information that
they're providing the IDA, reviewing it and reporting on it, sort
of a five-year lookback; that was my understanding of the
legislation.

LEG. CILMI:
What sort of time commitment are you expecting to have to put into
this?

COMMISSIONER WARD:
The IDA staff already have to do for New York State an annual
report, and so they're collecting all this information and
submitting it through --

LEG. CILMI:
So this might be just a matter of aggregating those annual reports
and putting them --

COMMISSIONER WARD:
And reviewing it; yeah, I think it's reviewing. And we were going
to have in-house economists that does the report, so that was our
plan, in-house in our planning unit.

LEG. CILMI:
Okay. And you don't have -- you're supportive of this?

COMMISSIONER WARD:
Well, we weren't objecting to it. We thought it was something that
we could do with in-house resources, that's --

LEG. CILMI:
Okay. I'll give you the benefit of the doubt. Thank you.
COMMISSIONER WARD:
(Laughter) okay.

P.O. GREGORY:
Legislator Trotta.

LEG. TROTTA:
You do this. I mean, I've seen reports like this, right?

COMMISSIONER WARD:
Yeah, there's -- I think it was in 2009 that the AAA Public Authorities Accountability Act created the New York State Authority's Budget Office and that's who requires a lot of this reporting.

LEG. TROTTA:
So you have this done already.

COMMISSIONER WARD:
It's not consolidated, though. I mean, it's a lot of detail, so if you -- and you can find it on New York State ABO, there's a lot of information on their website. You know, there's 109 IDAs in the State, so, you know, they're all doing it; and it's not just IDAs, it's all public authorities are doing this.

LEG. TROTTA:
The State Comptroller does these routinely, correct?

COMMISSIONER WARD:
I wouldn't say routinely of --

LEG. TROTTA:
I think they did 35 last year?

COMMISSIONER WARD:
I'm not sure how many he --

LEG. TROTTA:
I just -- you know, I think for transparency we should not have the IDA looking at economic development, it's just absurd.

LEG. McCAFFREY:
Looking at the IDA?

LEG. TROTTA:
Looking at the IDA. It's just -- it makes no logical sense. It's like the fox watching the hen house, and I cannot support this. I mean, especially since we can call the attorney the -- what was it? The Comptroller do it in a more objective way. So I cannot support this.

P.O. GREGORY:
Legislator Krupski.

LEG. KRUPSKI:
You know, when I first saw this I thought, you know, what a great
idea, because I'm not that familiar with how the IDA operates. And just to get -- and also, I like the idea of having it done in-house, because when you hire a consultant, too often they will just take up staff's time to get the information and the staff could just provide those numbers instead of providing those numbers to a consultant who then is going to charge the County to provide them to us. So I think it's a much more efficient way to do it. And I'm not sure what sort of in-depth analysis, Commissioner, that you're going to go into, because I would just be happy to see, you know, company X received a $100 tax break and as a result they increased their workforce by two and they did it -- those jobs paid roughly, you know, this much per year and they -- I don't even know if we need to know how much they contributed to the economy. I think I'm -- I'm just looking for that basic boiler-plate information that you should -- I would think you'd have readily available.

COMMISSIONER WARD: The information that they're approved at the IDA Board Meetings, I mean, that's what they report every year.

LEG. KRUPSKI: And as the companies that have gone out of business, there's a lot of factors, you know, marketplace factors that cause people to either leave the Island or go out of business that are unrelated to the fixed costs that we face here like transportation, you know, getting things on and off the Island and utility costs, taxes, etcetera, availability of workforce and whatnot. So there's a lot of factors there. I think that's more of an in-depth analysis business-by-business that I really don't think we need to get into with this.

COMMISSIONER WARD: Uh-huh.

P.O. GREGORY: Legislator Kennedy.

LEG. KENNEDY: No, I have an answer. Thank you.

P.O. GREGORY: Legislator D'Amaro.

LEG. D'AMARO: Commissioner, does your department have a system of monitoring the economic benchmarks that companies are representing they'll meet when they get IDA benefits; is that something that we track in your department or in the County?

COMMISSIONER WARD: The IDA tracks all of the transactions that they complete, there's an annual compliance report that companies have to submit and that's the information that --
LEG. D'AMARO:
Right. So when a company is before an IDA and represents, We're going to create X number of jobs, for example.

COMMISSIONER WARD:
Uh-huh.

LEG. D'AMARO:
And the benefit is granted and there's maybe a three-year opportunity to do that or a ten-year window of benefits, whatever it may be; who is looking at whether or not the benefit is materializing?

COMMISSIONER WARD:
That's the Executive Director of the IDA would be -- you know, they're really verifying that information.

LEG. D'AMARO:
So that's part of -- correct me if I'm wrong, but I think that's required by State law.

COMMISSIONER WARD:
Yep.

LEG. D'AMARO:
That the IDA compile that information to ensure that the promised benefits of granting the tax exemptions or whatever they are are materializing. And does the law provide that if those benefits are not materializing that the IDA benefit can be clawed back?

COMMISSIONER WARD:
Correct.

LEG. D'AMARO:
It does, right?

COMMISSIONER WARD:
Uh-huh.

LEG. D'AMARO:
So it's a powerful tool, an incentive for businesses to live up to their end of the bargain.

COMMISSIONER WARD:
Yes.

LEG. D'AMARO:
Now when the IDA, the Executive Director of the IDA compiles this information or the required reporting comes in for that, what does the Director do with that information? Like is it reviewed to determine which companies are in compliance or meeting the standards and which are not?

COMMISSIONER WARD:
Yes, and I believe that --
LEG. D'AMARO:
Has any company recently not produced the benefits required to maintain the IDA advantages?

COMMISSIONER WARD:
I do know that there were two clawbacks in recent memory for us --

LEG. D'AMARO:
From Suffolk County?

COMMISSIONER WARD:
-- that moved out. Forest Labs is one, and then the other company the name is escaping me, but they did have two pretty well publicized, I assume; they were leaving the area, so they paid back -- needed to pay back the benefits.

LEG. D'AMARO:
So right now the IDA, although it has the authority to grant benefits, it also has to monitor --

COMMISSIONER WARD:
Uh-huh.

LEG. D'AMARO:
-- the results? And if the results are not what were represented, they have the -- are they mandated, is the IDA mandated to claw back the benefits? Are they cast in stone kind of benchmarks or is there discretion on behalf of the IDA?

COMMISSIONER WARD:
It's discretionary and discretionary, I believe, of the board members.

LEG. D'AMARO:
Of the board.

COMMISSIONER WARD:
I believe.

LEG. D'AMARO:
Do you know if recently the IDA has had any case in front of it where that discretion was exercised one way or the other?

COMMISSIONER WARD:
I'm sorry, can you ask that question again?

LEG. D'AMARO:
Sure. Has there been any recent case before the IDA, say in the last year or two, where the issue came up as to whether or not to claw back benefits that were granted?

COMMISSIONER WARD:
I would need to get back to you on that question. I am not sure in the last year or two whether that was discussed.
LEG. D'AMARO:
Right.

COMMISSIONER WARD:
And I'm not sure of the exact timeline of, say, Forest Labs, but I
could find that out.

LEG. D'AMARO:
So the information that we're trying -- the Presiding Officer is
trying to garner in this bill has already been compiled, it's being
looked at and now it's going to be reported in a report to the
Legislature as well.

COMMISSIONER WARD:
Correct.

LEG. D'AMARO:
Right? So, because you had said earlier in response to a question
that we haven't compiled this information or aggregated this
information. I'm not quite sure, how does the IDA make all of this
analysis which is mandated to do under State law whether or not to
claw back benefits if you haven't already done that?

COMMISSIONER WARD:
It's done on an ongoing basis, so there hasn't been the sort of
taking a snapshot in time of like a five-year time period like this
report and looking at what has happened the last five years.

LEG. D'AMARO:
Well, it's done --

COMMISSIONER WARD:
It sort of happened on an ongoing basis.

LEG. D'AMARO:
But it's done on a case-by-case basis, but for every recipient
company of an IDA benefit every year, right?

COMMISSIONER WARD:
Yes.

LEG. D'AMARO:
All right. Now now we're just going to make some conclusions more
of a macro kind of look at it.

COMMISSIONER WARD:
Right.

LEG. D'AMARO:
Not looking at each company, but just what are the statistical --
what's the statistical conclusions of how effective the IDA is in
granting those benefits.

COMMISSIONER WARD:
Yes.
LEG. D'AMARO:
So that's what we're doing. So a lot of the safeguards are already in place under State law, correct?

COMMISSIONER WARD:
Correct.

LEG. D'AMARO:
In order to ensure that when we grant a -- when the IDA grants a tax benefit, that the applicant or company lives up to their end of the deal.

COMMISSIONER WARD:
Yes.

LEG. D'AMARO:
Yeah. All right, thank you. Appreciate it.

COMMISSIONER WARD:
Uh-huh.

P.O. GREGORY:
Okay. Well, it's a quarter to one, we do have some more, at least one more speaker, so if -- you still have questions, Kevin? If not, we --

LEG. McCAFFREY:
I'd just be real -- I'll be real quick, I just need two minutes, not even.

P.O. GREGORY:
Well, let's break for lunch, then.

LEG. McCAFFREY:
Okay.

P.O. GREGORY:
I don't want to keep people too long from lunch. All right, so we'll recess for lunch and we'll be back at 2:30.

(*The meeting was recessed at 12:39 p.m.*)

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

(*The meeting was called to order after the lunch recess at 2:30 p.m.*)

P.O. GREGORY:
Okay. Good afternoon, Madam Clerk.

MS. ELLIS:
Good afternoon.

P.O. GREGORY:
Okay. Folks, we are at the Public Hearing portion of our agenda.
We have several Public Hearings. Actually, I guess do the roll call. Sorry.

(Roll Call by Amy Ellis, Chief Deputy Clerk)

LEG. KRUPSKI:
Here.

LEG. FLEMING:
(Absent)

LEG. BROWNING:
(Not Present)

LEG. MURATORE:
Here.

LEG. HAHN:
Present.

LEG. ANKER:
(Present)

LEG. LINDSAY:
(Present)

LEG. MARTINEZ:
Here.

LEG. CILMI:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. TROTTA:
Here.

LEG. MC CAFFREY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. SPENCER:
(Not Present)

D.P.O. CALARCO:
Present.
P.O. GREGORY: Here.

MS. ELLIS: Fifteen. (Not Present: Legislators Browning and Spencer/Absent: Legislator Fleming)

LEG. ANKER: Amy.

MS. ELLIS: I got you.

P.O. GREGORY: Okay. As I was stating, we're in the Public Hearing portion of our agenda. The first Public Hearing is I.R. 1998-16 - A Charter Law to Reduce the Number of County Legislative Districts (Lindsay). I don't have any cards for this public hearing. Is there anyone here that would like to speak on it? Please come forward. Okay. Okay. Motion to recess I.R. 1998-16, I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS: Sixteen. (Actual Vote: 15/Not Present: Legislators Browning and Spencer/Absent: Legislator Fleming)

P.O. GREGORY: Okay. I.R. 2083-16 - A Charter Law to Improve and Strengthen the Operations of the Board of Ethics (Fleming). I don't have any cards for this public hearing, as well. Is there anyone here that would like to speak on this public hearing? Please come forward. Okay. Seeing none, I make a motion to recess.

LEG. CILMI: Second.

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

MS. ELLIS: Sixteen. (Actual Vote: 15/Not Present: Legislators Browning and Spencer/Absent: Legislator Fleming)

P.O. GREGORY: I.R. 1007 - A Local Law to Eliminate Alarm registration Renewal Fees for Residential Buildings (Browning). I don't have any cards for this public hearing. Is there anyone here that would like to speak on it? Please come forward. Okay. I'll make a motion to recess. Do I have a second?

LEG. CILMI: Sure.

P.O. GREGORY: Second by Legislator Cilmi. All in favor? Opposed? Abstentions?
MS. ELLIS:
Fifteen. (Not Present: Legislators Browning and Spencer/Absent: Legislator Fleming)

P.O. GREGORY:
I.R. 1025 - A Local Law to Ensure the Continuity of Farmland Preservation and Agricultural Production in Suffolk County (Co. Exec.). I don't have any cards for this public hearing as well. Is there anyone that would like to speak? Please come forward. Okay. Seeing none --

02:31PM

LEG. KRUPSKI:
At the -- the general consensus is that the Farmland Program was a -- successful and worked well prior to the amendments of 2010 and 2013, and that the -- as such, it will continue to function, whether you're in the program or whether you're considering entering the program. So, as a result, we're still looking at the merits of this bill, and as far as -- you know, looking at the big picture of the appeal process on the lawsuit. So I'll make a motion to recess.

P.O. GREGORY:
Okay. Motion to recess I.R. 1025, I'll -- second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MS. ELLIS:
Fourteen. (Not Present: Legislators Fleming, Browning, Lindsay, Spencer)

02:31PM

P.O. GREGORY:
I.R. 1030 - 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 as well. Is there anyone that would like to speak on this public hearing? Please come forward. Okay. Seeing none, Rob?

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

02:32PM

P.O. GREGORY:
Motion to recess, second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MS. ELLIS:
Fourteen. (Not Present: Legislators Browning, Lindsay and Spencer/Absent: Legislator Fleming)

02:32PM

P.O. GREGORY:
I.R. 1047 - A Local Law Prohibiting Billboards on County Roadways (Krupski). I don't have any cards for this public hearing. Anyone who would like to speak, please come forward. Okay.

02:32PM

LEG. KRUPSKI:
Motion to close.
Motion to close I.R. 1047, I'll second. All in favor? Opposed? Abstentions?

Fourteen. (Not Present: Legislators Browning, Lindsay and Spencer/Absent: Legislator Fleming)

Okay. I.R. 1050 - A Local Law amending County Restrictions on Outdoor Restraint of Pets (Martinez). I have several cards, first being Kristin Siarkowicz.

(*Applause*)

You didn't even speak yet. That's pretty impressive.

(*Laughter*)

Good afternoon, Legislators.

Good afternoon.

My name is Kristin Siarkowicz. I'd like to thank Legislator Martinez. She worked diligently to sponsor the amendment to the outdoor restraint law, and she was incredibly receptive to hearing suggestions made to her. Thank you, also, to Legislature Counsel. I bet there's a lot of behind the scenes work and research in order to get something like this on paper. I appreciate your taking a last minute suggestion last week and adjusting the wording of needed strength.

I took a Civil Service test for this County and accepted a position as an Animal Control Officer in this County 17 years ago. I can honestly say at this point in my career there is not much that I haven't seen. I watched dogs chained day in and day out. They wallow in standing water and mud. I've scraped them up and extracted them up from their dog houses dead on their chains, sometimes before their owner even noticed them dead. I've taken them to have embedded collars surgically removed. I've watched their limbs fall off from being wrapped up in their device. I've picked them up while hanging dead over the fence that they've jumped, or sometimes just to help them get a couple of gulps of air before I can get help. I've watched no human footsteps in the snow to their doghouse for four days.

These are not made up and these are not rare occurrences. I'm certain that I'm not the only one in this field experiencing these awful on-the-job situations. We are just afraid to talk about it. This is our job. It's not that we don't care or that we're used to seeing it, it is our job.

I am suffocating in a concentrated cluster of awful and frustrating
experiences that anyone in this field can have. That said, I do feel that I have support at my job for how I feel about this and for stepping forward. I thank them for that.

This tethering issue has become critical. I.R. 1050 takes greater steps to improve on the lives of these animals and improves on the standards that are expected for them to live as our pets and our companions. It creates long term welfare changes in the community by raising pet-keeping standards.

I.R. 1050 provides law enforcement agencies with good tools and guidelines. They can be realistically enforced. It creates the clear boundaries and sets expectations. It will help stifle what is a gateway to many other animal crimes. It's a law that is enforceable as a safe and healthy life for these animals. It will cause responsible pet ownership to be the only acceptable form of owning a dog. The proposed penalty phase is incredible. It gives law enforcement the ability and the teeth to prosecute those individuals that refuse to comply.

I.R. 1050 will not solve every dog problem in our community overnight, but it's part of a long-term solution. It may be an immediate burden on law enforcement, but it will actually help decrease their workload in the long run. Once we get this enforced, and we can catch up with the blow-back of dogs given up by their owners, I believe that our shelters' dog numbers will start to reduce, and that's greatly important.

I appreciate that the Legislature has recognized tethering as a critical issue and ask you to accept I.R. 1050. Thank you.

(*Applause*)

P.O. GREGORY:
Thank you. Keri Esposito-Michel.

(*Applause*)

MS. ESPOSITO-MICHEL:
Good afternoon, Councilmen and Councilwomen. I'd like to take this opportunity to thank you for using your leadership to help protect the animals. A special thanks to Legislator Martinez for sponsoring Resolution 1050, and her meeting with me and continuing opening dialog on this important legislation. Thank you very much.

I feel comfortable saying that it's everyone goal for New York to be a kinder place for animals, and in order to do so, appropriate laws to protect animals and eliminate cruelty like this one needed to be passed. Animal advocates and control officers spend too much of their time dealing with the problem of chained dogs. Resolution 1050, amending County restrictions of outdoor restraints on dogs, will provide officers with a valuable tool to help families become better, more responsible pet owners. This is a benefit for both animal welfare and public safety resources.

We believe this bill is carefully worded to be effective,
enforceable, and avoid any unintended consequences. I truly hope when the time comes to vote on this bill, that there will be a unanimous vote of yes for the dogs, for all animals.

I'd also like to take a moment and thank Legislator Cilmi and Legislator Anker for taking the time to meet me — with me as well on this topic. So thank you very much, both of you. Thank you.

(*Applause*)

P.O. GREGORY:
Thank you. Fran Cohen.

MS. COHEN:
Good afternoon, everybody. My name is Fran Cohen, I reside in Greenlawn. I've been here a few times speaking on the no tethering law, and I'm here to support I.R. 1050.

Today I would like to take the opportunity to thank all the rescuers and shelter workers who give up their lives for the animal cause. It is an all-consuming life. They are true heroes. This amendment will lighten the burden for all. Most importantly, it will significantly reduce the number of chained dogs who slowly and painfully go insane from imprisonment and abuse.

I would like to thank all the Legislators who have stepped up, listened and have shown compassion, true compassion. Tom Cilmi, Sarah Anker, and all of you who have approached us met with us and expressed your thoughts and ideas. Most of all, Legislator Martinez, we can't thank you enough.

I have been associated with the rescue world for 20 years. You all have no idea what this means. This amendment is something we've been waiting for forever. It is everything to a chained dog, it is everything to us, and we will make -- it will make a huge difference. If enforced properly, we can make a difference in the next generation. Thank you all for this journey and God bless you.

(*Applause*)

P.O. GREGORY:
Okay. Linda Klampfl. Is that right?

(*Applause*)

MS. KLAMPFL:
Good afternoon. My name is Linda Klampfl. I'm president of Almost Home Animal Rescue. We run a community outreach program in Suffolk County, mostly focusing in Wyandanch, but we also do work in Bellport, Mastic/Shirley, CI, Brentwood. I didn't prepare a speech, because I know you've heard it all. I just want you to know that we're not humaniacs. We are realists that realize that something has to be done.

I'm an RN at Stony Brook University Emergency Room. I have a family. I do this 24 hours a day for 25 years, and it's time it
stopped. I don't want my kids to have to do this when they're adults, because it's a never ending battle. When it snows this weekend, or when it's cold and 15 degrees and you're nice and snuggled in your house, and your dogs or cats are with you, I want you to just remember the ones that are outside, because they're outside 24 hours a day, and they have no one to snuggle with, no one to love. I just want you to remember that, because that's how they live. And we need to show that we're going to not tolerate this anymore. Thank you.

(*Applause*)


MS. LENNON: Good afternoon. Déjà vu. My name is Lillian Lennon and I'm a volunteer for RSVP, Inc. Animal Welfare and Rescue right in the Riverhead community here, and I'm here but again with my fellow animal advocates to support Resolution 1050, sponsored by Legislator Martinez.

I again thank Legislator Martinez, Kristin Siarkowicz, and John Carucci for drafting this long overdue legislation to protect our canine population from the harsh, archaic practices of tethering that many of our fellow Long Island neighbors continue to use without conscience or remorse of the effects it has on these precious animals. We realize that our existing laws, although well intended, were often ignored and unenforceable due to several factors, and that is exactly what I would like to emphasize today.

As many of you know, already know, the New York State Ag Market Laws have attempted to protect our animals for decades, and yet they've fallen short over and over and over again. Why is this even possible? The laws were generic enough to provide law enforcement a loose interpretation of the law, which one would think would translate into favoring the animal each and every time. Unfortunately, it had the opposite effect, and the translation flexibility often favored the owner. It is our hope that the paradigm shift from a generic format to one that is clearly more specific will alleviate any such interpretation.

Thirty-two degrees is 32 degrees. Eleven p.m. to 6:00 a.m. is not 24/7. A 15-feet tether length is not 5 feet. The language in this resolution cannot be more clear. It is black and white, there's no longer any gray. There should be no more question as to whether an owner is in violation of this law. Resolution 1050 should also assist the SPCA and law enforcement agencies carry out such enforcement more efficiently. That is the true test of this pending legislation, the enforcement of it.

The penalties are also very specific. Resolution 1050 addresses this much needed change, and the proposed unclassified misdemeanor provides a much needed deterrent for possible future offenses. In addition, the resolution makes the tethering criteria very clear to all dog owners of what is considered acceptable and humane when
tethering use is necessary for short periods of time, short periods of time.

The age, condition, breed and overall well-being of each dog in question, as originally designed by New York State Ag Market Law, is finally being taken seriously by Suffolk County, and I thank you for that. Climate as well as daily weather conditions now fully come into play with specifics not earlier addressed by New York State. The weather and climate criteria should also apply to nontethered animals as well.

We appreciate you revisiting the language of that -- of the resolution to address animals who also suffer in pens, fenced in yards, sheds, garages, etcetera. And although we are hopeful, proud and optimistic with this progressive movement, we also realize that there will be an adjustment period as our fellow citizens catch up, make the necessary changes to care for their dog properly, and make a cultural shift in consciousness for what is considered humane. We're also not naive --

P.O. GREGORY:
Ms. Lennon, please wrap up.

MS. LENNON:
Yes. Okay, sure. We also realize -- we're not naive. We realize this is a long process. We know it's not going to happen overnight. We just want -- we're just so, so happy to get it on paper, and then we just want to really move the enforcement forward. And I really appreciate Legislator Martinez, I cannot thank you enough, and everybody else on the Legislative body that I know will unanimously vote for this resolution. Thank you very much.

P.O. GREGORY:
Thank you.

(*Applause*)

Kelly Keenan.

MS. KEENAN:
Good afternoon. My name is Kelly Keenan.

P.O. GREGORY:
Can you lift the microphone up so we can hear you? There you go.

MR. NOLAN:
Talk right into it.

MS. KEENAN:
Good afternoon. My name is Kelly Keenan.

P.O. GREGORY:
A little closer to you. We can't hear you. I'm sorry.
MS. KEENAN:  
I'm a little nervous.  

P.O. GREGORY:  
That's all right.  

MS. KEENAN:  
Okay. Can you hear me now?  

P.O. GREGORY:  
A little bit. Can --  

MS. KEENAN:  
Okay.  

P.O. GREGORY:  
Can you hear it?  

MS. KEENAN:  
Better?  

P.O. GREGORY:  
Okay.  

MS. KEENAN:  
Okay. I'm passing around some pictures, because the visual is something that is very important.

My name is Kelly Keenan, but I'm actually known as the "Dog Lady", because I'm a Riverhead resident, but I'm also an RSVP rescue advocate. I go out three, four days a week. We go and check on the animals that are outside in Riverhead. I speak here today not only as an RSVP community outreach representative, but as a Riverhead resident. I have seen the neglect and the suffering over the 11 years of doing community outreach in the Riverhead community. I have seen dogs with collars embedded in their necks from being tethered 24/7 for years. I have seen starving dogs that are attached to tow chains with padlocks that cannot fend for themselves, and sit, waiting and hoping somebody will bring them food or water. I have seen dogs with frost bite sitting in the snow without any protection. I have seen dogs with blisters so severe on their skin from the blazing sun, sitting in the heat without any protection from the sun. I have seen dogs so dehydrated, because their owners choose not to give the dogs water. I have seen dogs with such severe skin issues, full of fleas, that they have lost all their hair and their skin is bleeding from scratching, and no one is being responsible to take care of these animals.

The owners of these animals need to be held responsible. The time has come that this neglect and suffering stop. We need to protect these animals by passing the bill that is enforced to make sure this doesn't continue. As an RSVP community outreach volunteer, I will continue to help these animals and the people to help their animals, and to advocate for them to get these laws passed to protect them. Thank you very much.
And I hope you see that -- I know that the stigma is that there's all pit bulls outside on the chains. But if you look at the pictures, there's Pugs, there's Huskies, there's Shepherds, there's Labs. There's a lot of little matted dogs I sent pictures of that became abuse cases, because they were out their chained, and they were little, tiny Maltese dogs. It's all breeds of dogs that are out there, and we try and educate the public, we try and help. We believe in help. If the laws are passed and the bills passed, our group will help with groups like the Guardians to put new dog houses, pens, something that makes it sufficient for the dogs so when they are outside. But they need a chance to be part of a family. Thank you so much.

(*Applause*)

P.O. GREGORY:
Liz Schoener. Schoener? Schoener?

MS. SCHÖNER:
No, that's okay.

P.O. GREGORY:
No? You're good? Is that you, Liz?

MS. SCHÖNER:
Yes.

P.O. GREGORY:
Okay. Mike Kaplow.

MR. KAPLOW:
Well, good afternoon, Ladies and Gentlemen of the Legislature. My name is Mike Kaplow, and I'm the president of and represent the Siberian Husky Club of Greater New York. This is my service dog, Lola. Not all of them are black and white with blue eyes.

Lola and I are here today to suggest improvements to an already reasonable piece of legislation commonly called the "Tethering Law". We must preface our comments with a personal and dogsonal opinion that no dog should be tethered for any reason, other than the temporary condition warranting nonhuman restraint, and then only when the owner or responsible party is present with the dog or dogs. That said, we are not in full agreement with the accessibility to sufficient food and fresh water and dry ground. No dog should be restricted from food or water. However, under existing and proposed tethering time limits of two hours in any 12, no dog would go hungry without access to food. The keeping of food outdoors is unsanitary, whether the dog is tethered not. Dogs should be fed indoors where their food is safe and away from unwanted critters. We suggest that the food requirement be modified to not apply or require the condition that food be available outside.

Water needs to be provided to dogs 24/7, tethered or not, okay? Dogs are known to play with their water containers and the water in
them. Keeping fresh and potable water is fine in theory, but not necessary in practice, except in summer. Water consumption is not a significant problem in any two-hour time period of tethering. We suggest the terms "fresh" and "potable" be modified to "clean" and "sanitary".

Regarding dry ground, we are of similar opinion that dry ground is, in fact, necessary, okay, but not necessary -- not always available to the dogs, but a doghouse or an elevated platform could be, okay? We suggest the inclusion of terms that would allow such other options.

With section B-1, we fully agree. We believe that prong and pinch collars should be outlawed separately. We question the device weights. We feel that if tethering is to be continued, the device weights should be suitable to the dog, the numbers used as guidelines. Similarly, we are concerned about the device lengths. A 15-foot lead could easily put a dog in proximity to or at risk in a neighbor's yard lined without -- with or without a fence. The proposed legislation addresses that issue in B-8, and we suggest that B-5 and B-8 be reconciled, so that the minimum lead length does not inadvertently put the dog at risk. B-7, ditto with B-5, and suggestions that smaller dogs can also get themselves very severely tangled in long leads. Larger dogs don't have much of a range.

If tethering is to be continued, we agree with B-8. Any fixed lead should swivel at both ends. For safety, we suggest appropriate clarification. We also question the term "continuous" in Sections C through G of 299-51. Given the time frames, we believe this is not enforceable, because any owner or responsible party can actually claim they've untethered the dogs for a few minutes, creating a discontinuance in the two-hour time period. As currently written, this would begin a new two-hour time period and defeat the purpose of the regulations.

We go on, and I realize my time is up. I want to close with one item, and that is we believe that this legislation also needs to include a program for education, not just enforcement. Enforcement is at best difficult. Education, with the cooperation of pet stores, vets, Long Island dog clubs and rescue associations, such as ours, would go a long way towards alleviating the problems of mistreated dogs. Regrettably, statutes do not quickly --
LEG. MARTINEZ:
Hi.

MR. KAPLOW:
How are you doing?

LEG. MARTINEZ:
First of all, thank you for being here.

MR. KAPLOW:
You're very welcome.

LEG. MARTINEZ:
Thank you for bringing Lola. I have a cat named Lola.

MR. KAPLOW:
Yes.

LEG. MARTINEZ:
And she's black and white, actually.

MR. KAPLOW:
No, she's not.

LEG. MARTINEZ:
No, my Lola.

MR. KAPLOW:
Oh, I'm sorry, your cat.

(*Laughter*)

LEG. MARTINEZ:
My Lola. I can see that she's not black and white.

MR. KAPLOW:
No, she's not, she's a red.

LEG. MARTINEZ:
Actually, first of all, I want to thank you for being here. I would have -- definitely would like to have spoken to you prior to today, you know, to hear your concerns. But just -- and you said a lot, so I was not able to write everything down. So I do hope that --

MR. KAPLOW:
Oh, I have copies for you.

(*Applause*)

LEG. MARTINEZ:
Perfect, and I appreciate that. The one thing I do want to correct as of right now, and this was just an error, but it is a one-hour tethering, it's not two hours.
MR. KAPLOW:
Oh, so one-hour tethering.

LEG. MARTINEZ:
It's a one-hour.

MR. KAPLOW:
Okay. That's -- that's even better. But still in all, it's our opinion that no dog would suffer during that one hour for lack of food or water. A food issue to me is a sanitation issue also.

LEG. MARTINEZ:
And, look, I can concur with you, you know. I can speak from experiences of where I've lived, you know, where food has been left out for the dog, which has been tethered, and we've had critters that really should not be in our backyards. And so I completely agree with you. And that's why when you're discussing fresh water or sanitary water, that's why we made sure that fresh was in there. And we also know that there are going to be times where you do leave a dog out and you do leave water that the dog is going to drink the water.

MR. KAPLOW:
Oh, yeah. They also walk in it. My boys and girls are famous for taking a swim in their water trough, so -- and then drinking it all. So that's the situation there.

And, if I may, I would like to remind everybody that it's -- as my closing statement, it's far easier and less costly to educate people than it is to arrest them, okay?

Lola and I thank you for your time.

LEG. MARTINEZ:
Well, I'm actually glad that you said that. So I am actually working right now with the Suffolk County Police Department, and we're also working with the DA's Office to make sure that these educational programs do move forward.

MR. KAPLOW:
That's fabulous. I -- Lola and I, and my partner and our dogs in general are also members of the Westbury Kennel Association. We are also members of Suffolk County Kennel Club, and LI-DOG, and Empire State Huskies. We are more than happy to work with the Legislature on preparing and distributing material at our dog shows and at any of the other events that we go to. We do have an event with LI-DOG coming up this weekend at the Pet Expo, and that type of event would be more than appropriate for educational materials from the County Legislature and any of the other agencies that work with you.

LEG. MARTINEZ:
I appreciate that. And the Pet Expo, if you did not know, is taking place over at Suffolk Community College this weekend. So if you're around, definitely stop by.

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MR. KAPLOW:
Yes, it is, and we're going to be there.

LEG. MARTINEZ:
Well, maybe I'll see you there then.

MR. KAPLOW:
She's going to be there.

LEG. MARTINEZ:
And I'll see Lola as well.

MR. KAPLOW:
All righty. Thank you very much.

P.O. GREGORY:
Thank you.

(*Applause*)

Stacy Skorupa.

ADA SKORUPA:
Good afternoon. My name is Stacy Skorupa. I'm a Senior Assistant District Attorney with the District Attorney's Office out here in Suffolk County. So my reason for being here today is pretty obvious, I suppose.

I am actually the ADA who's responsible for prosecuting all of the felony animal cruelty cases in the County. So for us, I work out of Special Investigations. It's not the only case that I handle, or only type of case, but I am the one that does do the felonies. We do have an Assistant DA who is assigned, who prosecutes all of the misdemeanors down in District Court and in the East End as well.

So my purpose in being here really is any enhancement of the crimes with respect to the animal cruelty cases is obviously great for our office, it's a great thing to see happen. Over the years, historically, more because of the antiquated nature of the Agriculture and Markets Law in New York State, our hands are tied because of the sentencing parameters, and because of the things that we can or cannot avail ourselves of in, you know, imposing some sort of consequences or punishment in these cases.

So holding owners accountable and trying to stop bigger, more severe crimes from being committed against these animals is obviously something that would be a goal of my offices. The D.A. does take a stance in these cases, but, obviously, we are bound by what the statutes are on the books at this time.

I understand Legislator Martinez did have some questions for me, so that I could further explain our role in all of this.

LEG. MARTINEZ:
Hi, Stacy. Thank you for being here.

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ADA SKORUPA:
You're welcome.

LEG. MARTINEZ:
Okay. So I think what I would love for -- not only for our -- the
audience to hear, but also my colleagues here at the Legislature,
if you'd explain right now what is the actual protocol that the
District Attorney's Office takes when they are brought with a case
regarding animal abuse.

ADA SKORUPA:
Okay. So we receive our cases in essentially two different ways.
Either they come through the Police Department or they come form
the SPCA. On occasion, we get cases that are referred to us from
rescue groups, some of which are present here today, and some of
which do contact either the SPCA or the Police Department to start
them. Once the case comes in, if, at the outside, it is a felony
without question, it comes to me and my Bureau of Special
Investigations, or one of my colleagues in my absence. If at the
outset it's a misdemeanor, it goes to our District Court ADA for
prosecution. If it is a case that's solely in the investigation
stage, which we don't get as often, it will come to me, whether
it's a felony or a misdemeanor, so that it can be run down, leads
that need to taken, subpoena work. Things that typically a felony
Assistant would do can be done, and then it will be assigned to the
ADA in District Court.

LEG. MARTINEZ:
Okay. Now once you have a case that comes to you and you prosecute
it, and there's substantial evidence that this individual has
committed crimes against an animal, at that time of conviction,
what happens to the animal abuser?

ADA SKORUPA:
So, essentially, once the person is convicted, depending upon the
crime that it actually is under, they do at times have to register
on the animal abuse registry. Unfortunately, and I think we'll
talk about that a little bit later, not every crime against animals
goes on it. But as far as the felonies are concerned, the maximum
that one can face on the a felony animal offense, based upon New
York State laws, is two years local time.

So, unfortunately, you're talking about a situation where, well, a
lot of times we want jail, a lot of times we want to see the person
sit in and understand the consequences of their actions. If we do
that, we're talking about a situation where after the two years
incarceration, they're now out on the street, they're not being
supervised. They're on the animal registry, but the problem with
that is that there is nothing within that registry that prohibits
them from possessing animals. So part of the reason why at times
we like to see something along the lines of a split sentence, where
they do do some time, so that they understand what it feels like to
sit in there and do it and then receive probation on the back end,
is that so we can make a condition of their probation that they are
not to possess any animals during the probationary period. It's
very similar at the misdemeanor level, it's the same problem.

My understanding is that the only felony in New York State where there actually is a State prison component to it or potential for it involves dog fighting, and oftentimes we don't see those cases at the felony level out here.

LEG. MARTINEZ:
And more often times than not, the dog fightings are now sent over to the Attorney General's Office, correct?

ADA SKORUPA:
That is correct. There was an initiative generated within the last several years, and my understanding is most of them have been referred over there, which is probably why we're really not seeing them in our office.

LEG. MARTINEZ:
Thank you. And I know you just brought up the animal registry, and that's something that I'm already working with Counsel on revamping as well, because, as you heard just before, those who have been convicted of animal abuse, nowhere in our law does it say that they should not possess another animal, at least during their probation period.

So in having our conversation, Stacy, I know that one of the things that you just also mentioned is the fact of whether incarceration or probation. And if I am correct from what I heard, putting them on probation is a little bit easier, or at least more effective, to really see what they're doing, and making sure that they are not committing the same crime that they were charged with and convicted of, correct?

ADA SKORUPA:
That is correct.

LEG. MARTINEZ:
Okay. And I'm assuming now, when on probation, the Probation Officer obviously knows as to what they're looking for and making sure. But as of right now, if they have an animal in their position, we can't do anything about that.

ADA SKORUPA:
That is correct. With probation, essentially, at the time of sentence, for those of you that are not familiar with it, there's an entire list of conditions, and some of them are as general as that they have to remain in Suffolk County, or as broad as something that we may ask be imposed, that they can't possess any animals. So that will actually be listed for the probation officer who receives them, so that, in turn, they can say, okay, well, this person now has an animal, or is in the company of one, or is living with somebody who has one, or even just the mere presence, and that could be one of the reasons why they're violated on probation, and then maybe sent, you know, to jail for the maximum time.
LEG. MARTINEZ:
And how many days does an individuals have to register under the animal abuse registry?

ADA SKORUPA:
It's five days, and it's essentially five days from the date that they get out of jail, or the date of the sentence, whichever is later. So if they receive a jail sentence, say 60 days from the date they get out, the time clock starts and they have five days to now go and register. If they don't do that, then they could actually be arrested for failing to registers, which is actually a Class A misdemeanor, and they're subject to up to a year in jail.

LEG. MARTINEZ:
Thank you. Also, one of the other things that I just want to touch, you know, with you is, and I know you just mentioned in terms of how this law would be beneficial, but those cases that you have prosecuted, those individuals that you have seen and they have been convicted, do you happen to know of that -- of those numbers, how many have had prior convictions in terms of criminal activity?

ADA SKORUPA:
Criminal activity in general?

LEG. MARTINEZ:
In general.

ADA SKORUPA:
I would say a lot of them. You know, we typically get people who have had priors who maybe have a drug issue, or something along those lines, so the bulk of them do. On occasion, we do have a situation where, for example, I know we've discussed in the past, somebody does have some sort of a mental condition where they're hoarding, you know, items as well as animals, and in those situations, usually we don't see any priors. But a lot of these people do already have contact with the system.

LEG. MARTINEZ:
Okay. Thank you. And just for -- I don't know if my colleagues have any other questions, but this bill, just so everybody knows, it's a twofold for me, and that's why I was speaking with Stacy about this, is that, yes, we want to protect our furry babies and our animals and so forth from individuals that are not, you know, good and responsible pet owners, but if you really look at studies and research, there is a correlation of those individuals that do commit crimes on animals are more likely to commit crimes on humans as well. You can research as much as you can and you're going to find a direct correlation, and it even starts from childhood. And when you don't -- when you don't get to that child soon enough, those are the ones that end up committing the crimes as they get older. And that's why I know that Mr. Kaplow just said, in terms of education, I think it just -- it goes through that, too, in educating our children on how to properly care for another living individual, well, another living thing. I consider them individuals, I'm sorry.
But I thank you for being here. And I look forward to our continued work with the District Attorney's Office. And I know that Commissioner Sini and I are also in communication regarding our animal -- our animal laws, so thank you for being here, Stacy.

ADA SKORUPA:
Absolutely. Thank you.

(*Applause*)

P.O. GREGORY:
Hold on. Legislator D’Amaro has a question for you.

LEG. D’AMARO:
Hi. Good afternoon.

MS. SKORUPA:
Good afternoon.

D.P.O. CALARCO:
Thanks for being here. What is the District Attorney's Office role in the animal abuse registry?

ADA SKORUPA:
Our only role in it is at the time of the actual sentence, we give a notification to the defendant.

LEG. D’AMARO:
Right.

ADA SKORUPA:
So that, in turn, they have to actually register. So the policy, my understanding is that the Police Department is responsible for keeping the registry.

LEG. D’AMARO:
Right.

ADA SKORUPA:
So the way that the statute works is we file that notice, it's put on the record at the time of sentence that the person is now adjudicated on the animal abuse registry. They receive the written notification, they sign acknowledgment of it in court based upon the statute that was passed, it's dated, the attorney witnesses it. We then take that form, the original of it, we forward that on to the Police Department, and typically what happens is we send a notification via email with the scanned copy, the original to them directly. We keep a copy, the defendant keeps a copy. So that once that happens, the defendant now has to take that copy to the local precinct. In instances where the defendant is a resident of the western towns of Suffolk County, they have to respond to the 7th, but pretty much any Suffolk County Police precinct in order to register.
LEG. D'AMARO:
So the -- right. The District Attorney's Office, if there's a conviction, provides notification to the Police Department and to the defendant.

MS. SKORUPA:
Correct.

LEG. D'AMARO:
Correct? And so you prosecute the abuse cases in Suffolk County?

ADA SKORUPA:
The felonies I do, yes.

LEG. D'AMARO:
The animal abuse cases.

MS. SKORUPA:
Correct, correct.

LEG. D'AMARO:
And how long have you been doing that?

ADA SKORUPA:
I have been prosecuting the animal abuse cases since 2010. Essentially, when I first started prosecuting them, I was assigned to our Major Crime Bureau. So these are not cases that I do exclusively. Obviously, I have other stuff I do. I actually specialize in the sex trafficking cases as well, and, obviously, anything else that falls within my Bureau. But when I got transferred to Special Investigations back in 2011, I took the animals cases with me --

LEG. D'AMARO:
I see.

ADA SKORUPA:
-- because of my expertise.

LEG. D'AMARO:
And in -- since you've been doing that, or since the animal abuse registry came online, how many times have you handed a convicted defendant the notification to go register, roughly, if you know?

ADA SKORUPA:
Me, personally?

LEG. D'AMARO:
Or anyone from your division that's responsible for doing that.

ADA SKORUPA:
All right. So, as far as the felonies, it would be me, because it would be my case. There's been one that another ADA has done. In every case that we've had, they've been notified in writing. I believe felony-wise, within the last five years, because I did pull the stats, we've only had between three and five of them total.

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They've all been notified in writing, and then I, in turn -- I get all the notifications, too, from any of the other Assistants who actually handle the cases, so that everything is filtered through me, so that I'm aware of how many there are. With the misdemeanors, I would say -- I would say, on the whole, on the registry now, there should be somewhere between 15 and 20 individuals in all of the misdemeanor cases. That ADA in turn sends me the form and I send the notification.

LEG. D'AMARO:
Who is -- once you hand in the notification, it's the District Attorney Office position that now you've fulfilled your obligation and the rest is up to the Police Department?

ADA SKORUPA:
By statute, yes.

LEG. D'AMARO:
Yeah. And the Police Department is supposed to follow up if the -- if the defendant does not turn up at a local precinct to register within I think five days, it is?

ADA SKORUPA:
Correct.

LEG. D'AMARO:
Then it's -- the law requires that the Police Department needs to follow up with that?

ADA SKORUPA:
That's my understanding. It's very similar to the way that the sex offender registration works. If the person doesn't register, that, in turn, as any investigating agency would, the Police Department would go out, conduct the investigation, determine the person is not --

LEG. D'AMARO:
Right.

ADA SKORUPA:
-- registered, and then follow up on it.

LEG. D'AMARO:
I'm looking at the animal abuse registry online for Suffolk County here. There are two names on it.

ADA SKORUPA:
I was actually advised of that yesterday.

LEG. D'AMARO:
Yeah. So there should be more than that there.

ADA SKORUPA:
There should be, that's correct.
LEG. D'AMARO:
Right. So defendants were handed by your offices notification. You're now required, because you've been convicted, to go and register and be on this registry, and that's just not happening.

ADA SKORUPA:
That's correct. My understanding, and I'm assuming you're looking at the same site I saw yesterday, is that the registry that was on the Police Department --

LEG. D'AMARO:
Yeah, the last name is highlighted, you can click on it and go to the photo.

ADA SKORUPA:
And it's under the Police Department's website?

LEG. D'AMARO:
Yes, it is.

ADA SKORUPA:
Right.

LEG. D'AMARO:
Yes.

ADA SKORUPA:
Yes. So that's the same thing that I saw.

LEG. D'AMARO:
Yeah, yeah, yeah.

ADA SKORUPA:
I'm not certain in terms of when the name is put on there, if that name is put on there once the person actually does go down to the precinct and registers, or if this is a situation that as soon as I send that notification, the people within the Police Department that are responsible for doing this then put it on --

LEG. D'AMARO:
Right.

ADA SKORUPA:
-- at the outset. Because, technically, the person is registered or under the law subject to it from the second that they're sentenced.

LEG. D'AMARO:
Does your office have discretion whether or not to provide that notification and ask a -- tell a person they need to go on the registry? Do you have discretion?

ADA SKORUPA:
No. By statute, there is no discretion that we must.

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LEG. D'AMARO:
By statute and upon conviction, it's part of the requirement?

ADA SKORUPA:
Correct.

LEG. D'AMARO:
It's a requirement. Okay. Well, I appreciate all the work you do for the County.

ADA SKORUPA:
Thank you.

LEG. D'AMARO:
All right. Thank you.

(*Applause*)

P.O. GREGORY:
Thank you. That's all the cards that I have for I.R. 1050. Is there anyone else that would like to speak that hasn't spoken already?

MS. ANDERSON:
Yes.

P.O. GREGORY:
Okay. Please come forward. State your name for the record.

MS. ANDERSON:
My name is Joanne Anderson. Hello. My name is Joanne Anderson. I'm a retired William Floyd teacher from Babylon Village who's been a volunteer at Babylon Town Shelter since the early 1980s. I'm also a volunteer for Last Hope Animal Rescue in Wantagh, and I've written a weekly shelter rescue newspaper column in the Babylon Beacon for 34 years. I work in the Westminster Kennel Club press room, so my dog background is varied, but not directly entrenched in the canine abuse combat zone like the other speakers that you heard.

First, I'd like to thank Suffolk Legislature, particularly Legislator Martinez, for realizing the need to strengthen protection for outdoor chained dogs, and to expedite prosecution of their offending owners. I.R. 1050 is well spelled -- is a well spelled out amendment with specific requirements.

Picture the life of a tethered dog chained in the yard 24/7, despite the weather raging outside. Countless dogs in Suffolk, most, but not all, pits are prisoners of hell on Earth. Their entire world is the circle of dirt created by the radius of their chain. Such a horrific geometry lesson. They have no choice or recourse to seek better shelter. Wild animals like squirrels can flee, birds can fly away, worms can go underground. Even stray dogs have a better chance of finding refuge from a storm. The pits' plight is ironic. Few other types of dogs have as sparse a coat to shield them from freezing temps or deadly sun.
Dogs are companion animals. They want nothing more than some
attention and love from their people. Instead, tethered dogs
suffer in solitude, scrounging for food, clean water and a dry,
warm place to rest their bones. Some give birth and nurse litters
while chained, others twist their restraints around their legs, or
hang themselves trying to escape over the fence. Still others
intertwine their cables, provoking deadly fights with their fellow
victims.

If you tag along with the outreach volunteers from Almost Home or
RSVP, you’ll hear them explain to owners why the dry straw they are
providing goes inside, not around the dog house, which they also
provided. Whereas, if you tag along with the Town Animal Control
Officers, you’ll discover people inside the house can’t or won’t
tell you how many dogs are chained in the yard. They make excuses.
"They’re my sons, my husband’s, my cousin’s dogs." Who checks to
see if the dogs are bleeding, covered with mange or wasting away?
Heartworm, what’s that? The dogs seem invisible to the people who
imprisoned them. They’re just discarded property, like the broken
down ATV the pits are tied to.

This lonely existence robs tethered dogs of crucial socialization,
too. Worse, some are used as sentries to warn drug dealers.
Others are forcibly trained for dog fighting. These scenarios pose
threats to public safety. However, when chained dogs do wind up at
municipal shelters as strays, or owner surrenders, we see many
behave as if they checked into the Ritz-Carlton.

Can I just finish this paragraph? Life is good. They have vet
care, a warm inside bedroom, two meals a day, plus plenty of walks,
treats, and love and attention from all the staff and volunteers.
This isn't doggy jail. In contrast to their prior existence, this
is pet paradise. Just think about how sad that is.

Okay. I'm done. I have two more little paragraphs.

P.O. GREGORY:
Thank you.

MS. ANDERSON:
I have two more little paragraphs.

P.O. GREGORY:
Your time has expired. You can submit your remarks still.

MS. ANDERSON:
I will, I will. Thank you very much.

P.O. GREGORY:
All right. Thank you very much.

(*Applause*)
Is there anyone else that hasn't filled out a card, that has not already spoken? I see a hand. Okay, sir, sure. You want to speak on this public hearing, this issue?

**MR. SAWYER:**
Well, I'm speaking about dogs.

**P.O. GREGORY:**
Okay, all right.

**MR. SAWYER:**
Is that all right?

**P.O. GREGORY:**
Yup.

**MR. SAWYER:**
Yes. My name is Richard Sawyer. A lot of people remember my name because of Tom Sawyer, so don't forget my name, please.

I was a point man in the Canine Corps in Vietnam. Does anyone here know what a point man is? No. That's usual. A point man is a scout. He goes out in front of approximately 60 to 120 fellow soldiers and his job is to try to detect ambushes, booby traps and snipers. Now my companion and my greatest weapon was my dog. I had a German Shepherd which was assigned to me. I had six months of training, three months on leash and three months off leash at Fort Benning, Georgia. I probably wouldn't even be here speaking to you if it wasn't for my dog. On many an occasion he saved my life. And it seems to me that a lot of this dog abuse wouldn't even happen if people would have a different outlook and view of their dogs. In my case, I had mentioned that my dog saved my life on many occasions.

And if I could just read something. I have a video, which I would like to show at your pleasure at a different time, and it's called War Dogs, and basically about German Shepherds. War Dogs is the amazing saga of the heroic dogs who served in Vietnam. Most Americans are not aware that dogs protected our troops, while preventing over 10,000 casualties. That's like more people than probably work in this complex. This documentary tells a story of companionship, trust and special bond that -- that was demonstrated between dog and handler. Through interviews with actual handlers, War Dogs tells the heart-wrenching story of how tragically only a few of these canine heroes returned home. These dogs have never been honored or adequately recognized for their dedicated efforts. That's it.

**P.O. GREGORY:**
Thank you, Mr. Sawyer.

(*Applause*)

Okay. Anyone else? Okay. Legislator Martinez?
LEG. MARTINEZ:
I'd like to make a motion to close.

P.O. GREGORY:
Motion to close by Legislator Martinez, second by Legislator Cilmi.
All in favor? Opposed? Abstentions?

MS. ELLIS:
Sixteen. (Not Present: Legislator Spencer/Absent: Legislator Fleming).

03:16PM

P.O. GREGORY:
Okay. I.R. 1094 - A Local Law to Increase Certain Administrative Fees for the Department of Probation (Co. Exec.). I don't have any cards for this public hearing. Is there anyone that would like to speak on it? Please come forward. No? Okay.

MR. MARAFINO:
We would ask for this to be closed.

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

MS. ELLIS:
Sixteen. (Not Present: Legislator Spencer/Absent: Legislator Fleming)

03:17PM

P.O. GREGORY:
I.R. 1107 - A Charter Law to Limit County Fee Increases (Trotta). I don't have any cards on this public hearing. Is there anyone that would like to speak on it? Please come forward.

LEG. TROTTA:
Motion to recess.

P.O. GREGORY:
Okay. Motion to recess by Legislator Trotta.

03:17PM

LEG. CILMI:
Second.

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

MS. ELLIS:
Sixteen. (Not Present: Legislator Spencer/Absent: Legislator Fleming)

03:17PM

P.O. GREGORY:
I.R. 1108 - A Local Law to Increase Medical Examiner Fees. (Co. Exec.). I don't have any cards on this public hearing. Please come forward if you'd like to speak on it. Okay. Seeing none --
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:
Sixteen. (Not Present: Legislator Spencer/Absent: Legislator Fleming)

P.O. GREGORY:
I.R. 1118 - A Local Law to Increase the Penalties for Illegal Dumping in Suffolk County (Hahn). I don't have any cards for this public hearing as well. Is there anyone that would like to speak on it? Please come forward. Okay.

LEG. HAHN:
Motion to close.

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

LEG. MURATORE:
Second.

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

MS. ELLIS:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
I.R. 1124 - A Local Law to Implement Continuing Education Requirements for Electricians in Suffolk County (Lindsay). I have several cards, first being Tom Thomas. Are you here, Tom?

MR. THOMAS:
Yes, I am.

P.O. GREGORY:
Oh, there you are. Okay.

MR. THOMAS:
Good afternoon. I'm Tom Thomas. I'm president of the Suffolk County Electrical Contractors Association, as well as the IAI, International Association of Electrical Inspectors for Suffolk County. We're all in favor, both organizations, for continuing education for Master Licensed Electricians. Education is very important in our field, and we feel continuing ed, upon renewal of your electrical license, should be mandated.

We feel also that the Electrical Licensing Board should be more involved in the selection of the programs involved in the continuing ed classes and programs of this proposed law. So we're

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all in support of it, and that's about what I have to say. Thank you.

P.O. GREGORY:  
Thank you, Mr. Thomas. Dave Kennedy. David Kennedy, excuse me.  

MR. KENNEDY:  
Good afternoon. David Kennedy, also with the Suffolk County Electrical Contractors Association. I'm the First Vice President, and a longstanding member for 24 years now.

03:19PM  

Basically, I'd like to reiterate what Tom Thomas said, that we need to have it a very democratic process, and include the Board in the decisions of who's going to be in charge of handing out these approved credits and classes.

03:20PM  

I know at one point there's always a head person that makes the final decision, especially if there's some kind of vote and it's, you know, a 50-50. But it's always a very democratic process to have an input from your Board on what would be a good recommendation for the classes, especially when they're in that field. A lot of these Board Members are in the field.

03:21PM  

So that's it. Thank you very much for your time.

P.O. GREGORY:  
Thank you, Mr. Kennedy. Tim McCarthy.

03:20PM  

Good afternoon. My name is Tim McCarthy. I'm a Business Rep with the International Brotherhood of Electrical Workers, Local 25. Suffolk County is in our purview.

The continuing education requirements for Suffolk County, this bill is very important and long, long overdue. As you may or may not know, education is ingrained in Local 25 and our JATC, it's a part of our DNA. And we go through a career of, you know, educating ourselves on updates, recertifications. So we feel that this is very, very, very important. That being said, we feel it's very, very important that the Commissioner, when making decisions for this, take into consideration what the Electrical Licensing Board has to say. Nobody knows the needs of the electrical industry more than the Electrical Licensing Board. So with that said, I'd just like to see that be a big part of the -- of this bill. Thank you.

P.O. GREGORY:  
Thank you, Tim. Russell Calemme.

03:21PM  

MR. CALEMME:  
Thank you. Just a point we'd like to very much -- my name is Russ Calemme, Chairman of the Suffolk Licensing Board. And on behalf of our entire Board and myself, we'd like to thank Legislator Lindsay for introducing this bill, 1124. We feel that would work just fine. However, we are also -- hopefully, that we could work out the various details with the County, Mr. Nolan. And we'd also like to thank Sarah Anker for her input in all this project. Thank you.
very much.

P.O. GREGORY:
All right. Thank you, sir. That's all the cards I have. Is there anyone else that would like to speak on this public hearing? Please come forward. Okay. Seeing none, Bill.

LEG. LINDSAY:
Mr. Presiding Officer, I'd like to make a motion to recess. But before I do, I just would like to make a statement for the record. Unfortunately, at no fault of the Clerk, this public hearing was supposed to be advertised through all the publications that were utilized. One of the publications which we normally utilize did not include it in the publication. So, for that reason, we have to keep the public hearing -- recess it.

But I would like to note on the record that this is not the first time we've had an issue with this particular publication. And I would like there to be some kind of system in place where we monitor this particular publication, and all the publications. I'm not one that's in favor of having to spend the half a million dollars a year that we do to publicly advertise in these publications when we have access to technology through the internet. But I understand we have to because of the way the laws are written, but nothing -- or stated. There's nothing that says that we have to utilize publications that don't properly put the notifications in there after we pay for it.

So, with that said, I would like to make a motion to recess.

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

MS. ELLIS:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
Okay. I'm going to make a motion to reconsider. We recessed I.R. 2083-16. The sponsor would like it closed. So I'm going to make a to reconsider I.R. 2083, second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
Okay. I'll make a motion to close I.R. 2083-16 - A Charter Law to Improve and Strengthen the Operations of the Board of Ethics (Fleming), second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen. (Absent: Legislator Fleming)

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P.O. GREGORY:
Okay. I'd like to make a motion setting the date for the following public hearings, on March 28th, 2017, at 2:30 p.m., at the Rose Caracappa Auditorium, Hauppauge, New York: I.R. 1130, I.R. 1169, I.R. 1179, I.R. 1190; second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen. (Absent: Legislator Fleming)

ECONOMIC DEVELOPMENT

P.O. GREGORY:
Okay. Back to the agenda. We were at, I believe, Page 7, 1050 -- 1044 - Directing the Department of Economic Development and Planning to assess the effectiveness of economic development incentives in Suffolk County (Pres. Off.). We were just about to call on Legislator McCaffrey. You have the floor.

LEG. MCCAFFREY:
Thank you, Presiding Officer. My question wasn't to the Economic Development. I've listened to everything, what was said, and I agree. You know, we've got the -- we compile this data. We should be taking a look at it and making sure it's reported back.

But I did see in -- prior to this, that the State Comptroller also does audits. And I'm looking at one now here where he does the -- it's the -- I don't know how to say that. Cattaraugus County, Cattaraugus. All right. Well, anyway, it's someplace Upstate, I guess.

D.P.O. CALARCO:
Cattaraugus.

LEG. MCCAFFREY:
Okay, all right. I'll trust you. Industrial Development Agency. And it says, "The purpose of our audit was to review the agency's process for evaluating, and approving, and monitoring projects for the period January 1st, 2013 through October 8th, 2014." And it says, "This IDA is an independent public corporation whose purpose is to promote, develop and assist the agencies governed by a seven-member board." And they want to make sure, basically, that they're getting the bang for their buck on here. And they go through, they come up with recommendations, findings as to, you know, what should be done, exactly the types of things that we're talking about, and actually the economic benefit that it serves to the County.

So the only thing, you know, we can do this inhouse, but I would also make a recommendation that we all support a letter to the State Comptroller for -- just concerned about it, that he also come and do an audit. This way it takes care of all the issues we have about an outside agency coming in and do it. It is something that they do routinely. And, you know, I would, you know, make the recommendation, and I'll urge my colleagues in an email to support a letter asking that the State Comptroller come and do a similar
audit for our IDA.

**P.O. GREGORY:**
I'm not opposed to doing that. I don't think at this moment it's necessary, but I'm certainly not opposed to doing that at some future date.

Okay? Anybody else? Okay. So we have a motion and a second.

**MS. ELLIS:**
Yes.

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

**LEG. TROTTA:**
(Raised hand).

**P.O. GREGORY:**
Abstentions?

**MS. ELLIS:**
Sixteen. (Absent: Legislator Fleming)

**P.O. GREGORY:**
All right. Thank you. Doc.

**LEG. SPENCER:**
Yes.

**P.O. GREGORY:**
Is he here?

**MR. NOLAN:**
Yeah.

**LEG. SPENCER:**
Yes, he's here.

Okay. Legislator Spencer has a request to take I.R. 1054 out of order - Appropriating funds in connection with the Purchase of Heavy Duty and Other Equipment for the Vanderbilt Museum (CP 7455) (Pres. Off.). I'll second that motion. All in favor? Opposed?

**LEG. KRUPSKI:**
On the motion.

**P.O. GREGORY:**
To take out of order.

**LEG. KRUPSKI:**
Oh.

**P.O. GREGORY:**
Yeah. All in favor? Opposed? Abstentions?
MS. ELLIS: Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY: It's Page 10.

LEG. SPENCER: I make a motion to approve.

P.O. GREGORY: Motion to approve by Legislator Spencer, second by Legislator Stern. On the motion, Legislator Krupski.

LEG. KRUPSKI: Thank you. I have a question. And I did get to speak to the Director this morning for Vanderbilt, and about the condition of the truck and the use of the truck. Is this truck available? The question I have, though, is this truck available for any park -- yeah, please, thanks. Would this truck and plow be available for any parks use? Is it used anywhere offsite?

MR. REINHEIMER: No. This is exclusive for the Vanderbilt. The Parks Department, their equipment purchased through the General Fund is for the exclusive use of the Suffolk County parks. Even though we are a Suffolk County park, we're not in the Parks Department, so there is no sharing of equipment. And I've talked to past Commissioners about this. Several years ago I asked about trimming trees, if they could send a crew out. The Parks Department has the same problem that a lot of County departments do, and that we have, is limited resources. So we're all scrambling to work with what we have and to have our resources. So this truck is used by the museum.

I don't use any vehicles or any equipment from the Parks Department, Public Works, none of their plows, none of their equipment. So I'm standing on my own here. And that's what concerns me about this vehicle, is this truck is on its last legs. If this truck were to die tomorrow, you know, we would be hard-pressed to continue some of the operations we're doing. I mean, it becomes paramount in the wintertime. That truck is our only plow for our parking lots and roadways. So I'm concerned that, you know, we got it through this winter, and, you know, I figured we could, and luckily the winter wasn't bad. But going forward, this truck is not going to last.

LEG. KRUPSKI: Is it -- my question is, is it available for, you know, if there's an adjacent nearby park, that then they're like, "You know, our plow broke down. Could you come over on -- at one snow event and help us out?" I mean, is it available for other park use at all? How is it -- you know, what's the funding -- would the funding source make it available if they need to share it?

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MR. REINHEIMER:
Well, you know, my feeling, I work with a lot of County
departments, I work a lot with Public Works, Telecommunications.
It's a case of working with people. If somebody needed to use the
truck, and it was available for them to use, and our staff could
drive it, absolutely. I'm not looking at, "Well, it was funded by
us so you can't use it." We're all in the same boat, we're all
Suffolk County. The funding is a little bit different for the
museum. But I have a lot of County departments help me out when I
have a problem, so vice versa, I do the same. So we have it --
that situation hasn't come up, but if it were, absolutely.

LEG. KRUPSKI:
Thank you, I appreciate that.

LEG. TROTTA:
DuWayne.

P.O. GREGORY:
Legislator Trotta.

LEG. TROTTA:
How many of like -- is this the only vehicle you have, or --

MR. REINHEIMER:
Well, this is the only dump truck. We have a pickup truck that I
received from the Town of Huntington that is -- I'm not sure how
old it is. It's around 2000, the Year 2000. We got a surplus van
from the Clerk's Department when I first started that is -- what's
nice about it, we can wash the inside and it self-drains. We use
that for moving things around.

LEG. TROTTA:
So it's the only truck you have to plow with.

MR. REINHEIMER:
It's the only -- yeah. This truck is crucial.

LEG. TROTTA:
The plow is least six -- the other pickup is at least 16 years old,
or in that area.

MR. REINHEIMER:
And it might be older than that.

LEG. TROTTA:
Okay. All right.

MR. REINHEIMER:
And that truck has no plow on it. We do -- we bought one of those
plastic sanders, salters, salt spreaders. That's mounted on the
pickup truck, which is good, because prior to getting the pickup
truck, we had that mounted on the snow plow. So we're plowing,
plus we're using that for sand and salting. Now we've got two
vehicles, one to do the sanding, salting, which is a smaller,
easier truck to use on our property for that, and then we have this
plow.

LEG. TROTTA:
Okay.

P.O. GREGORY:
Doc Spencer.

LEG. SPENCER:
Thank you, Lance. In preparation, after hearing about this, you
know, the Vanderbilt sits in my district, but I don't have a
particular strong feeling about this issue, as if the Vanderbilt
were sitting in my district or any other Legislative District.
It's a County park. I went to -- I spoke with the Parks
Commissioner. I also spoke with Public Works to see what the
Commissioners thought, if this was a reasonable use, if this was
something that could be assumed by another department, if there's a
way that we could save money or do this differently. And both
Commissioners did feel this was appropriate, and that it would be a
best use of funds for something that is needed. So I just wanted
to add that to the record.

P.O. GREGORY:
Okay. Anyone else? All right. So we have a motion and a second.
All in favor? Opposed? Abstentions?

MS. ELLIS:
Sixteen. (Not Present: Legislator Browning/Absent: Legislator
Fleming)

P.O. GREGORY:
I.R. 1054A, bond resolution, same motion, same second. Roll call.

LEG. KRUPSKI:
Thank you, everyone.

(Roll Call by Amy Ellis - Chief Deputy Clerk)

LEG. SPENCER:
Yes.

LEG. STERN:
Yes.

LEG. KRUPSKI:
Yes.

LEG. FLEMING:
(Absent)

LEG. BROWNING:
(Not Present)

LEG. MURATORE:
Yes.
LEG. ANKER: Yes.

LEG. HAHN: Yes.

LEG. LINDSAY: Yes.

LEG. MARTINEZ: Yes.

LEG. CILMI: Yup.

LEG. BARRAGA: Yes.

LEG. KENNEDY: Yes.

LEG. TROT TA: Yes.

LEG. MC CAFFREY: Yes.

LEG. D'AMARO: Yes.

MS. ELLIS: Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY: Okay. I have another request to take a motion out -- well, I want to make a request to take a motion out of order. I.R. 1080 -- I have some folks from the district that are out here -- Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Babylon for affordable housing purposes (SCTM No. 0100-164.00-03.00-016.004) (Co. Exec.). I make a motion to take out of order.

LEG. MC CAFFREY: Second.

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

**MS. ELLIS:**
Seventeen. (Absent: Legislator Fleming)

**P.O. GREGORY:**
Okay. I make a motion to approve.

**LEG. MC CAFFREY:**
Second.

**P.O. GREGORY:**
Second by Legislator McCaffrey. Anyone have any questions? All in favor? Opposed? Abstentions?

**MS. ELLIS:**
Seventeen. (Absent: Legislator Fleming)

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**ECONOMIC DEVELOPMENT**

**P.O. GREGORY:**
All right. That's it. Okay. Let's get back to where we started.

**I.R. 1046 - To appoint Liz Fanning Holdorf as a member of the Suffolk County Citizens Advisory Board of the Arts (Pres. Off.).**

Motion by Legislator Calarco.

**LEG. HAHN:**
Second.

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

**MS. ELLIS:**
Seventeen. (Absent: Legislator Fleming)

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**EDUCATION AND HUMAN SERVICES**

**P.O. GREGORY:**

**I.R. 1023 - A Local Law to change the standard for admission of evidence at hearings before the Suffolk County Human Rights Commission (Co. Exec.).**

**D.P.O. CALARCO:**
Motion.

**P.O. GREGORY:**
Motion by Legislator Calarco, I'll second. I see Legislator Stern is close -- getting close to the microphone. Legislator Stern.

**LEG. STERN:**
Thank you, Mr. Presiding Officer. Just to Counsel, the current standard, as I understand it, then, is that the evidentiary standard is the same that would be present as used in our current court system, in the Supreme Court level; is that correct?
MR. NOLAN:
That's correct.

LEG. STERN:
All right. But these hearings are conducted more along the lines
of just a much more simplified administrative hearing, not unlike
other administrative hearings under the other various aspects of
our law, right? These are -- these are simply administrative
hearings as a practical matter, right?

MR. NOLAN:
They're administrative hearings. My understanding is that there
are other similar groups, Human Rights Commissions around the state
that use a lesser standard of evidence, a less stringent standard
of evidence in terms of what is allowed to be introduced at the
hearings.

LEG. STERN:
Is there any State guidance as to what the evidentiary level of
evidence needs to be, or is each jurisdiction free to impose their
own level of evidence that's required? Is there no State guidance
on that, we're all free to do what we want?

MR. NOLAN:
This was not our bill, so I don't -- didn't get into that too deep.
There is somebody here from the Human Rights Commission, the
Director, who might be able to speak to that.

MS. LOTT:
Good afternoon. Can I have your question again, please?

LEG. STERN:
Welcome.

MS. LOTT:
Thank you.

LEG. STERN:
My question is that our Counsel has explained that there are other
jurisdictions that utilize a lower level of evidentiary procedure
as a requirement. Our Suffolk County law at this time requires the
same level of evidence required as would be required in a Supreme
Court proceeding. My question to Counsel and to you is if other
jurisdictions utilize that lower standard that's precedent in a
mere administrative hearing, is that something that as a County we
are free to choose, or is there some type of State guidance that
provides what that level of evidence is required to be?

MS. LOTT:
I'm not aware of any State Law that dictates what standard that we
do, when we talk about the other jurisdictions, where I'm talking
about New York State. So the New York State Division of Human
Rights, which is our State counterpart, uses the same level of or
standard of evidence.
LEG. STERN:
Which would be that in an administrative hearing?

MS. LOTT:
That is correct.

LEG. STERN:
Okay. And along with that lower standard that's utilized at the State level, do you, or, George, do you know? Even though it's a lower level, even though it's administered in accordance with, you know, what would be a much lower level of evidence that's required, an administrative hearing as opposed to the Supreme Court, does that still come with guidelines? Are there still guidelines that need to be followed at the State level or in the other jurisdictions that utilize that lower level?

MS. LOTT:
So I just want to make clear, when we're talking about the standard of evidence, there is not a scale or anything. What we're talking about is that you have Supreme Court and they have Rules of Evidence, and their court rules, their Rules of Evidence. And so it talks about certain items that are admissible and that are not, or that are not admissible. And so when we are looking at this bill, really, we are also guided by the Rules of Procedure, which the Commission had adopted in 2007. And those Rules of Procedure talks about the types of evidence that we are -- that are permissible -- that are admissible, excuse me. And so that's really what we're -- that's what we're talking about, and that's why we're trying to make the Rules of Procedure in line with the law, and those Rules of Procedures is what we've adopted. I believe it was in 2007 the Commission adopted those rules.

LEG. STERN:
Right. Well, certainly, the civil rules and laws that go along with that utilize -- say hearsay as an example, there are a list of exceptions to the Hearsay Rule. So what you're saying is that right now the Suffolk County law requires that we operate under the rules as they are laid out at the State level that would be followed in the Supreme Court. But you're also saying, if I'm hearing you correctly, that there are rules, that there are guidelines that you're following now at that lower standard. So I guess my question here is you're simply requesting here that our County law reflect the practice that you're already following at the administrative level?

MS. LOTT:
That would be correct.

LEG. STERN:
Okay. Is that -- I guess --

MR. NOLAN:
My understanding is that --

LEG. STERN:
Mr. Chair, that's you're understanding as well, too?
MR. NOLAN:
-- that they've already adopted their own Rules of Procedure, which
I think they're following. And I guess somebody realized our Local
Law is different from what they're doing and they're trying to make
it consistent.

LEG. STERN:
Thanks.

P.O. GREGORY:
Legislator Trotta.

LEG. TROTTA:
Can you give me an example of what would change, what particular
would change?

MS. LOTT:
Okay. So I'll give you -- in the Rules of Procedure that has been
accepted, and I think everyone makes reference to hearsay, so --
I'm just trying to find the section. So the Rules of Procedure,
the way that they are -- the way that they are currently, provides
that with an administrative hearing, that hearsay is fully
admissible. That's one thing. So what would change is now hearsay
would be admissible if we approve the bill. There shall be no
required order to the presentation of the evidence. That's what
the Rules of Procedure now provides. Another rule is documentary
evidence may be admitted without testamentary foundation where
reasonable. That would change.

So all that is in the Rules of Procedure is what we would be
finding. Oral testimony will be given under oath. So there's a --
there's about 11 -- excuse me. There are 12 subcategories to the
form and content approved that are set forth in the Rules of
Procedure, and so we would just be adopting those 12 or so rules.

LEG. TROTTA:
How many Human Rights hearing, Commission hearings do we have?

MS. LOTT:
So this is interesting, because I know we just spoke about what
we're doing. So just by way of background, there's been, to my
knowledge, only one hearing, and the reason why that is, is because
I'm pretty sure all of you are familiar, when you voted upon
changing the law and you basically expanded the Commission's role,
basically, you allow for the Commission to conduct hearings at the
local level. And so -- and that was really, I guess, in connection
with the source of income modification that was adopted. And so,
since you've allowed the Commission's role to be expanded, there's
only, again, to my knowledge, been one administrative hearing.

However, what I will say is that because I -- there are currently
at least two or three cases in the office, and as a review of the
Rules of Procedure and what the law says, realize that there's this
inconsistency, and so it's in preparation of those hearings to
come. And I would suspect that there will be more hearings as
source of income and housing discriminations, people are educated

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and they realize that that is a law that protects against that type of discrimination.

LEG. TROTTA:
How many people work in this office?

MS. LOTT:
In my office? Including myself, it would be four. So I'm the Executive Director and I have three investigators.

LEG. TROTTA:
What's the time period in this one hearing?

MS. LOTT:
According to the Rules of Procedure, the time period is --

LEG. TROTTA:
No, no, no. How long -- there's only been one hearing, but in 10 years, in 5 years, in a year or --

MS. LOTT:
I would say -- I don't know when that case started, and I have been here -- I've been in this position for almost a year, starting in April. But what I can say is that you would have to go back to when the laws were changed, and so I would say maybe in 2015, I believe. So 2015 is when the laws were changed. And so there's been that one hearing, but -- and that wasn't even with regard to source of income, that was with regard to race discrimination.

LEG. TROTTA:
What else does the Human Rights Commission do?

MS. LOTT:
Aside from investigate claims of discrimination?

LEG. TROTTA:
Yes.

MS. LOTT:
There is a multitude of things that we do. We're mandated to do community outreach. We also have the Anti-Bias Task Force, which is a subcommittee underneath us, so we work with them as well. There are ten Anti-Bias Task Force leaders, and they're in at least about ten or eleven towns. And so that's pretty much what we do.

And I would just like to mention that we also have a Memorandum of Understanding with the New York State Division of Human Rights. So while we take on cases with our Local Laws, we also investigate those complaints that have been filed with the New York State Division of Human Rights.

LEG. TROTTA:
To Counsel, George, can we -- are we -- I mean, do we have the power to change this law?
MR. NOLAN: I'm sorry, I was distracted. What part of the law or what law?

LEG. TROTTA: You know, reduce the criteria for admitting evidence.

MR. NOLAN: I believe we can, yes.

LEG. TROTTA: You believe?

MR. NOLAN: Sure, of course, I think we can change the admissibility of evidence, what -- how they operate.

LEG. TROTTA: It's not a criminal -- it's not a criminal --

MR. NOLAN: It's not a criminal case or matter.

LEG. TROTTA: But it could turn into one.

MR. NOLAN: I'm sorry?

LEG. TROTTA: Do they have to cooperate if some -- they bring someone in? Could they just say, "I'm not talking to you"?

MR. NOLAN: Well, that would present a problem for them, potentially, if they don't cooperate. I mean --

LEG. TROTTA: Have you ever had that problem, where someone just says, "I'm not coming in"?

MS. LOTT: So we have not had that problem, but we do have subpoena powers, so we can subpoena that person. And it would be a subpoena which would be similar to a subpoena that you would file with the New York State Supreme Court. So you can compel them. Yes, you can compel them to come. If they fail to come, depending upon what stage of the investigation, there would be an adverse inference determination, so it would be to their benefit to respond. But we have had individuals who have not responded to a -- what we call a formal complaint, and we proceed with the investigation and ultimately the determination as to whether or not there's been discrimination or not.

LEG. TROTTA: Can you give me a generic example of one of the cases, just, you know --
MS. LOTT:
Where a party has not responded?

LEG. TROT TA:
No, just on what you do, like what -- I'm a little lost on to what
you actually do.

MS. LOTT:
Okay. Well, an example of one of the cases, we investigate
claims -- and I'll choose this, because employment discrimination,
and when we look at the history of the Human Rights Commission,
employment discrimination always tops the chart as the number of
cases that we investigate. So we have an employment discrimination
case where a female is claiming that she was terminated from her
position because she was female and she was replaced by a male
individual. And so we would then investigate that case to
determine whether or not gender was the reason for her termination.
And we would allow the respondent, the employer, to provide
their --

LEG. TROT TA:
Doesn't this -- I was just thinking the same thing. Doesn't the
State have -- I mean, is this a duplication of what we're -- does
the State have --

MS. LOTT:
It is not -- it is not a duplication. But what I had mentioned
earlier is that we have this work share agreement with the New York
State Division of Human rights. So what they do -- so what they --

LEG. TROT TA:
I mean, I think the State has -- you go to the State for that, no?

MS. LOTT:
It's both the State and -- it's local, State and Federal.

LEG. TROT TA:
Oh, is the County required to have this?

MS. LOTT:
I'm sorry.

LEG. TROT TA:
George?

LEG. D'AMARO:
He basically wants to fire her.

MS. LOTT:
You want to fire me?

LEG. TROT TA:
I didn't say that.
MS. LOTT: That's what that gentleman said.

(Laughter)

LEG. TROTTA: Lou likes to start trouble.

MS. LOTT: That would be unfortunate. I just started.

P.O. GREGORY: And she's -- and she's your constituent.

MS. LOTT: I just started.

LEG. TROTTA: Okay. I'm just having trouble getting -- I don't -- are we required to have this?

MR. NOLAN: I'm not 100% sure. We'll get back to you.

LEG. TROTTA: Okay. All right. Thank you very much.

MS. LOTT: Okay.

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

LEG. D'AMARO: Good afternoon.

MS. LOTT: Good afternoon.

LEG. D'AMARO: And I just want to bring it back to exactly what you're trying -- what this bill proposes, that we would now change the evidentiary requirements at a hearing before your Commission. I mean, your Commission can have a substantial, even detrimental, impact on someone's life based on these hearings. And I think you said recently there's only been one hearing so far, but you're anticipating more on the way. What prompted this bill? Why the need for this bill? So the first hearing took place and you had the Rules of Evidence applicable from the Supreme Court. You have the New York State laws -- Rules of Evidence being used. Why the change? Why do we need the change? Why the change in policy?

MS. LOTT: Well, one is that you have --
LEG. D'AMARO:
By the way, just recognizing that at an administrative level, I do understand that administrative agencies do have much less restrictive Rules of Evidence, I understand that. But what prompted this request?

MS. LOTT:
Well, one is that, as I indicated before, the Rules of Procedure already has it in place, and so I think that was the intent.

LEG. D'AMARO:
Well, someone drafted Rules of Procedure and put the rules -- the evidence rules in place, but anticipating bringing this legislation to then undo the tough, the tighter rules? I mean, why were those rules drafted in 2009, I think you said, right?

MS. LOTT:
Was it -- I believe it was 2007.

LEG. D'AMARO:
Seven?

MS. LOTT:
So I believe that the intent was always to have a relaxed standing.

LEG. D'AMARO:
Oh, okay.

MS. LOTT:
And that is because we follow, and I'm happy to say that we've exceeded some of the laws that the State has on the books in terms of the anti-discrimination. So New York State Division of Human Rights has always had a relaxed standard, and so the Rules of Procedure were drafted for that.

LEG. D'AMARO:
Right.

MS. LOTT:
And I can't speak about why it's never been changed to this date. Since I've been in this position, based upon my review of both documents, I realized that there was an inconsistency.

LEG. D'AMARO:
Right.

MS. LOTT:
And also, again, in preparation for the increase in the work that I anticipate that the Commission will be doing --

LEG. D'AMARO:
Right.

MS. LOTT:
-- one, again, based upon the expansion of the various laws since prior to 2015.
LEG. D'AMARO:
When that prior hearing took place, what Rules of Evidence did the Commission apply?

MS. LOTT:
I wasn't a part at that particular time, but -- and I don't know, I don't know -- I don't have the files, so I don't know all of the particulars. But if they were following the code, then I would suspect. But I can't speak on that, because I don't have the file, and I wasn't the attorney that actually was with, I think, the Law Department, so I can't speak to that.

And the other -- you had asked the question about why is it -- why is it needed and why is it important. And since -- in all of the cases that I have, primarily you have pro se individuals, and that can be the complainant or it can be the respondent. And when we talk about things such as hearsay, as a seasoned attorney, you have difficulty understanding hearsay and the technicality. So the mission of the Commission -- of the Commission is really to gather the information and make a determination as to --

LEG. D'AMARO:
No, but you adjudicate also.

MS. LOTT:
We --

LEG. D'AMARO:
And you impose penalties, right?

MS. LOTT:
But it is only after there has been a determination --

LEG. D'AMARO:
Sure.

MS. LOTT:
-- that there's probable cause.

LEG. D'AMARO:
Of course.

MS. LOTT:
So what goes into that determination, that's really the question. And so by what we're talking about, there's already been a determination that discrimination, there's a reason to believe that discrimination has occurred.

LEG. D'AMARO:
Yeah.

MS. LOTT:
And then we have an Administrative Law Judge who's going to preside over those public hearings. And we're really talking about admissibility, we're not talking about the weight of the evidence.
LEG. D'AMARO:
I understand.

MS. LOTT:
So --

LEG. D'AMARO:
I understand that. But in a court of law, also, there are many pro se defendants where the Rules of Evidence do apply. So to me that's not exactly a reason to change it here. I'm not adverse to this. I just find it interesting that the Commission is pursuing this where, you know, we have stricter Rules of Evidence, and I'm just wondering if that's been a problem in the hearing process.

MS. LOTT:
I can't speak to that, because there's only been a hearing.

LEG. D'AMARO:
I mean, those Rules of Evidence are designed to protect people. I mean, you would agree with that, right? I mean, it's certainly not designed to hurt anybody.

MS. LOTT:
Well, it's not -- I don't know if it's designed to hurt people. Or are we talking about the process itself?

LEG. D'AMARO:
Rules of Evidence are specifically designed to protect your civil rights, your constitutional rights.

MS. LOTT:
In the process.

LEG. D'AMARO:
In the process, the Rules of Evidence.

MS. LOTT:
It's the process, but that you have the laws which are already on the books, which protects one's civil rights. So we're talking about the process of --

LEG. D'AMARO:
I don't want to get off into a debate about that. All I'm telling you is that Rules of Evidence are substantive, they are more than procedure. They dictate what evidence can be presented against you, if you're accused of something.

MS. LOTT:
Right.

LEG. D'AMARO:
They dictate how, let's say, investigators, or police, or those with authority have to operate in gathering that evidence. They're extremely important. So I'm -- again, I'm not adverse to doing this. I'm just curious if the Commission has had a problem with
operating under the stricter rules.

MS. LOTT:
And I can't speak to that, because, again, we have not had a
hearing, but -- and I think it would be more appropriate to perhaps
ask someone from the State Division of Human Rights, because, as
far as I can remember, that's the standard of evidence that they
have followed, so.

LEG. D'AMARO:
Right, right. It's not uncommon. I think it's common for
administrative agencies to have much less restrictive Rules of
Evidence, so what you're asking for is not unusual. But, again, I
was just curious what was driving this, you know. But you're
saying you're anticipating more hearings coming in. You saw that
there was an inconsistency between -- on the books between which
Rules of Evidence should apply, so you're here to just clarify
that.

MS. LOTT:
That is correct, for the most part.

LEG. D'AMARO:
That's what you're doing, yeah. Okay. All right. Thank you.

MS. LOTT:
You're welcome.

P.O. GREGORY:
Legislator Stern.

LEG. STERN:
Thank you. I don't know if I heard it correctly before, but I
think that I heard you say that the Rules of Procedure that you are
following are based on -- well, let me ask you the question. Are
the rules that you are following, the Rules of Procedure within the
agency, are those Rules of Procedure the same as the State
Commission follows?

MS. LOTT:
For the most part, they are.

LEG. STERN:
Tell me about for the most part.

MS. LOTT:
I think in terms of the Administrative Law Judge aspect of it, who
can designate an Administrative Law Judge. And I believe that they
have panel of Law Judges, so -- but substantively, it's the same.

So an Administrative -- so with our law, we have -- the Commission
can designate an Administrative Law Judge, and that is someone --
an attorney who is in good standing. With the New York State
Division of Human Rights, I believe that they -- I don't know who
designates them, and I believe that they have a panel of maybe
three or four, but I'm not absolutely certain. But in terms of the
substantive Rules of Procedure, they are the same.
LEG. STERN: 
What would be some of the examples that the Rules of Procedure cover that you're following in terms of substance?

MS. LOTT: 
Again, just in terms of proof, in terms of when a complaint is filed, how much time a respondent has to respond. When we talk about if an individual is appearing pro se, or if they are appearing with an attorney, that attorney being, you know, given notice of appearance. Or if the complainant decides that they are appearing pro se, then the Law Department would come in and not represent the complainant, but they would represent the Commission, because, really, it's the finding of the Commission that is really, for lack of a better word, being challenged, and so that's what the Administrative Law Judge is there to review. But anything from the very beginning of the complaint process to the very end, it talks about fines and penalties, and if someone has an objection to the findings, what they can do in the time period, that they should do that with them.

LEG. STERN: 
Would you say then that the Rules of Procedure that you follow, the rules of the road from beginning to end, other than the kind of provision that you cited, the appointment of Administrative Law Judge, etcetera, are based on and are essentially the same as the State Commission?

MS. LOTT: 
I believe so, but I don't want to say 100%, because I haven't looked at them, so there may -- I don't want to -- I don't want to say 100% without having reviewed those Rules of Procedure. I just know because I practice law, but I don't -- you know, I don't want to say with 100% certainty. But based upon what my experience has been, and having reviewed it, say, maybe two years ago, I would say that, yes, meaning the New York State Rules of Procedure.

MR. NOLAN: 
Legislator Stern, just because you asked me about this, the Division of Human Rights of the State, they have very flexible rules. I just brought it up where hearsay evidence is fully admissible. Documentary evidence may be admitted without a testamentary foundation. Witness information need not be introduced in the form of question and answer testimony. So it's very, very, very flexible at the State level, State Human Rights level.

LEG. STERN: 
Well, as most administrative hearings might be. Regardless of the substance, regardless of within what department that might be, I mean, that is an essential rule of our administrative law.

My question here is, while I understand that this change would be making the Rules of Procedure that you are currently following, or intend to follow, at the administrative level is going to be different than the Rules of Evidence and Rules of Civil Procedure.
as might apply in the Supreme Court, I also want to be sure that there is some guiding standard there. And if we are handling those cases, or will be handling those cases in this partnership relationship that we have with the State, I would think that we would want to make sure that Rules of Procedure, the rules of the road that we're following are essentially the same as the State. I don't know if it would be appropriate for us to impose a different standard than what the New York State Commission is itself following.

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

MS. LOTT: My only point to that is, again, I just said one hundred -- I'm not one hundred percent certain because I haven't looked at the New York State Division of Human Rights, their Rules of Procedure, say within the last year. But also, I think it's important to take into consideration the types of cases that we're talking about. New York State doesn't have source of income as part of their -- as part of their law. So even how we handle those cases, and I don't think it's going to be -- it would be specifically that much different in terms of the Rules of Procedure, but we follow New York State but then New York State will, probably in the future, be following us with regard to certain things, specifically the source of income which I know is something that they're trying to get on the books.

P.O. GREGORY: Okay. Thank you. Anyone else? So as I understand, you're a fairly new director. You probably saw some inconsistencies and you're trying to make your practices or the practices you intend to follow consistent with the code; and excuse me if I'm reading too much into it. That's how I read it anyway. So you saw that hearsay is the rule of threshold of evidence, right?

MS. LOTT: It's not just hearsay, it's the standard standard.

P.O. GREGORY: Standard, right.

MS. LOTT: Right, the standard of evidence and the admissability of that evidence.

P.O. GREGORY: Right, right. Okay. Anyone else? All right. We have a motion and a second. All in favor? Opposed? Abstentions?

MS. ELLIS: Seventeen (Absent: Legislator Fleming).

P.O. GREGORY: All right, thank you.
All right, IR 1089-17 - To appoint a member to the Suffolk County Youth Board Coordinating Council representing Legislative District No. 2 (London Rosiere) (County Executive). I'll make a motion to approve.

LEG. KRUPSKI:
Second.

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

MS. ELLIS:
Seventeen (Absent: Legislator Fleming).

Environment, Planning & Agriculture

P.O. GREGORY:
IR 1006-17 - Adopting Local Law No. -2017, A Local Law establishing the Suffolk County Seaweed Cultivation Pilot Program in Peconic Bay and Gardiners Bay (County Executive).

LEG. KRUPSKI:
Motion.

P.O. GREGORY:
Motion by Legislator Krupski. Second by Legislator Hahn. All in favor? Opposed?

LEG. CILMI:
You know what?

P.O. GREGORY:
Oh, you don't like seaweed?

LEG. CILMI:
I love seaweed.

(*Laughter*)

Actually, I don't like seaweed; let me correct myself. No, it gets caught in your --

LEG. KRUPSKI:
What, in your rudder?

LEG. CILMI:
In the rudder, right, in the rudder. So I understand that's no fiscal impact to this; is that right? This is really just allowing folks to try and cultivate seaweed in certain --

LEG. KRUPSKI:
In all the leases that have been granted, it only allows for the cultivation of a total of five acres in a total of five leases.

* Index Included at End of Transcript
LEG. CILMI:
And why is it limited?

LEG. KRUPSKI:
Because no one's really sure of the impacts. We want to make sure that the gear that's put in the water, right now there's a conflict if there's a natural scallop harvest. So if you put the gear in the water in the Fall, you want to make sure that also that it's going to be able to grow commercially. So if you put it in now you'll be able to see if it's going to grow commercially. It might not -- and they're trying it, you know, from Flanders Bay all the way out to Gardiners.

LEG. CILMI:
And we're not subsidizing the cultivation of seaweed or paying for a study to see whether or not seaweed can be cultivated or anything like that; correct?

LEG. KRUPSKI:
That is -- the funding source you might want to go to Economic Development for that funding source on this pilot.

LEG. CILMI:
Okay.

LEG. KRUPSKI:
I do know that we do the administration on the underwater leasing program and it's tied in with that underwater leasing program because they've already -- the department has already vetted the people who are using that land, public land.

LEG. CILMI:
Okay. Through the Chair, I see Sara Lansdale is at the podium; maybe she can shed some light on the seaweed.

DIRECTOR LANSDALE:
Good afternoon. Yes, there is no funding associated with this bill.

LEG. CILMI:
Okay. Thank you. That was simple enough.

P.O. GREGORY:
Legislator Hahn.

LEG. HAHN:
Yeah, I mean, I just wanted to, you know, applaud this work on this project. And I think that there's, you know, real synergy here between the business/aquaculture industry and the environmentalists and all of us who want clean water. And so I think there's going to be -- there's potential for real environmental benefits as well as economic benefits and jobs, so I think it's a good pilot.

P.O. GREGORY:
Okay. That's it? All right, anyone else? All in favor? Opposed? Abstentions?

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**MS. ELLIS:**

**P.O. GREGORY:**
Okay, seaweed it is.

**IR 1028-17 - Ensuring full membership on the Environmental Trust Review Board (Presiding Officer).** I'll make a motion.

**LEG. HAHN:**
Second.

**P.O. GREGORY:**
Second by Legislator Hahn. All inf avor? Opposed? Abstentions?

**MS. ELLIS:**

**P.O. GREGORY:**
**1039-17 - Reappointing Albert Krupski as a member of the Suffolk County Soil and Water Conservation District (Presiding Officer).** Motion by Legislator Anker.

**LEG. MURATORE:**
(Raised hand).

**P.O. GREGORY:**
Second by Legislator Muratore. They're jumping over themselves.

**LEG. KRUPSKI:**
On the motion.

**P.O. GREGORY:**
(Laughter). All in favor? Opposed? Abstentions?

**MS. ELLIS:**
Fifteen.

**LEG. KRUPSKI:**
Abstained.

**MS. ELLIS:**

**P.O. GREGORY:**
**IR 1040-17 - Appointing Robert Calarco as a member of the Suffolk County Soil and Water Conservation District (Presiding Officer).**

**LEG. KRUPSKI:**
Motion.
General Meeting 3/7/17

P.O. GREGORY:
Motion by Legislator Krupski. Second by Legislator Hahn. All in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen.

D.P.O. CALARCO:
I abstain also.

04:06PM

MS. ELLIS:

P.O. GREGORY:
IR 1042-17 - Reappointing Brian T. Culhane as a member of the Suffolk County Soil and Water Conservation District (Krupski). Motion by Legislator Krupski, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MS. ELLIS:
Sixteen (Not Present: Legislator McCaffrey - Absent: Legislator Fleming).

P.O. GREGORY:
IR 1051-17 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 – Mastic/Shirley Conservation Area (SCTM Nos. 0209-027.00-06.00-052.000 and 0209-027.00-08.00-017.000) – Town of Brookhaven (Browning).

LEG. BROWNING:
Motion.

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

MS. ELLIS:
Sixteen (Not Present: Legislator McCaffrey - Absent: Legislator Fleming).

04:07PM

P.O. GREGORY:
IR 1059-17 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component and the Old Suffolk County Drinking Water Protection Program [C12-5(D)] - for the Capital Asset Retirement Fund, LLC and Tristate Capital Holdings, LLC property – Brushes Creek Town of Southold – (SCTM Nos. 1000-127.00-03.00-009.002 and 1000-127.00-08.00-017.002). (County Executive). Motion by Legislator Krupski. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen (Absent: Legislator Fleming).

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P.O. GREGORY:
1060-17 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component and the Old Suffolk County Drinking Water Protection Program [C12-5(D)] - for the Capital Asset Retirement Fund, LLC property – Brushes Creek -Town of Southold (SCTM No. 1000-127.00-08.00-017.003)(County Executive). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen (Absent: Legislator Fleming).

P.O. GREGORY:
1061-17 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component and the Old Suffolk County Drinking Water Protection Program [C12-5(D)] - for the Hallock Holdings Corp. Property – Brushes Creek -Town of Southold – (SCTM No. 1000-127.00-03.00-010.003)(County Executive). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen (Absent: Legislator Fleming).

P.O. GREGORY:
1062-17 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component and the Old Suffolk County Drinking Water Protection Program [C12-5(D)] - for the Jeffry Hallock property – Brushes Creek -Town of Southold – (SCTM No. 1000-127.00-03.00-010.002)(County Executive). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen (Absent: Legislator Fleming).

P.O. GREGORY:
IR 1063-17 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component and the Old Suffolk County Drinking Water Protection Program [C12-5(D)] - for the Tristate Capital Holdings, LLC Property – Brushes Creek - Town of Southold - (SCTM No. 1000-127.00-03.00-008.000)(County Executive). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen (Absent: Legislator Fleming).

P.O. GREGORY:
IR 1079-17 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection program, as amended by Local Law No. 24-2007 – Mastic/Shirley Conservation Area (SCTM No. 0209-030.00-03.00-019.000) – Town of Brookhaven (County Executive). Motion by Legislator Browning. Second; do I have a second?
LEG. MURATORE:
(Raised hand).

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

MS. ELLIS:
Seventeen.

LEG. TROTTA:
Opposed.

MS. ELLIS:
Sixteen (Opposed: Legislator Trotta - Absent: Legislator Fleming).

P.O. GREGORY:
IR 1091-17 - Making a SEQRA determination in connection with the Proposed Design and Construction of In-Kind Replacement and Rehabilitation Improvements to Suffolk County Sewer District No. 14 – Parkland, (CP 8118) and for Repairing Portions of the Collection System Sewer Lines and Pumping Stations of Suffolk County Sewer District No. 14 – Parkland, (CP 8151), Town of Islip (Presiding Officer). Who's that? Parkland?

MR. NOLAN:
That's Bill.

LEG. LINDSAY:
Motion.

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

MS. ELLIS:
Seventeen (Absent: Legislator Fleming).

P.O. GREGORY:
IR 1092-17 - Making a SEQRA determination in connection with the Proposed Design and Construction of In-Kind Replacement and Rehabilitation Improvements to Suffolk County Sewer District No. 21 – SUNY (CP 8121), Town of Brookhaven (Presiding Officer).

LEG. MURATORE:
(Raised hand).

P.O. GREGORY:
Motion by Legislator Muratore. Is that you, Kara; 21?

LEG. HAHN:
Yes.

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

* Index Included at End of Transcript
MS. ELLIS: Seventeen (Absent: Legislator Fleming).

P. O. GREGORY: IR 1119-17 - Authorizing an appraisal for the purchase of Development Rights of Farmland under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 – Baiting Hollow Meadow Farm property – Town of Riverhead (SCTM No. 0600-062.00-04.00-002.000 p/o)(Krupski). Motion by Legislator Krupski. I'll second.

LEG. D'AMARO: On the motion.

P. O. GREGORY: On the motion, Legislator D'Amaro.

LEG. D'AMARO: I just had a question about the cutout, if someone is here that can answer. Sarah?

LEG. KRUPSKI: I can answer that, too. What's your question, Legislator?

LEG. D'AMARO: My question is -- I'm just looking at the aerial, so I don't have much information, but I do see that there's a 6.7 acre cutout --

LEG. KRUPSKI: Uh-huh.

LEG. D'AMARO: -- on one of the perimeters with an access cutout as well, and just what the purpose of that would be.

LEG. KRUPSKI: So that would be a reserve area so that the owner would have about roughly 80 acres of preserved farmland member, and on that reserve area they would retain their normal zoning rights so they could -- under town law, I think they could put more than one home on it. You know, they could subdivide it according to Town Code. At any point if there's -- if it's a possibility under local zoning to put up any kind of other business there, that's where they would locate it, that would be adjacent to the farm parcel but not included on the farm parcel. So the farm parcel would be governed by the Chapter 8 rules prior to 2010, which would allow them to put up fencing or structures according to, you know, the previous law, and that reserve area would allow them to do anything outside of those rules.

LEG. D'AMARO: So the reserve area is just that, it's reserved and can be developed as per code that applies.

LEG. KRUPSKI: Yes.
LEG. D'AMARO:
So --

LEG. KRUPSKI:
It gives them the flexibility if they wanted to do something, you know, beyond what they could do on preserved land.

LEG. D'AMARO:
And if I recall, this is the appraisal step that we're doing here.

LEG. KRUPSKI:
Yes.

LEG. D'AMARO:
Right, Director Lansdale? If you don't mind, just refresh my memory. When we -- if we go ahead and the appraisal comes in and the Legislature decides to support the acquisition of the Farmland Development Rights, do we ever get to a point where we are -- just refresh my memory with respect to enforcing the actual farming of the parcel.

DIRECTOR LANSDALE:
Yes. So under the amendments to Chapter 8 and 2013 --

LEG. D'AMARO:
Right.

DIRECTOR LANSDALE:
-- we did have an affirmative right to farm. That right now is under question, I would have to defer to our Law Department about that. We had a discussion about which version of Chapter 8 of our Farmland Program is actually current -- we're currently operating under --

LEG. D'AMARO:
Uh-huh.

DIRECTOR LANSDALE:
-- at the last Farmland Committee last week, and the Farmland Committee passed a resolution affirming that we're operating under the PRE-2010 version.

LEG. D'AMARO:
Really? Was that on advice of Counsel? Did the County Attorney's Office look at that?

DIRECTOR LANSDALE:
That was -- the County Attorney's Office was there, present and agreed to that language. So I would have to get back to you on the affirmative right to farm, and what happens to the 2013 amendment, that specific provision.

LEG. D'AMARO:
Well, the right to farm grants what right to the --

* Index Included at End of Transcript
DIRECTOR LANSDALE:
The farmer would be required --

LEG. D'AMARO:
Required to farm.

DIRECTOR LANSDALE:
-- to farm and it would be -- we would look at -- it would be
allowed to be fallow for two years, up to two years.

LEG. D'AMARO:
Right, there were parameters.

DIRECTOR LANSDALE:
That that was a standard agricultural practice to rest the land.

LEG. D'AMARO:
Right, right. And just refresh my memory again; if the farmer
didn't meet that criteria, then was there any kind of penalty for
that?

DIRECTOR LANSDALE:
There was an option for the County to pursue the penalties,
financial penalties.

LEG. D'AMARO:
Okay. Are you familiar with this particular parcel?

DIRECTOR LANSDALE:
I have not visited it myself, but we discussed it at the
January 26th Farmland Committee meeting.

LEG. D'AMARO:
Right. And what -- there's no structure built on this cutout now.

DIRECTOR LANSDALE:
No.

LEG. D'AMARO:
And the farm -- is it an active farm?

DIRECTOR LANSDALE:
It is. It's currently growing vegetable and sod.

LEG. D'AMARO:
Okay. So if it's not needed in the past for the active farm to
operate, why are we permitting the cutout now? Why not acquire all
the development rights?

DIRECTOR LANSDALE:
It's -- this is a voluntary program. The owner has requested that
this cutout occur. We worked closely, members of the Farmland
Committee and County staff, in looking at this. This is a close to
final pending your approval, obviously.
LEG. D'AMARO:
Uh-huh.

DIRECTOR LANSDALE:
The original cutout was more towards the center of the 91.5 acre are PDR and it was the suggestion of the members of the Farmland Committee to pull it closer to the residential subdivision off of Baiting Drive to cluster the --

LEG. D'AMARO:
Yeah. Is that what's abutting this property is a residential subdivision? It's hard to tell.

DIRECTOR LANSDALE:
Yeah, if you look north, that's a residential, Baiting Drive, Baiting Hollow Lane, Hallow Court; those are all subdivisions.

LEG. D'AMARO:
Do you know what the cutout is zoned?

DIRECTOR LANSDALE:
Yes, it's zoned the Agriculture Protection Zone, there's a minimum lot size of 80,000 square feet.

LEG. D'AMARO:
What's permitted as a matter-of-right there? Is it residential or is it commercial use also; do you know?

DIRECTOR LANSDALE:
I don't have the answer to that.

LEG. KRUPSKI:
It's residential.

LEG. D'AMARO:
It's residential?

LEG. KRUPSKI:
Two-acre zoning.

LEG. D'AMARO:
It is two-acre zoning? Not so bad, it's right up against the other subdivision, yeah. All right, I appreciate you answering my questions. Thank you. Thank you, Legislator Krupski.

LEG. KRUPSKI:
Just to give you a little more insight, Legislator D'Amaro. This is all part of a larger parcel and it's in an estate and this is -- so this only the first part of it that we're dealing with. Hopefully the other family members will -- you know, will consider preserving the rest of the farm, but we'll see.

P.O. GREGORY:
Okay. So we have a motion and a second on IR 1119. All in favor? Opposed? Abstentions?
MR. RICHBERG:
Seventeen (Absent: Legislator Fleming).

**Government Operations, Personnel, Information Technology & Housing**

P.O. GREGORY:
Okay, IR 1851-16 - Adopting Local Law No. -2017, A Local Law to authorize the indemnification and defense of traffic prosecutors providing services at the Suffolk County Traffic and Parking Violations Agency (County Executive). Do I have a motion? (Laughter) Don't all jump at once. I'll make a motion to approve. Second by Legislator Hahn. Did I hear a motion?

LEG. TROTTA:
On the motion.

P.O. GREGORY:
On the motion, Legislator D'Amaro.

LEG. D'AMARO:
You can go.

P.O. GREGORY:
Oh, Legislator Trotta.

LEG. TROTTA:
No, no, you go.

LEG. D'AMARO:
I just -- I just want to talk a little bit with whoever is requesting the indemnification as to why the need and what's driving the request for this at this time. Ah, our esteemed County Attorney.

MR. BROWN:
Thank you.

LEG. D'AMARO:
Go right to the source.

MR. BROWN:
Good afternoon. So we advanced this resolution some time ago because most of the traffic prosecutors in TPVA are contract employees, are independent contractors, and our law doesn't allow for defense and indemnification of independent contractors.

LEG. D'AMARO:
Oh, it's for the prosecutors.

MR. BROWN:
Correct, yes.

LEG. D'AMARO:
Oh, I see.
MR. BROWN:
We previously have amended this law pertaining to the judges, giving them defense and indemnification.

LEG. D'AMARO:
We did, right. So what is the extent of the indemnification?

MR. BROWN:
Just as if they were County employees, so only for acts committed within the scope of the services being delivered.

LEG. D'AMARO:
We -- when we hire a prosecutor for this agency, do they serve at the will of the County, or are they contract?

MR. BROWN:
As an employee?

LEG. D'AMARO:
Yeah. Well, not employees, they're contractors.

MR. BROWN:
As a --

LEG. D'AMARO:
But is it at will?

MR. BROWN:
If it was an employee it would be at will, and similar if they're under a contract because the contracts are terminable at the County's discretion.

LEG. D'AMARO:
On the County's discretion, on notice, whatever.

MR. BROWN:
Correct.

LEG. D'AMARO:
Okay. Has there been an incident where indemnification would have been useful to a prosecutor but was not in place?

MR. BROWN:
No. There was one incident where two of the prosecutors were named as defendants in a lawsuit and we made a motion to dismiss, so we included them in the motion to dismiss and that was granted.

LEG. D'AMARO:
Right. But the prosecutors themselves are subject to the supervision of the managers of the agency.

MR. BROWN:
To my knowledge, yes.

LEG. D'AMARO:
Right, because I know we've had similar requests for
indemnification that I have opposed in the past, but more for independent agencies and those carrying firearms and things like that. This is -- this is more akin to these prosecutors as employees and just getting the same benefit and protections in the scope of their, quote/unquote "employment" that they would get if they were hired directly by the County.

**MR. BROWN:**
I would agree they're more like employees than not. And in the event that there's no indemnification, then the County would -- the alternative would be the County would have to hire the employees. And it's probably -- it's probably less expensive to have them under contract as contract agents instead of employees, because you don't have the Social Security tax, Medicare, pension, things like that.

**LEG. D'AMARO:**
But so far so good, no need for the indemnification at this point?

**04:20PM**

**MR. BROWN:**
No.

**LEG. D'AMARO:**
No, that's good news. All right, I'll defer to my colleague.

**P.O. GREGORY:**
Legislator Trotta.

**LEG. TROTTA:**
They have been working without it for how many years?

**04:20PM**

**MR. BROWN:**
Since 2013 was when it went into place.

**LEG. TROTTA:**
I'm sure they have to carry their own legal insurance?

**MR. BROWN:**
They may have their own insurance, I don't know if they have -- I don't know the answer to that question, so I would defer that question to the Executive Director.

**04:20PM**

**LEG. TROTTA:**
I mean, is it -- could it be the policy of the County that they must carry their own insurance before an order -- as a condition of employment?

**MR. BROWN:**
I -- I would defer that question to the Executive Director. I don't know the terms upon which he employs them.

**04:20PM**

**LEG. TROTTA:**
Would this bill be better, more suited to say that, you know, rather than the County taking on the liability of more employees, the possibility of lawsuits and possibility that they're doing something wrong, wouldn't it make more sense if we made it a
requirement for employment that they carry their own insurance?

MR. BROWN:
I don't dispute that with you, it makes sense for them to require insurance -- it makes sense to require them to have insurance.

LEG. TROTTOA:
Okay, so then there's no reason for this bill.

MR. BROWN:
I disagree with you on that point, I'm sorry.

P.O. GREGORY:
Legislator Krupski.

LEG. KRUPSKI:
Thank you. So why is this coming before us now? They've been working there for a number of years; why in March this year?

MR. BROWN:
Because -- one reason was because of the -- it was actually I think a combination of things. It came up with respect to the Judicial Hearing Officers, the JHO, it wasn't included in that bill. There was a lawsuit that was dismissed and -- and I think as just as part of general review and housekeeping, that's what caused it to be initially laid on the table, which has been several months now, maybe about five months.

LEG. KRUPSKI:
So they're viewed as contractors, these employees?

MR. BROWN:
Correct.

LEG. KRUPSKI:
What other contractors does the County have? And I'm thinking -- the ones I can think of that come to mind are some that we contract out with to plow snow during, you know, only a snow event. What other contractors like that that the County uses that aren't indemnified or insured?

04:22PM

MR. BROWN:
We indemnify, of course, Parents for Megan's Law, we did a special resolution for that. I would think that in most instances we do not indemnify contractors, because it's in our code that that's precluded and the services that are rendered here by outside contractors, that's done as if they are employees. They are -- they're probably more like the Megan's Law employees than other contractors because what is ordinarily would be done by an employee is what is being delegated to them.

04:23PM

LEG. KRUPSKI:
So why wasn't this done, you know, when this was set up, originally when they were hired, from day one?
MR. BROWN: I don't have an answer to that question. I don't know.

LEG. KRUPSKI: I'm just trying to figure out why we got it here today and it didn't happen, you know, at the very beginning.

MR. BROWN: For all the reasons that I said. Plus also, one other -- another reason that came up over the past discussion, over the past year was Consumer Affairs wanted to hire JHOs for their violations and one of the issues that came up was if they're hired as contract employees and they make a decision, they are -- they could be -- they could be subject to a lawsuit. If they're subject to a lawsuit, Consumer Affairs may not have the ability to retain hearing officers. And I think it's really a matter of being able to recruit people, knowing that if they are sued doing the County's business that they have a defense and indemnification. I think that's basically the bottom line.

LEG. KRUPSKI: So this has been going on for a number of years without indemnification. Has there been difficulty recruiting?

MR. BROWN: You would have to ask the Executive Director that.

LEG. KRUPSKI: Thank you.

P.O. GREGORY: Legislator Kennedy.

LEG. KENNEDY: Hi, Dennis. We have had some issues and some people come up at committees and Legislative meetings speaking about things that these gentlemen and ladies have --

MR. BROWN: Yes.

LEG. KENNEDY: -- said. I have not heard that anything has improved; have you?

MR. BROWN: I don't know the answer to that question. You'd have to ask the Executive Director that. So this -- you know, this bill was advanced at, you know, at our request because of these various developments which I stated for Legislator Krupski. And since they're not employees and they are doing the work that a County employee would do, eventually the time will come where one or more of them do get sued and they're going to come to the County and ask for a defense and indemnification. And me personally, I don't want to be in the position of saying I'm denying you that defense and indemnification.
LEG. KENNEDY:
I understand that perfectly. I did speak with the head of this
department who told me that they were under the auspices of the
Chief Judge. We were supposed to have a meeting, only some people
got to go to the meeting with the Chief Judge and no one
transferred the information, so I can't vote on this because I --
should the behavior not have changed, I don't feel comfortable
covering them, I just don't.

MR. BROWN:
The only thing that I would -- I could possibly -- I don't know if
it helps you or not, Legislator Kennedy. But the only thing that I
could say is that the risk to the County is no different than if
they're employees or if they were contract employees. The only
difference is that there's no question about their entitlement to
defense and indemnification. As prosecutors, they are subject to
different levels of immunity, but they -- you know, they are doing
the work as prosecutors, whether they're employees or County
employees. And irrespective of their decisions, they could be
sued, and if they were County employees we would defend them in one
case and indemnify them in another case; but because they're
contract -- they're contract agents, we're not defending and
indemnifying them. In all cases the services are the same and the
risk to the County is the same.

LEG. KENNEDY:
Dennis, if I put in a motion to table, can we get answers to that
question?

MR. BROWN:
I'm not sure what your question is, but the answer is yes. The
answer is yes.

LEG. KENNEDY:
Thank you. So I'm going to put in a motion to table.

LEG. McCAFFREY:
Second.

P.O. GREGORY:
Okay, Legislator Stern.

LEG. STERN:
Does -- so, let me ask the first question, then. Why -- who are
these prosecutors? They come from where? The hiring process, the
screening process, the training process; our prosecutors on these
cases are who?

MR. BROWN:
They're recruited by the Executive Director, you'd have to ask
them. As you know, they're a separate, standalone department.

LEG. STERN:
So the Director puts the word out that there's a prosecutor that's
needed; I'm assuming that they are all practicing attorneys or
members of the bar?
MR. BROWN: I would assume so, but again, you would have to ask the Executive Director.

LEG. STERN: Okay. And so they're contract but they serve at the pleasure of the Director and the Director only with that person's discretion?

MR. BROWN: Yes, I would agree with that statement also. Again, not being the Executive Director, so all these answers are predicated on not being the Executive Director.

LEG. STERN: Are you aware as to whether there is any defined training program or Rules of Procedure that each of the prosecutors needs to go through before becoming activated?

MR. BROWN: You'd have to ask the Executive Director.

LEG. STERN: All right. Why are you the prosecutors contractors at all and not just County employees?

MR. BROWN: I think because it's cheaper to hire them as contract employees in terms of the overhead costs associated with hiring an employee, as opposed to them being just employees.

LEG. STERN: Okay. Because pursuant to your suggestion, there really is no difference in terms of responsibility, oversight responsibility and ultimate liability.

MR. BROWN: Exactly, but we're not contributing to pension, employers' share of Social Security, things like that.

LEG. STERN: Very good. Thank you.

MR. BROWN: Okay.

P.O. GREGORY: So Dennis, with all due respect, why are you here? Usually it's the department or the person that directly is impacted by it who, you know, would speak up for a particular bill.

MR. BROWN: It's a legitimate question, but the decision to make a defense, to the decision to offer a defense or an indemnity to a person lies in the first instance with the County Attorney.
P.O. GREGORY:
Okay. So I think it might have been asked before, but I'm going to ask it again anyway. Has there been a lawsuit where --

MR. BROWN:
There was one that was brought a while back ago and a motion to dismiss was made and two of the contract employees were included as part of that lawsuit along with other people who are County employees and the motion to dismiss was made for all defendants and that motion to dismiss was granted.

P.O. GREGORY:
Okay. Okay. So it's reasonable to assume that we hire contract employees because we don't want to hire full-time employees with benefits. But I guess the argument is, or at least in the past I think it's been put forward that it's difficult to hire, you know, to recruit these contract employees because of the liability that they're exposed to.

MR. BROWN:
Yes, I think that that's a fair statement.

P.O. GREGORY:
Okay, all right. Legislator Calarco then Legislator Spencer, whose been waiting very patiently.

D.P.O. CALARCO:
Thank you, Mr. Presiding Officer. And I think my line of questioning was kind of similar to yours. This question is probably better for BRO; what do we pay these people? I assume these people are practicing attorneys, they're on the bar; what do we pay them?

MR. BROWN:
If it was a contract employee, again, I would defer to the Executive Director, but I'm going to say about $30 an hour.

D.P.O. CALARCO:
Okay. What's the going rate for an attorney these days?

MR. BROWN:
If it was a starting attorney at entry-level who's been admitted to the bar, the starting salary would be 58,000 plus or minus.

D.P.O. CALARCO:
So that's cheaper. What is -- if I went out, I need an attorney, what's an attorney going to demand per hour?

LEG. SPENCER:
Thirty dollars.

D.P.O. CALARCO:
I don't think $30. What's an attorney make; low end a hundred bucks an hour, a hundred fifty bucks an hour?
LEG. McCAFFREY: (Inaudible)

MR. BROWN: It does depend, but when we hire outside Counsel, we generally try and pay them somewhere in that range.

D.P.O. CALARCO: Okay.

MR. BROWN: We try and get them at a municipal discount is what I say.

D.P.O. CALARCO: I bring it up because if we're going to then ask somebody to carry their own liability insurance and put their own personal financial well-being and property at risk to work for the County as a contractor here in these instances, I don't know any attorney in their right mind who would want to take this job, and I'm surprised these people, we're even getting anybody right now. I wouldn't take the job.

LEG. McCAFFREY: You make an odd case.

D.P.O. CALARCO: Well, no, I'm making the case of why we should be giving these people indemnification. Why would somebody want to take the job at 30 bucks an hour?

LEG. McCAFFREY: I don't know, but we don't have the Executive Director to answer any one of these questions. Five times he said I can't answer that because the Executive Director isn't here. So motion to table, bring back the Executive Director and get some answers to the questions.

D.P.O. CALARCO: Yes, Dennis?

MR. BROWN: I just --

D.P.O. CALARCO: I had the floor.

LEG. McCAFFREY: Sorry.

MR. BROWN: Yeah, I would just like to, if I can, just address that particular comment. Because the questions that are being posed by Legislator Kennedy and really relate to the process and even Legislator Stern, the substance of how things are operated on a day-to-day basis at TPVA. And so all I'm suggesting is that the people that are working at TPVA, since they're doing the work of what a cat County
employee would do and there's no additional cost imposed because of the risk associated with it, they'd be given the same thing as employees.

D.P.O. CALARCO:
I guess my point is we hire these people as contract in order to save money; we're not being paying them benefits, we're not paying into a pension fund for them and, you know, it saves us on that end, but I don't imagine that you're going to have much luck in retaining these folks after one or two lawsuits without giving them indemnification. My other question for you, Dennis, is if there was a lawsuit, we're going to be named anyways, right?

MR. BROWN:
Pardon; say that again?

D.P.O. CALARCO:
I said if there is a lawsuit we're named anyways, right?

MR. BROWN:
Yes, exactly.

D.P.O. CALARCO:
It's not like we're walking off on this one.

MR. BROWN:
Exactly, and that was sort of my point about the case that was recently dismissed. So you have some people that were County employees, two people that were traffic prosecutors. Were we going to walk away from a portion of the case? I don't think that's in the County's interest. So we exercised our prerogatives and we got the case dismissed. If we didn't do that, the case would still be lingering against other people.

D.P.O. CALARCO:
Sure, sure. Okay.

MR. BROWN:
We're always united in interest.

D.P.O. CALARCO:
We're -- they're basically working on our behest and if there's a lawsuit we're going to be named just as they are name. By not indemnifying them it's going to put them at risk, which may ultimately endanger our ability to retain people.

I do understand that there's been concerns people have expressed about the agency in the broader scope of the agency and its operations. I think that we -- we did have a meeting not too long ago, I did not organize it, so I apologize for those who were not there who would have liked to attend, but I think we made some very positive progress, including the order that came down from Judge Hinrichs to require that any case that may result in jail time be sent to District Court to be handled there where the defendant can get an attorney. And there were other provision that they agreed; they readily agreed to having the fee schedule posted on-line, as
Legislator Browning has a resolution to that effect later that we'll be voting on. And the fact they have a new online system that they're putting into place, it's going to allow people to make pleas on-line and do other things on-line and avoid having to either show up at the agency, in the first instance, which would make people's lives a little easier who want to just plea and be done with it. But I think we're making progress. Do I think there's still progress to be made? Absolutely, but I think we're making progress and I don't think we should be holding this bill up anymore. We held it up for six months. If you had questions on that issue, there was plenty of opportunity for people to get answers to those questions at this point.

P.O. GREGORY:
Okay. Legislator Trotta. I mean, I'm sorry, Legislator Spencer.

LEG. SPENCER:
Thank you, Mr. Presiding Officer. I appreciate that. Dennis, I have a couple of questions relating to -- you indicate that we should cover them like we do any other employee. And, you know, I've given this a lot of consideration and, you know, I'm of the mindset to support it, but I do think there are some important differences and I would like some reassurances there. When we talk about, again, any other County employee, a prosecutor is delivering professional services that has a direct impact on the public and their life, whether or not it's the case where they're levying a fine or doing different things. So certain classes of people, like a police officer that has a gun that can shoot someone. But for instance in my medical practice, what my staff does or other employees, you can't compare to what I do, whereas someone can bring a malpractice against me because I'm prescribing medicine or doing surgery. So I think there's a higher level of scrutiny here when we're talking about indemnifying versus a regular employee within the County.

And so with that being said, I think one of the things that I would like to see -- and if I have the commitment for that in the future, I think that if we are going indemnify, which means we're going to cover their actions with taxpayer money, that there should be some oversight and the oversight should go beyond it. Because County employees also have specific regulations that they have to follow, and if these are independent contractors, beyond their immediate supervision, if we're now taking the further step of indemnifying them, then I propose one of two things, and we discussed this kind of internally. But one consideration would be that should those prosecutors have to come before this body to be approved and I don't think any of us want that responsibility and I think that would be cumbersome. But if not, then should one of our Legislative committees have oversight over issues that may arise. For instance, if their -- when we talk about a prosecutor, the idea of if they're acting out of the scope of their employment, then there should be some restrictions on that indemnification if there's a malicious prosecution. We should see if they're acting within their scope of their employment as our agent. And by all means, they should be covered, but if they're taking it on themselves as professionals when they're doing an activity that is
outside of that, then the indemnification shouldn't apply and there should be some mechanism in place to determine if they were acting within their scope or if they were acting outside and taking their own personal action. So I can support this today if that point, I want to put it on the record, if I have commitment that we can look into that, because that's -- that would be important consideration.

MR. BROWN:
We could look into it. But also -- and I would imagine that the committees that have government would be government operations or maybe even public safety. But what the code does say is when there is a -- when a person is sued, when an employee is sued, that the person is entitled to a defense and indemnification only for those acts that are within the scope of the employment. And that determination is made by the County Attorney, so whether it's me, a predecessor or a successor, that's what our code says.

Now, in terms of what we do today. We get complaints in every single day and that complaint is reviewed. I will review probably most every single complaint that comes in and also the Bureau Chiefs will review every complaint that comes in and probably in most instances the Chief Deputy review the complaints as well. And if there is any question about whether or not the conduct might fall outside the scope of employment, we talk about it before we make a decision to extend the defense and the indemnification. If there's a question, we might extend the defense but withhold on the indemnification. And in the most extreme case, we will advise the employee to retain Counsel and, you know, we might pick up that defense and then it would depend on the facts that are alleged in the complaint and in the most egregious circumstance then we would also just advise the employee that they would wouldn't be getting a defense or indemnification from the County. So there's a multi-step process that does occur internally.

LEG. SPENCER:
And the language of this resolution would still allow that process to remain in place.

MR. BROWN:
Absolutely, because what it does is it just seeks to -- it just seeks a carve out for people that are TPVA prosecutors, it's otherwise in the entire context of that same chapter in our law.

LEG. SPENCER:
All right, thank you.

P.O. GREGORY:
And I guess along the same lines, what would be an example, if you will, of someone acting out of the scope of their work in this particular case?

MR. BROWN:
For a prosecutor --

P.O. GREGORY:
Yeah.
MR. BROWN:
Doing something that they weren't authorized to do in terms of
negotiating a settlement, a plea on a case; that could be -- that
could be it.

P.O. GREGORY:
Okay. So what does that mean? So you authorized to make a plea
for 500 and he does 300?

MR. BROWN:
No, because there has to be a certain amount of discretion involved
also.

P.O. GREGORY:
Right. But you would know or whoever, if there was an issue that
came up.

MR. BROWN:
It's a difficult question to answer hypothetically.

P.O. GREGORY:
Yeah, I'm sure.

MR. BROWN:
But if the allegations are presented in such a way, the allegations
and the complaint are presented in such a way to require that you
dig a little bit deeper, that's, you know, exactly what we would
do.

P.O. GREGORY:
Okay. And I know this has been mentioned privately, I don't think
I've heard anyone mention it yet, you know there's obviously some
concern, people have some concerns just about the operation itself
over there. And now with indemnification, we're indemnifying an
operation where there are concerns, so the question that I've heard
is, well, what's the -- I guess who are we hiring, what's the
selection process, the recruiting process. You know, where are
these people coming from? And before we offer them
indemnification, are they -- you know, should they even be offered,
you know, a contract to be employed by the County?

MR. BROWN:
See, that type of question, you know, the specifics of that type of
question, it does have to be addressed by the Executive Director.
But me standing here, I don't have any reason to suspect that the
people that are hired are not properly screened.

P.O. GREGORY:
Okay. Okay. All right Legislator Trotta.

LEG. TROTTA:
How much contractors do you think the County has?

MR. BROWN:
A lot.
LEG. TROTTA:
A lot. So the guy fixing the roof here, should we indemnify him? I mean, we require like license and insured, I'm assuming, when they do work on a roof or they plow the roads or they do anything. So why are these people special?

MR. BROWN:
You have a couple of questions in there, so I'll try -- I'll answer them both. The first question is should we indemnify an outside contractor. We do not indemnify outside contractors, we ask outside contractors to indemnify us, so that if they are negligent in the performance of their duties, they're holding us harmless.

LEG. TROTTA:
I'm done. Thanks.

MR. BROWN:
Okay.

P.O. GREGORY:
Legislator Browning.

LEG. BROWNING:
I was just wondering, Dennis, will the Indemnification Committee play a role in this?

MR. BROWN:
No, because I believe they're only for law enforcement officers, Indemnification Committee.

LEG. BROWNING:
Okay. I know that, Kevin, we went to Nassau County and I have been back and forth, and Monica and a couple of us have been here. And I have gone back and forth with them with regards to indemnification, and I know in Nassau they do indemnify their prosecutors. We did have a meeting with Judge Hinrichs and Judge Kerns and I'm pretty comfortable.

And I think, too, the fact that now the incarceration issue has been resolved, I feel a little better. I do believe that -- I don't think that these prosecutors, and I'm going to be honest with you, have a lot of independence. I do believe that the director in our Traffic Court has played too much of a role in what they're doing and their job. They're attorneys, they know what they're doing, as the JHOs do, and that's one of my biggest concerns is that there's not enough autonomy in their part and they should be left alone to do their job. And that's something that we asked that question when we were in Nassau County; how much does Judge Marks do in Nassau County with relation to the JHOs and the prosecutors, and he said, Really, nothing. He says, They do their job, I really don't need to interfere with what they do. So that's my biggest concern right now. But I know that Judge Hinrichs and Judge Kerns are still staying on top of everything. I know that they're kind of keeping a very close eye on everything that's gone on because of the many complaints and I know that they're a little
frustrated and fed up with the constant calls and complaints.

So being that our neighboring County does it, I'm not opposed to doing it. I understand that if we don't indemnify them, we'll wind up having to hire County Attorneys as County employees, and I think it's going to wind up costing us more. So I'm going to support this. I think there's more that yet has to be done in the court, but I don't want to hold it against these prosecutors.

**P.O. GREGORY:**

Okay, Legislator Lindsay.

**LEG. LINDSAY:**

Good afternoon, Dennis. I just have a couple of real quick questions. Other than the cost associated with it, wouldn't you say one of the benefits of hiring independent contractors is you can fire them at will at any moment without due course or process?

**MR. BROWN:**

You can do that to the lawyers also.

**LEG. LINDSAY:**

Okay. But you don't -- with someone as an independent contractor, you tell them that you work here is done, there's no more work that will follow if you're not happy with their performance; is that correct?

**MR. BROWN:**

I'm not sure if I understand that question, I'm sorry.

**LEG. LINDSAY:**

So if you have a prosecutor that's an independent contractor that's working for the County and for whatever reason you're not happy with the performance, you're not happy with -- you're getting a lot of complaints, or for any issue you don't want to continue to contract with them any further, basically you can end it at any moment. There's no cancellation clause, there's no process you have to go through in order to terminate them, they have no recourse.

**MR. BROWN:**

The County has a right to terminate the contracts at its discretion.

**LEG. LINDSAY:**

Okay. And then the second question I have would be without this indemnification, would it be fair to say that you would get adverse selection in terms of who would want to do this work?

**MR. BROWN:**

Yes.

**LEG. LINDSAY:**

Which could lead to further issues within the Traffic Court?
MR. BROWN:  
Yes.  

LEG. LINDSAY:  
Okay. Thank you.  

P.O. GREGORY:  
Legislator Kennedy.  

LEG. KENNEDY:  
Dennis, the ALJs and the attorneys are under -- not Margiotta, they're under Judge Hinrichs; am I correct?  

MR. BROWN:  
I don't think that that's correct. You know, the Executive Director, I would have to go back and look at the law. The Executive Director is empowered to hire a contract with traffic prosecutors; however, the JHOs, they are judicial or former judicial employees that are appointed by an order of the Administrative Judge.  

LEG. KENNEDY:  
Okay. That's not what I was told, but if you could just check on that.  

MR. BROWN:  
I'll double check it, but I'm pretty sure.  

LEG. KENNEDY:  
I still have my concern, I need more information. The comments that I had heard a year ago that we heard three months ago, You have no rights in this court, shut up and sit down; I can't indemnify somebody who would even think like that, I just can't at this point. They were going -- Judge Hinrichs was going to deal with it, I have not heard yet what the deal is. I would feel much more comfortable tabling this for two weeks and getting some answers.  

P.O. GREGORY:  
Legislator McCaffrey.  

LEG. McCAFFREY:  
Thank you. Dennis, why is the Executive Director not here?  

MR. BROWN:  
I didn't ask him to come.  

LEG. McCAFFREY:  
Didn't he think that maybe he should come based on the fact that we're talking about indemnifying people that work for him?  

MR. BROWN:  
I didn't --  

MS. HORST:  
There were no questions at committee, so we didn't feel that it was

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The situation is that if we can't hire people because we're not indemnifying them, we don't have the answers to those questions. Because I heard I don't know, but Dennis answered it differently when it was suggested otherwise to him, and that's why I had trouble following it. I mean, when Legislator Lindsay asked him, "Are we having trouble getting adverse selection because we're not indemnifying them," and you said, Yes, of course, but you didn't -- you can't answer the question if -- whether or not we have trouble retaining people, that only the Executive Director could.

So I'm sure you remember, it wasn't too long ago, maybe about two months or so ago, you, in fact, met with Executive Director Margiotta, and this bill has been pending for six months, as Legislator Calarco noted. If you want -- if it's the prerogative of the body to postpone this vote for another two weeks, you can postpone it for another two weeks, I don't think it's going to make a different between the operation of the agency. The only thing that I would say is that you, and I know that your colleagues, you've all had the opportunity to meet with Executive Director Margiotta and with others about the operation of the agency. Some of the things that have been brought to your attention are well known and they've been talked about for a very long period of time.

The only thing that I'm talking about here and now is that if it's not contract employees, then it's going to be employees; and if it's employees they're going to be defended and they're going to be indemnified. So the risk --

But we don't know if we are having trouble retaining these
prosecutors. And this is a department that's been out of control. People came to me, and the reason it's been going on for five months is because of the complaints. We had almost 800 days of jail put in by these people and the Chief Administrative Judge had to come in and say, You know what? You guys are out of control, you can't do this anymore, and that if anyone is going to be going to jail, it has to go to District Court. They took that away from them, okay? So these are some serious concerns.

I took the time to meet, I took the time to go to Nassau County. And you know what? They don't have those problems. There are still deep-seeded problems within that department here, and I personally would like answers, more answers than I have right now, before we vote on it. Nobody should be voting on this until you have the Executive Director in here answering these questions before the full Legislature based on everything that has happened to date with this TPVA.

MR. BROWN:
I respect your point, Legislator McCaffrey, but this is what I would pose to you. So two weeks from now -- so a summons and complaint comes in and it names two traffic prosecutors that are contract employees and it names a traffic prosecutor that is an employee of the contractor -- of the County and it names a JHO who we're giving indemnification to as a contract employee. What do I do? That's why I'm here; what do I do with those two employees? Do I not answer on their behalf? Does the plaintiff then take a default against them and find liability against the County? That's the dilemma I face, and that's why I'm here. Not because of problems associated with the agency and how it operates, it's the real-life question that I have to answer when a complaint comes in.

LEG. McCAFFREY:
Right, but our concern is that this is viewed, and with good reason, as an agency that is out of control. They abuse the people that go before them. The prosecutors -- the judges don't just say, Hey, I think I'm going to send this guy to jail. The prosecutors are saying, Hey, I recommend jail time for this person. Okay? So there's some deep-seeded problems. Maybe the questions I want to ask have more to do than whether they should be indemnified or not, but there's still some real problems there that haven't been satisfied. The only thing that's been satisfied is the fact that they're not allowed to sentence anybody by jail -- into jail because the Chief Administrative Judge said that. Okay?

I mean, there's problems in the agency. They still abuse the people. You heard the gentleman from AAA say we still don't even have a fee schedule on-line about what these things are as they do in Nassau County. This is an agency that's out of control, and to indemnify these prosecutors and make it easy for them to go out of control and make them feel as if they've got now some indemnification and act even more out of control than they are is just beyond belief to me.

P.O. GREGORY:
Legislator Calarco.
D.P.O. CALARCO:
Thank you. And I just want to correct the record on an issue here.
You know, I was in the meeting with Judge Hinrichs and Judge Kerr
and the Executive Director Margiotta and the Deputy County
Executive and many of my colleagues when we talked about when --
taking away cases in which jail would be a potential result. I,
you know, really just disagree with the categorization that this
was taken away by Judge Hinrichs because he felt that this agency
was out of control. That was not the way that conversation went in
the room. Judge Hinrichs said he was more than capable and willing
to take those into the District Court. The Executive Director said
he was perfectly willing and capable and ready to transfer those
cases. He said he offered up -- it was the Executive Director who
offered up that he would direct that any case where there was a
prosecutor suspecting that jail time may be sought or a hearing
officer believing that jail time may be a result, that they would
send it to the District Court and it was mutually agreed upon to do
that. Because, one, it's better properly adjudicated in the
District Court; and two, because it provides those defendants with
the opportunity to get legal counsel, which they don't get in the
Traffic Violations Agency. When they go to District Court, Legal
Aid is there, 18-B attorneys are there and they'd have that
opportunity. So I just think that this is -- that's a
mischaracterization of the way that went down. I know that it
seemed to have been reported that way in the papers, but that's not
the conversation that we had.

As far as answering questions, this thing's been held up -- this
was laid on the table in September. We've had many opportunities
to get questions answer. I think that the whole reason of holding
this up was because there has been issues at the court, and I would
readily admit that there's been issues in terms of -- especially
when it comes to customer service. Nobody likes going to traffic
court, so it makes it all the more important to treat those people
with respect because they are not going to be happy campers when
they get there because they got a ticket for something.

So, you know, I think we are making a lot of progress on that
front, and not just with transferring the potential jail time cases
out to District Court, but there's been other things that the
agency has slowly been coming around on to improve their
operations. You know, we can keep holding this up, but as Mr.
Brown rightly pointed out, the minute that we actually get a case
and he's got to defend it and if we leave these people hanging out
there and they say, You know what? Yeah, I screwed up, I'm going
to take a plea, then it puts the County on the hook anyways and it
could actually cost us more money.

LEG. McCAFFREY:
Just like any of our other contractors. But listen, I just want to
add one other thing.

D.P.O. CALARCO:
And these aren't the only prosecutors we have working for us. If
we all forgot, we have a District Attorney's Office that has many
attorneys working for us that are prosecutors that do this on a
day-to-day basis and they do it as employees and they cost us
money, we pay them a salary, we pay them benefits, we pay them
pensions; you know, it costs us a lot more money to do it that way.
But this isn't unique in having prosecutors; I mean, this is
something that County government does.

LEG. McCAFFREY:
No, I wasn't at that meeting because I wasn't invited. Even
though --

D.P.O. CALARCO:
I didn't set it up.

LEG. McCAFFREY:
Even though I was involved with this from the very beginning --

D.P.O. CALARCO:
As I said, I didn't set it up.

LEG. McCAFFREY:
-- I was the first one to raise the issue about this. But I can
tell you that Judge Hinrichs was not leaving that meeting without
having control over anyone that's going to jail. And whether or
not it was the Executive Director who decided to give it to him or
he was going to take it --

D.P.O. CALARCO:
You can represent it however you want to, I was in the room.

LEG. McCAFFREY:
Okay.

P.O. GREGORY:
Okay. Is that all? So we actually have two motions; we have a
tabling motion which goes first. Roll call.

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

LEG. KENNEDY:
To table, yes.

LEG. McCAFFREY:
Yes to table.

LEG. KRUPSKI:
No.

LEG. FLEMING:
(Absent).

LEG. BROWNING:
Yes. No, sorry.

LEG. MURATORE:
Yes to table.
LEG. HAHN: No to table.

LEG. ANKER: No.

LEG. LINDSAY: No.

LEG. MARTINEZ: No.

LEG. CILMI: Yes.

LEG. BARRAGA: Yes.

LEG. TROTTA: Yes.

LEG. STERN: No.

LEG. D'AMARO: No.

LEG. SPENCER: No.

D.P.O. CALARCO: No.

P.O. GREGORY: No.

MS. ELLIS: Six.

P.O. GREGORY: Okay motion to approve. All in favor? Opposed? Raise your hands.


P.O. GREGORY: Okay, IR 1093-17 - Amending membership of Open Data Committee. (Calarco).

D.P.O. CALARCO: Motion.

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

MS. ELLIS:
Seventeen (Absent: Legislator Fleming).

P.O. GREGORY:
IR 1111-17 - Authorizing planning steps for implementation of Suffolk County Workforce Housing Program (Riverview Lofts) (County Executive). Motion by Legislator Krupski. I'll second. Any questions? All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen (Absent: Legislator Fleming).

P.O. GREGORY:
IR 1114-16 - To confirm and approve promotion of Elaine Barraga (County Executive). I'll make the motion to approve.

LEG. D'AMARO:
Second.

P.O. GREGORY:
Second by Legislator D'Amaro. On the motion, anyone?

LEG. McCAFFREY:
(Raised hand).

P.O. GREGORY:
Legislator McCaffrey.

LEG. McCAFFREY:
Yeah, thank you. I just want to reiterate the concerns that I expressed during the committee about this. It just -- it's just hard to believe that three times that this came up, that the County Attorney's Office didn't realize that there was a law that said -- or at least three times -- at least two times, it may be three -- there was a law out there that said that any time this happened that it had to come before the Legislature. Okay?

You know, what this does is it casts a shadow on someone who's a hard working, capable person that we now have to go back retroactively and approve things that were done previously. And it goes against everything we talk about which is transparency and fairness, especially when it looks, is viewed as nepotism here and that's why we have the statute in there. And there is no question that Elaine Barraga is qualified and would have been approved for any of those promotions which she deserved. It's just unfortunate that we have a situation where the County Attorney's Office either forgot or the Administration chose not to do it. But at the end of the day, this isn't the Parks Department, it's not the Department of Public Works, this is the County Attorney's Office that is tasked with enforcing the laws of this County, and I just find it hard to believe that this was not followed properly.

P.O. GREGORY:
Okay, Legislator Cilmi.
LEG. CILMI:
So having heard what happened, the discussion in committee and
having read some of the Newsday reports here on this, and having to
struggle with deciding how I was going to vote on this bill, I came
to the conclusion that in order to remove politics from my
decision, that I needed to view this resolution in a way that
removed the last name Barraga from that conversation.

I have the utmost respect for my colleague Tom Barraga, I have
certainly no reason to question Elaine's capabilities. And my vote
on this bill will be strictly and exclusively a reflection on my
displeasure with the failure of the County Executive's Office to
come forward with the appropriate resolutions to effectuate these
promotions over time. Again, this is -- my vote will not be in any
way an impugnment of the integrity of my friend Tom Barraga. Thank
you.

P.O. GREGORY:
Legislator Kennedy.

LEG. KENNEDY:
As I said in committee where I abstained on this coming out to the
General Legislature, having experienced all the machinations of
nepotism laws, I can see one error on the part of the
Administration; I can't see two, I can't see three. And the
question is whether there was a fourth time that this poor woman
got a raise and no one thought to put in a nepotism resolution.
Dennis, I admire you for taking the sword, but I don't think it was
you.

Following some of the votes, I speak to my peer. I trust that my
peer is a man of his word, honest and decent. I do not know
Elaine, but she is an attorney with vast experience. There is no
reason that this body, because of who she's related to, should
force her to pay back her salary back to 2011. So I'm changing my
abstention vote on this one.

P.O. GREGORY:
Okay, Legislator Krupski.

LEG. KRUPSKI:
Thank you. A question for, I guess for Dennis. So this came up
and this is the remedy to correcting the oversights?

MR. BROWN:
Correct.

LEG. KRUPSKI:
Okay. Is there any -- what was the -- what happened one day when
someone realized that this hasn't been done? I mean, somebody
realized it at some point.

MR. BROWN:
Well, to tell you the truth, I realized it late in January and I
immediately sought to have it corrected with this resolution.
And thank you, Legislator Kennedy, and it's -- and whoever else mentioned my name. I didn't do a good job, and that's all I can say about that. The buck stops here, I didn't present the resolution sooner.

LEG. KRUPSKI:
So mechanically, how -- what should have happened?

MR. BROWN:
There should have been a resolution proposed in advance.

LEG. KRUPSKI:
Okay. All right, thank you.

P.O. GREGORY:
You're done?

LEG. KRUPSKI:
Yes.

P.O. GREGORY:
Legislator Browning.

LEG. BROWNING:
My position on this is more I wish we could have more resolutions. I know because of the nepotism law that this is something we have to vote on. But I have consistently complained about certain promotions, new hires when we have fiscal problems. So it's not personal. I mean, there's I love more than Tom Barraga, we come in together, we'll walk out together. But I do have concerns about these promotions that are going on. And when we -- Tom, you remember when a thousand people got laid off and you didn't vote for it and, you know, I did and I have to live with that. But when I see promotions and I see new hires in Suffolk County on the exempt side, I have concerns. And I'm going to be consistent; the Commissioner came here looking for a promotion, change of title for a communications person and we got the opportunity to vote for that, I did not vote for it. So I'm doing this not because of who it is, but I want to be consistent, and I wish that we could have all of those exempt positions come in front of us for a vote in this fiscal crisis. So I am going to be consistent and I will not vote in favor of a promotion.

P.O. GREGORY:
Legislator Trotta.

LEG. TROTTA:
I have an 86-year old Korean War Vet who was going to get a bagel eight days in a row and made a right turn on red and got eight tickets. And a few weeks later he got them in the mail and he called me up, and I watched the videos and he just didn't stop all the way. There's laws. We are put -- there's laws in place, I couldn't do anything for him.

You know, we took an Oath of Office when we were sworn in here and
it's to enforce the laws of the State, the County and the County Administrative Code and everything; it's clear in there. It's troubling that the term oversight would be used in this. You know, this is someone in the Law Department and the Legislator sits here when we vote on this over 50 times in the past ten years.

Even though I've been a Legislator only three years, when my brother-in-law called me up and said he was making Detective this last August, I immediately called the Police Commissioner and our Legal Counsel and said, Listen, this guy's going to make Detective, it's a promotion. So how did I know? And they told me, oh, in my brother-in-law's case, you know, he doesn't get a raise for eight months so it doesn't matter; and subsequently in-between that time he made Sergeant so it doesn't matter.

With respect to Ms. Barraga, there was never a resolution filed on time. She received the raises. Coincidentally, at the same time, along with each promotion, her father cast a vote that supported the position and the agenda of the Administration and the Democratic colleagues, in contradiction with his own caucus and his previously indicated stance.

Regardless of how any of us feel about the law, the specific provisions, it's been on the books for some time, it's quite clear; and until such time as it's amended, it must be complied with. We are not an elite class that can change the rules for ourselves. I wish that I could go change the rules for that 86-year old Korean War Vet that got eight tickets and had never been in an accident and never got a ticket before. There are ramifications to people's actions.

The reason we have this is to promote transparency, provide the mechanism to avoid the appearance of impropriety and discourage unethical behavior that may place personal interest above those of the public we serve. Approving a resolution such as this encourages departments not to file these bills in the first instance. We have an incentive there to draw attention to these hirings and promotions. The spotlight that this law seeks to shine on is the issue of effectively dimmed. Departments can operate under the premise that the public doesn't need to know, and if it's discovered the Legislature will just fix it anyway with no consequences. We are not an elite class where we can just change the rules for ourselves.

This law cannot be ignored, cumulatively or retroactively complied with, and I believe attempting to do so is neither ethically or legally appropriate. Such an action undermines the very reason why this law was recreated. Furthermore, I do not believe the approval of this resolution before us would absolve this individual from the sanctions that are delineated in the Administrative Code.

Violations have occurred person to the law and we can't simply go back and say it didn't happen. A benefit was derived and the Code specifies that the action of the Suffolk County Comptroller shall take in this instance, not may be done. The sanctions associated with failing to comply with this law were undoubtedly put in place to discourage backroom deals, quid pro quo and pay-to-play culture.
that can spread like a cancer in government if left unchecked.

Passing this resolution at the present time opens the door for potentially -- and sends the wrong message to the public. What are we going to say, that we are above everyone else and we can just change the law? The County is quick to hold the taxpayers to the letter of the law when it comes to everything from failing to comply to a stop sign or not filing their home alarm bill or not paying their taxes too late. I had a 90-year old woman call me yesterday, her sister died, she went to Florida, she missed her taxes by two days; should I change that law?

If this body wishes to consider approving the promotion of Ms. Barraga moving forward, in accordance with the law, it can certainly do so. However, I cannot support this resolution which seeks to use what is so-called an oversight as justification for making an end-run around an existing nepotism law. There is no way that we stood here and took an oath and don't take it seriously.

This is something that should have been done and I am greatly, greatly concerned that the instances that he votes one way and a day later she gets a raise, it happened more than once and I'm very uncomfortable with that. There is a quid pro quo here and if we had a District Attorney that was competent enough that's not under investigation, I would be referring it to them. It's very suspect. Thank you.

P.O. GREGORY:
You know, it's unfortunate that you would attack one of our colleagues. I understand that you have differences of opinion on how -- some votes he may have taken, but to use that as an opportunity to accuse him pretty much -- and his daughter, who I think is an innocent victim in this process -- as taking part in a conspiracy, because that's exactly what you're saying. There's a conspiracy to commit a quid pro quo action that, you know, that she's not even a part of, she is the victim of a bureaucratic process that, quite frankly, I think if I surveyed 18 of us, maybe 15 of us or three of us would know the particulars of this particular bill. I didn't know all the particulars of this bill. I think there are a lot of people that learned a lesson about the particular requirements of this legislation. I've been here eight years and I voted on several nepotism laws, but I never knew that you had to file an affidavit. You know, are we -- are we forgetting that this person worked for the County? That's a fact. So to make her pay back her salary and those promotions when we know she worked for the County is ridiculous. And to say that she's gotten promotions because her father voted a way that was different than you would have liked him to --

LEG. TROTTA:
It's very suspect --

P.O. GREGORY:
-- you're going to punish her?

LEG. TROTTA:
It's very suspect that it happens every single time; in this case a
day later, very suspect. Listen, you know what I did for a living for 25 years? This stinks to high heaven.

P.O. GREGORY:
I will not neglect the fact that the intention of this law is to prevent nepotism and some of the things that you allude to, but to use your presumptions as a matter of fact that this woman --

LEG. TROTTA:
I'm not saying it's fact.

05:16PM
P.O. GREGORY:
You did, you said she's part of a quid pro quo.

LEG. TROTTA:
I'm saying it's suspect that this is going to happen.

P.O. GREGORY:
No, no, no, you said more than that. You said this is a part of a quid pro quo and it's happened more than once.

05:16PM
LEG. TROTTA:
It has.

P.O. GREGORY:
She's gotten a promotion based on her father's vote.

LEG. TROTTA:
I did not link the two. I said --

05:16PM
P.O. GREGORY:
You did.

LEG. TROTTA:
-- it appears that this is -- something's going on here. It didn't happen once; in this case it happened the next day.

05:16PM
P.O. GREGORY:
You said it happened more than one time.

LEG. TROTTA:
It did happen more than one time.

P.O. GREGORY:
You said that there's a quid pro quo here.

LEG. TROTTA:
It appears there's a quid pro quo here.

05:16PM
P.O. GREGORY:
And if we had an effective -- if we had an effective District Attorney who would do his job --

LEG. TROTTA:
Exactly.

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P.O. GREGORY: -- you insinuated that she would be prosecuted.

LEG. TROTTA: No, I didn't say that, I said referred to. Don't put words in my mouth.

P.O. GREGORY: Referred to for prosecution, or investigation.

LEG. TROTTA: For investigation.

P.O. GREGORY: Okay. Well --

LEG. TROTTA: You know, we sat here and had the same conversation about a Chief of Police when I was trying to set a standard for the top and where did he end up?

P.O. GREGORY: But that's very different.

LEG. TROTTA: No, it's not very different.

P.O. GREGORY: No, it is very different.

LEG. TROTTA: You stood here -- you stood here and were chastising college professors that said that we need an education and this was clearly an indication that --

P.O. GREGORY: And if Burke had two Doctoral Degrees, he still would have been the person that he is, so education doesn't really matter.

LEG. TROTTA: No, no, because it had to do with more than education. It had to do a civilian complaint and to be able to get top secret clearance. Listen, I'm not saying that this -- I'm saying this stinks to high hell, that's what I'm saying, and that it should be looked into. And I'm not going to sit here and say, Oh, I took an oath and the taxpayers out there who are running the red lights, Oh, they just didn't slow down. Let's not let him pay. There are rules we have to follow, and if you want to stick to those rules, we should stick to the rules here. We are not the ruling class. We're not here to change the laws for our own. This is -- this stinks. The public, the taxpayers are going to hate this and it's ridiculous, and we should be standing with them, not against them.

P.O. GREGORY: And I think that is a very good talking point. But in reality,
someone who gets a red light camera ticket clearly, I would think, understands the procedures and process to have that adjudicated than someone going through this nepotism law.

LEG. TROTTA:
I would think a lawyer in the County Attorney's Office would know they'd have to file this. I would think a Legislator who sits here for 12 years would know they would have to file it.

P.O. GREGORY:
It may be. But the point is --

LEG. TROTTA:
So we let them off the hook.

P.O. GREGORY:
You are punishing Elaine Barraga. You're not punishing Dennis Brown, you're not punishing her father.

LEG. TROTTA:
I'm not punishing anybody, just following the law.

P.O. GREGORY:
You are if you vote against.

LEG. TROTTA:
I am following the law.

P.O. GREGORY:
If this law does not pass you're punishing her.

LEG. TROTTA:
I am following the law.

P.O. GREGORY:
And the law should be corrected.

LEG. TROTTA:
Listen, I'm not arguing that. I'm following the law. We have people who say, Oh, I didn't know we had to stop, or I slowed down, it was safe, there was nobody coming. What do we do? So we're going to change the law for here but not them? It's absurd.

P.O. GREGORY:
Legislator Lindsay.

LEG. LINDSAY:
Thank you, Mr. Presiding Officer. In committee we had the County Attorney. Dennis, I asked you very -- you don't have to come back up. I asked you a very direct question; is Ms. Barraga qualified for this position and you clearly said yes, and every other promotion that she got. I think the potential that if we don't pass this measure she would have to refund the money from the salary increases that she received over the years out of no fault of her own. And Dennis, I commend you for taking the responsibility for it. It's something we don't often see here,
unfortunately, or we don't see it enough. So I appreciate the fact that you're willing to accept the blame. Mistakes do happen. I think it's to a point that we should move on from it, vote on this piece of legislation. I plan to support it. I -- the spirit of the law I think was upheld because this wasn't done in private. Everyone knew that she got a promotion, it wasn't a secret promotion, it wasn't a secret salary increase, all this information was public. Yes, there were procedures that should have been filed that weren't, but admittedly the County Attorney's Office made a mistake and they're -- I would be hard-pressed to think that that same mistake would happen again. So I plan to support this measure.

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

LEG. D'AMARO:
Thank you. To the County Attorney; Dennis. So Ms. Barraga has been working in your office now for some time.

MR. BROWN:
Since 2010.

LEG. D'AMARO:
Right. And in your experience, is she, you know, in any way deficient in the job that she did?

MR. BROWN:
No.

LEG. D'AMARO:
That's not in question here.

MR. BROWN:
No.

LEG. D'AMARO:
I appreciate the fact that you took responsibility for this. I think in balance, you're probably one of the best County Attorneys we've ever had.

MR. BROWN:
Thank you.

LEG. D'AMARO:
And I appreciate, and I think the people of Suffolk County appreciate the job that you do.

MR. BROWN:
Thank you, but --

LEG. D'AMARO:
If any -- you know, what's the saying? He who lives in glass houses should not throw the first stone? You know, we've all made mistakes; fortunately, this mistake is something that can be corrected. And I don't think that you would ever intentionally do anything like this; in fact, I know you for many years and I know
that it's just the opposite. So I just want you to know, speaking for myself, that I appreciate all that you do for Suffolk County.

MR. BROWN:
Thank you.

LEG. D'AMARO:
With respect to Legislator Barraga, a lifetime of public service. Sir, I would never question your integrity, not for one moment would I ever question your integrity ever. And again, speaking for myself, you know, again, I thank you. We're on different sides of the aisle, but I thank you for a lifetime of public service. I appreciate that very, very much, and I admire it greatly.

As far as the bill itself, my analysis is not what if you take the last name out of a bill; my analysis is what if we leave the last name in, how would I have voted in 2000, what was it, 11 the first time it should come up?

MR. BROWN:
Eleven, yes.

LEG. D'AMARO:
That's the way I would look at this bill. So Elaine Barraga is being hired by the County of Suffolk, wants the job, her father sits on the Legislature, so I would look to qualification which you've already testified to. She was imminently qualified for the position; in fact, has proven out to be a great employee throughout, you know, the last several years. So the question really to me is at the time how would I vote on this bill, and I would say resoundingly that I would have voted yes. So I have no problem supporting this today, even though it's retroactive.

P.O. GREGORY:
Legislator Browning.

LEG. BROWNING:
Okay, to err is human. And I have to say, I'm pretty disgusted, Rob, with your attack on my colleague that I have a lot of respect for. And I don't like what you did to him or to his daughter, and for that I'm changing my vote. Because I'm sorry, I can't vote with you on this issue. I just think that, yeah, she's a good attorney. And while my position is different from yours, I feel that I'm going to be alone in the vote with you and I'm sorry, I can't do that. So Tom, congratulations to your daughter.

And again this is what this Legislature's for. If there's an error, this Legislature has the ability to change laws and to amend things as needed and if needed, so we do have that authority as a Legislature to change that. So Tom, I'm sorry for the attack on you and your daughter. I will support you.

P.O. GREGORY:
Legislator Calarco.

* Index Included at End of Transcript
D.P.O. CALARCO:

Thank you. You know, the comments over the last 20 minutes have just been shocking. You know, Legislator Barraga and I don't often agree on many things. He is a pretty conservative Republican and I'm a die-in-the-wall Democrat, and as a result we see things differently sometimes. But the one thing about Legislator Barraga is he's always been his own man, he votes the way he thinks things should be voted on.

We had a President who once wrote a book called Profiles of Courage which was all about taking votes that you thought were the right votes even though you knew it was going to be unpopular. Occasionally, from time to time, Legislator Barraga does that, and I think that's a credit to him. And unfortunately we always talk about wanting people who show profiles in courage and often don't actually want those people. To make the accusations that have been made here at this table is really appalling. And I would never question the integrity of Legislator Barraga or the votes he takes. I know he thinks very seriously about them. When he speaks it comes from the heart and he always means to do the best for this County.

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

D.P.O. CALARCO:

As to his daughter, I have not heard one person say she's not qualified for the job, that she shouldn't have this position, that she was promoted to a job that she can't do. In fact, she has shown just the opposite in her competency and her ability to really deliver quality work for the County. And I have no problem supporting this resolution, and I -- you know, I think that those who have questioned Legislator Barraga's integrity have really got to think twice about that.

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

I am also shocked. And I know my colleague, Legislator Trotta, is very passionate and animated, and I've developed a respect for him, and I'm highly disappointed by those remarks. And in the U.S. Senate, where, I mean, they say that there's a law against impugning a colleague, and your reputation was impugned and I'm offended by that.

I stand with you, Legislator Barraga. You've been an inspiration to me when I found out about your record, what you've done for this country, what you've -- and your service. You had just a life of service and integrity. And although my colleague might be passionate in his feelings, to state something like that publicly on the record without hard-core evidence I believe is wrong. And I understand that he is consistent in terms of his passion in defense for the people, and I respect that of Legislator Trotta, but today I think that even though he may feel this stinks, unless there is 100% proof, to speak of another colleague on the record that way.
...and to cast that aspersion on his reputation, I have a real problem with that.

Legislator Tom Barraga, I am proud to serve on this Legislature with you. You are someone that I've patterned my life after, and that I hope to achieve the honor and the status in my career. And I think that situations like this, although they're difficult and messy, that's why we have a Legislature for, to be able to look at the facts and decide how it was handled. And although we can maybe cite that this should have been handled better, I do think that, from looking at the record of Elaine and her performance, it seems that unilaterally that she is someone that is deserving of her position, and I think the people are being served well here. And so, Legislator Barraga, I am sincerely sorry that you suffered that attack today.

P.O. GREGORY:
Legislator Krupski.

LEG. KRUPSKI:
So late in 2012, someone who had worked in the County described all the Legislators to me who I was going to work with. And so all of you who are here, I got a pretty accurate description of your character and your personality, and they all -- they all rang true. And what I have to say, Legislator D'Amaro --

(*Laughter*)

Some of you are breathing a sigh of relief. I have to say, Legislator D'Amaro, that what you said, you know, I was thinking before this vote, is how would -- how would you have voted when this originally came up? Here's one of your colleagues' children working for the County, due for a promotion that's deserved, how would you have handled it? And I think that's the way -- you're absolutely, that's the way you have to look at this, not who made a mistake and when, but the fact that it's going to be corrected. But, you know, just morally, is it -- was it the right thing to do or not, and I appreciate that.

And as far -- and, Tom, as far as you go, you know, the person who described you described you I thought perfectly, because they said that you're very thoughtful, you've got a lot of experience and you've got a lot of integrity. And when you speak, and I don't always -- we certainly don't always vote the same way, but you vote the way you think you should vote, and you act and you say what you think you should, and I've always admired that. And there's no reason -- there's no reason to doubt you tonight, that's for sure.

P.O. GREGORY:
Okay. Legislator Hahn.

LEG. HAHN:
I don't want to extend this too long, so, basically, ditto to everything. You know, Tom, your thoughtfulness, your integrity we all respect so strongly. However, I now have just a question to Dennis and maybe to Katie.
You know, this was unfortunate, and so what are we doing? Do we have anyone here from I.T.? I mean, can we put in place a flag on everyone who requires a -- whatever it's called, whatever we vote on, nepotism waiver, the first time, that if they are to get promoted -- because, obviously, someone has to go into the system and update their -- you know, they get a promotion, so they change -- you know, they change a title or they change a grade, or whatever it is, that should flag a new resolution. Maybe it should just be automatic. I'm sure that could probably be easily implemented, and I don't know if we can require that, Counsel. But, you know, just this is sort of embarrassing and unfortunate. And if it's just an automatic flag that pops up, alert, email, whatever it is.

MS. HORST:
We absolutely agree. We absolutely agree. We've started, I know in our department, an internal review of all of the nepotism waivers that have been done over the last couple of years. But it's absolutely -- I mean, we have to look at it.

LEG. HAHN:
Yeah. I mean, we're spending a heck of a lot of money on I.T. improvements.

MS. HORST:
Yeah, absolutely.

LEG. HAHN:
And I would think this is something that makes sense.

MS. HORST:
So we're happy to talk to I.T. and see how we can make that happen.

LEG. HAHN:
Okay. Thank you.

P.O. GREGORY:
Legislator Trotta.

LEG. TROTTO:
You know, I take offense to, you know, this whole thing, because what I'm looking at here is going back to 2013, where there were newspaper articles. The same thing happened where someone, not me, I wasn't even here then, is saying that the lawmaker, who sided with Democratic County Executive Steve Bellone on a number of key issues, and said politics was not involved in the promotion of his daughter. This is a $10,000 raise back in 2013, and a week later there was a vote where he sided with the other side. Then it happens again. So am I -- I have a responsibility to the taxpayers to look into what's going on. When I read this, the Town -- the County Charter, one of the reasons I ran for this job was to investigate any department and find out what's going on. So I take exception.

And, honestly, I respond to the taxpayers, not to the other
Legislators. So I take what I do very seriously and I'm very passionate about it. And if there is something going on, I want to know about it. And I don't think that being chastised by my colleagues has any place here, and, quite honestly, I don't care, because I'm responsible to the taxpayers. And I find it -- and I find it -- I know that the taxpayers will find it disgusting that we're just going to change the law for one of our own and we don't for everybody else. I'm done.

P.O. GREGORY:
Okay. Legislator Stern.

LEG. STERN:
Yeah, just very quickly. You know, when you're -- when you come up on the end of your service, you look back at the colleagues that you've had the opportunity to serve with, the many different men and women from all over our great County, and a lot of good things that they've done, and things that you don't necessarily agree with along the way. But like Legislator Browning, like Legislator D'Amaro, we had the opportunity to come in with Legislator Barraga. We will go out together, sir. And when you look back across a decade-plus at who you've had the opportunity to serve with, you know, I can honestly say, and I'm sure that most would agree, that there are very few of our colleagues that consistently, when they grab the microphone, command the 100% attention of every single one of us, because we know what we are about to hear, whether we agree or not, is something that is sincere, something that is well reasoned, and whether ultimately we agree or not, we certainly respect. And so when we go out together, Legislator Barraga, it will certainly have been my privilege to serve with you.

P.O. GREGORY:
Legislator McCaffrey.

LEG. MC CAFFREY:
Yes. I haven't been here as long as all the others, especially the ones that are on their way out -- don't take offense to that. You said it, I didn't. But I've been here for going on my fourth year, and one thing I've seen in this Legislature is that not everybody is going to agree about the same -- the same thing all the time. And some of us are more passionate than others, and I believe Legislator Trotta is one of those people who are passionate, and we don't always agree on things, and I can tell you, we don't agree on this as well.

We -- sometimes all of us question some votes that we've taken. You know, I questioned Legislator Barraga about voting for the mortgage fee when he didn't vote for the budget with the spending attached to it, but he thought that was something that he needed to do. But one thing I would never question about Tom Barraga is his integrity. And I for one will stand up with my others and say that that is something that I would never question, and most others wouldn't question here, and -- but sometimes we all get passionate about things. But, Tom, thank you for your service to this County. And, as I said, that's -- I just want to make sure from our side of the caucus that I spoke up and said there should be no question
about that. Thank you.

P.O. GREGORY:
Okay. That's all. Anyone else? Okay. All right. So we have a motion and a second on I.R. 1114. All in favor? Opposed? Abstentions?

LEG. TROTTA:
Opposed.

MS. ELLIS:
Sixteen.

LEG. BARRAGA:
I recuse myself.

MS. ELLIS:
Fifteen. (Vote Amended to 14 Yes/1 No: Legislator Trotta/Not Present: Legislator Anker/Recusal: Legislator Barraga/Absent: Legislator Fleming)

HEALTH

P.O. GREGORY:
Okay. I.R. 1048 - Declaring April as “Alcohol Awareness Month” in Suffolk County (Kennedy). Just in time. I think I feel like I need a drink.

(*Laughter*)

LEG. KENNEDY:
Motion.

P.O. GREGORY:
I have a motion by Legislator Kennedy; I'll second it. All in favor? Opposed? Abstentions?

MS. ELLIS:
Sixteen. (Not Present: Legislator Anker/Absent: Legislator Fleming)

P.O. GREGORY:
Cheers, I guess, are in order.

PARKS & RECREATION

I.R. 1027 - Authorizing use of Smith Point County Park property in 2017 by the Mastics-Moriches-Shirley Community Library's Family Literacy Project (Browning). Motion by Legislator Browning, second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
I.R. 1029 - Authorizing use of Smith Point Park property by Getco
Company, between the Ports and Event Power, Long Island, and for a Triathlon (Browning). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
I.R. 1038 - Appointing Clara Macri as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 3) (Anker).

LEG. ANKER:
Motion.

LEG. HAHN:
Second.

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

MS. ELLIS:
Seventeen. (Absent: Legislator Fleming).

P.O. GREGORY:
I.R. 1054 we did earlier. I.R. 1057 - Authorizing the Suffolk County Department of Parks, Recreation and Conservation to accept a monetary donation from the Suffolk County Parks Foundation, Inc., to improve and enhance Suffolk County-owned public parks (Co. Exec.).

LEG. HAHN:
Motion.

D.P.O. CALARCO:
Motion.

P.O. GREGORY:
Motion by the Parks Chair, Legislator Hahn, second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
I.R. 1067 - Authorizing use of Cathedral Pines County Park by Suffolk Committee for Camping, Inc. for its annual camping rally (Co. Exec.).

D.P.O. CALARCO:
Motion.

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

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MS. ELLIS:
Seventeen. (Absent: Legislator Fleming)

P. O. GREGORY:
I.R. 1069 - Authorizing use of Cathedral Pines County Park by the Suffolk County Athletic Trainers’ Association, Inc. for its SCATA “Fund” Run Fundraiser (Co. Exec.). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen. (Absent: Legislator Fleming)

P. O. GREGORY:
I.R. 1070 - Authorizing use of Indian Island County Park by Event Power for its Riverhead Rocks Run Fundraiser (Co. Exec.). Motion by Legislator Krupski.

LEG. KRUPSKI:
Yes.

P. O. GREGORY:
I’ll second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen. (Absent: Legislator Fleming)

PUBLIC SAFETY

P. O. GREGORY:
I.R. 1096 - Amending the 2017 Capital Budget and Program and appropriating funds for the Forensic Sciences Medical and Legal Investigative Consolidated Laboratory (CP 1109)(Co. Exec.).

LEG. HAHN:
(Raised hand)

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

LEG. TROTTA:
On the motion.

MS. ELLIS:
Seventeen. (Absent: Legislator Fleming)

P. O. GREGORY:
Oh, on the motion.

LEG. TROTTA:
This is 1096?

P. O. GREGORY:
Yes, 1096.
LEG. TROTTA:
Can you just tell what this is again? This is to -- just go over what this is again?

P.O. GREGORY:
The Medical Examiner is here.

DR. CAPLAN:
Hi, everybody. Yes. This is a motion appropriating funds. It has to do with our -- mainly our fume hoods, which involves -- in our laboratory, we have approximately 33 of these fume hoods. And also in the -- in the Public Health Environmental Laboratory, which there's also one in our building, we also have fume hoods. And basically what this involves is not just the air quality, but the -- that these have been exposed to chemicals that these scientists are working under, which include corrosive chemicals such as sulfuric acid, and causing damage to the duct work. And so it's -- there's been extensive damage over the years, you know, from these. And so, basically, many of these fume hoods are not working properly, and some of them are just, you know, not working at all. And so I just want to make the point that it's more than just the air handling, it's the corrosive chemicals that -- you know, that the workers have been exposed to. And Mr. Anderson may have more to say.

COMMISSIONER ANDERSON:
Yeah, any questions I can answer on this. It is a detail specific project, and, as Dr. Caplan mentioned, it -- you know, these hoods, there are, I believe, 56 of them. The duct work, as well as the system themselves, are very detailed. It's not just a simple replacement of an air conditioning unit on the top of a building, although that is part of the project. It's also trying to get the replacements for these hoods, which, as the Doctor said, many of them are not functioning at the present time. We've had situations where we've had to go in there in emergencies over weekends to get them operational. And the building, I believe, is over 30 years old, and the equipment is in need of repair. And any other questions I can answer.

P.O. GREGORY:
Legislator Browning has a question.

LEG. BROWNING:
Yeah, Gil. Just I didn't ask you at the last meeting. This is for design and plan for like an HVAC system. What is the qualifications or what type of person? Is this an electrical engineer, or who would -- who would be doing this?

COMMISSIONER ANDERSON:
Primarily, it would be a mechanical engineer. They would have some speciality, or they would bring in somebody with a speciality in these type of systems, because, similar to -- and I used this at the Public Safety Committee. Similar to when we designed the jail, we had to bring in actually a jail expert that was familiar with this type of work.

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LEG. BROWNING:
And that's where I'm going, is a mechanical engineer. If you could
maybe come up with a list of jobs that have required a mechanical
engineer, these design and plans, how many projects have we had
that requires that type of person with that type of experience.

COMMISSIONER ANDERSON:
That type of -- under that discipline?

LEG. BROWNING:
Yeah.

COMMISSIONER ANDERSON:
We do -- I mean, we have, I don't know how many number-wise of
building, but we have over five million square feet of buildings
that we maintain, and they are, for the most part, air conditioned.

LEG. BROWNING:
Right.

COMMISSIONER ANDERSON:
And that does require the occasional replacement, design and thus
the discipline of a mechanical engineer.

LEG. BROWNING:
So if we had somebody inhouse who was a mechanical engineer, we
could probably use them a lot more --

COMMISSIONER ANDERSON:
Correct.

LEG. BROWNING:
-- doing the work inhouse than to --

COMMISSIONER ANDERSON:
In this particular case, I don't think so, because of the
speciality of it. Again, these systems are designed to deal with
very corrosive environments. You know, as the Doctor said,
hydrofluoric acid, or some acid that he mentioned.

LEG. BROWNING:
Whatever.

COMMISSIONER ANDERSON:
Yes. I can't get into that level of detail, but I'm sure the
Doctor could, if we want.

LEG. BROWNING:
Okay. No. I think it would be -- it would be helpful to know.
You know, again, it's bonding for, you know, these consultants to
do something that --

COMMISSIONER ANDERSON:
Right.
LEG. BROWNING: -- we could potentially have somebody inhouse doing some of these jobs.

COMMISSIONER ANDERSON: Agreed.

05:43PM

LEG. BROWNING: Okay. Thank you.

05:43PM

COMMISSIONER ANDERSON: Thank you.

05:43PM

P.O. GREGORY: Okay. Legislator Spencer.

05:44PM

LEG. SPENCER: Hey, Gil. You know, I'm supportive of capital projects, and especially this being right up my alley, in medical, and my committee that I Chair and what I do for a living. I think it's not so much with -- I support the project. And I understand when you come in with like a road project where you're redesigning a traffic circle, and it's out of my element, but you're looking at topography, and you're looking at runoff, and you're looking at all these different elements where you have to have a design that fits in with the total project. My concern here is that, sure, I understand you're dealing with noxious chemicals. But if you had one hood and you're venting that noxious chemical to the roof, and you're running it or processing it, then you need a design to do that, and I get that. So if you take that, and I can understand that maybe that there are more, but just because we're duplicating it and we're talking about 56, or whatever, I don't see how that necessarily translates from construction to planning, that it still has to be one-tenth of planning, like it would be with any other DPW project. So I think that's the hard part for me, like -- and that's why I voted against it in committee. And it's not to say that I won't support it, but that's the hard part.

05:45PM

So if, you know, I install one stop sign or 56 stop signs, the planning to install those stop signs, maybe because of intersections and things like that. But with these hoods, that, you know, I have seen places come in, they retrofit, the do duct work, or whatever, how noxious the chemical is has nothing to do with it as far as you just want to vent it to the proper place and you want to have the equipment that's able to contain -- but just because you're multiplying it, why does the planning continue to multiply? Once I plan it, it should be -- and so I think that still using the same formula, that it's kind of one-tenth of what the expected overall project. I don't know if that continues to hold true, and that's where I'm struggling here. Can you help me out a little bit?

05:45PM

COMMISSIONER ANDERSON: Just let me ask the Doctor one question. Okay. In -- I just needed to get a little bit of background on the detail. But in
many cases, the hoods that are being used are -- have specific
uses. Some are used to say -- and I'm sure Dr. Caplan can provide
more detail, for sulfuric acid and getting rid of those chemicals
in the atmosphere.

Okay. Let me go -- let me go to one of your points. The estimate
that we're talking about right now is an estimate. We don't -- and
we won't until we bring somebody in to do some design, some level
of design, and look at what's involved with the project, because
once you open up a building, no matter how old, you don't know
really what you're faced with, and how corrosive the existing
infrastructure is, do we have to replace everything. When we're
replacing everything, do we have to replace the ceiling, do we have
to replace the roof? There's a lot of things that are involved.

Our best estimate right now is that the construction of this
project is around $3 million. So, as a rule, the industry uses
10%, again, as an estimate. We're going to go out for a Request
For Proposal and we're going to get the most qualified team to come
in and provide planning, construction documents, hopefully
construction oversight. And I am anticipating it will be less.

LEG. SPENCER:
Okay.

COMMISSIONER ANDERSON:
But I don't know -- you know, again, we're basing that number on
other work at that we've done in other areas with a safety -- I'm
sorry -- with a safety factor because of the level of detail. It's
not just a matter of replacing the outside air handlers, replacing
an interior duct work.

LEG. SPENCER:
Sure.

COMMISSIONER ANDERSON:
There are levels of concern, because this is a little more
specialized than normal.

LEG. SPENCER:
Sure. I mean, I think that's reasonable. I mean, you have to be a
jack of all trades in what you do for -- in terms of planning for
dredging, to building design, to traffic circles, to road. And so
I don't -- you know, I guess that 10% rule is a rule of thumb that
you're getting authorization for, but this is something that you
will have oversight over in terms of making sure that we are
getting the best planning bang for our buck, and that it may not
cost that much money, but that's what -- well, that's what we're
authorizing.

COMMISSIONER ANDERSON:
Again, we don't want to have to come back to the well more than
once. I would -- you know, when we get these proposals, we get a
cost proposal, and in that cost proposal is detailed how many
man-hours the consultant team anticipates it's going to take. So
based on the level of engineer, whether it's a senior engineer or a
regular mechanical engineer, they -- you know, their hourly rate
times how many hours they think. So we think, when we bring them
on, there is a justification for the hours, and, thus, for the cost
estimate they're putting together. So we're not just getting an
number saying, oh, this is -- you know, it's all or nothing.

LEG. SPENCER:
Can I ask you a favor? If this moves forward, would it be possible
that as this planning is done, that you will make a point to kind
of get back to me and let me know how much it actually costs?

COMMISSIONER ANDERSON:
Sure.

LEG. SPENCER:
Okay.

COMMISSIONER ANDERSON:
Well, after we -- after we've made the selection, I'll be more than
glad to sit with you and explain why we did it and what the cost
is.

LEG. SPENCER:
You know, after it's done, I'm curious to see what it actually
comes out to.

COMMISSIONER ANDERSON:
I mean, by done I mean when we've -- when we've, hopefully, brought
the engineer --

LEG. SPENCER:
Perfect.

COMMISSIONER ANDERSON:
-- engineering team in.

LEG. SPENCER:
Thank you.

COMMISSIONER ANDERSON:
You're welcome.

P.O. GREGORY:
Legislator Cilmi.

LEG. CILMI:
Thank you. Gil, couldn't we -- couldn't we go out for the planning
bids before we approved a resolution?

COMMISSIONER ANDERSON:
Could we? Yes. But we can't award the work until we have the
funding in place. We can't -- we certainly can't go out to
construction, but if we wanted to do that and bring in engineers
and get proposals --
LEG. CILMI:
Right.

COMMISSIONER ANDERSON:
-- then, yeah. We could then say -- come back to this Legislature, and, in fact, we need $279,000, rather than $300,000.

LEG. CILMI:
Because I just feel like we're tipping our hand here. I feel like we're saying -- you know, we're approving $300,000, and so I think, naturally, I mean, this is a public meeting, it's a public fact that we've approved $300,000.

COMMISSIONER ANDERSON:
Absolutely.

LEG. CILMI:
If, instead, you approved $150,000, maybe they'd come back with lower bids. I just -- I don't understand. It seems like we're -- and we do this all the time, where we sort of put the cart before the horse, and nothing gets done really quickly. This is certainly not an emergency.

COMMISSIONER ANDERSON:
It is --

LEG. CILMI:
I mean, I know it's urgent, but it's not like we're -- it's not like we have a -- you know, a CN for the construction because we have a thing that fell down and, you know. So we've waited this long. How long does it take you to put the bid out and to get responses back?

COMMISSIONER ANDERSON:
Generally, from the time we actually -- say it took us a month to put the bid together. It would probably take us another three months to go out, get proposals, view the proposals and award the contract. And then we'd have to come back, so now there's another two-month cycle on top of that. You know, keep in mind that we have a Capital Program which actually details all of this, and it's a planning tool that's used by the government to --

LEG. CILMI:
Right.

COMMISSIONER ANDERSON:
-- find out how much funding they're going to get. So, again, I go back to, yeah, I --

LEG. CILMI:
And every time we approve that planning tool, we are reminded of the fact that it's just a planning tool, and that you'll have an opportunity to vote on these things --

COMMISSIONER ANDERSON:
Yes, absolutely.
LEG. CILMI: -- as they come before us. And so when I see $300,000 to plan for, albeit 50, or whatever it is, hoods, but correct me if I'm wrong, most, if not all, of those hoods are already in place; is that correct? Now they're failing, admittedly, but we already have a structure in place to deal with the HVAC here, right?

COMMISSIONER ANDERSON: Correct.

LEG. CILMI: Duct work is already there. As you said, you have to check to see if it's --

COMMISSIONER ANDERSON: The condition and everything else, correct.

LEG. CILMI: The condition of it. But it's not like we're reinventing a -- it's not like we're starting a building from scratch and you have to, you know, plan from scratch how you're going to do all this. It's sort of already there. And we have to assume there was some planning done in the initial state, you know, in the initial construction of this.

COMMISSIONER ANDERSON: Absolutely.

LEG. CILMI: So, that's why I'm -- and, Doctor, you know, I -- and Commissioner, I fully appreciate the need to do the work, I just can't get past the $300,000 for the planning of something that's sort of already in place. And I wish that we would go out to bid before we approve the money so that we're not sort of, you know, showing our cards to those who are going to bid.

COMMISSIONER ANDERSON: And while I completely understand where you're coming from, and we do wrestle with this to a certain -- you know, constantly. One of the things that we do in our review is a detailed review of the estimate that's provided to make sure they're not just feathering the bed. You know, that the amount of hours that they're considering, and they give us a detailed proposal, that the amount of hours that they're putting to each item in the scope of work is justifiable, you know, makes sense. It isn't they're just kind of throwing stuff against the wall and trying to get to 300,000.

LEG. CILMI: How many -- how many bids would you expect to get back for something like this?

COMMISSIONER ANDERSON: I would guess a half dozen, if I had to, you know, take a guess at this. I don't know how many -- generally, when you get into this level of specificity, you know, especially with the hoods and that
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type of work, there's going to be only a handful of firms
country-wide that are going to be doing this type of work.

LEG. CILMI:
And if I recall correctly our discussion from committee, you had
anticipated hiring the contractor that was going to do the planning
for us, but that that contractor would, in turn, have to hire other
contractors to support the work that they're doing.

COMMISSIONER ANDERSON:
Correct. The Local Law mandates that we hire, especially with
regard to professional services, from the local community, which
means Nassau and Suffolk. So, generally, that's the -- that's the
initial grouping of consultants that would bid.

LEG. CILMI:
But then, so that contractor that we hire from Nassau or Suffolk
could go out and hire somebody from some other place.

COMMISSIONER ANDERSON:
Absolutely.

LEG. CILMI:
Which basically skirts the whole intent of our original --

COMMISSIONER ANDERSON:
Well, but again, when you're in that type of level, it's --

LEG. CILMI:
Not only does it skirt the intent of our original law, but it pads
the cost, because now somebody's got to make a profit, obviously,
to do that.

COMMISSIONER ANDERSON:
Right, but --

LEG. CILMI:
And I don't deny them, you know, that, but --

COMMISSIONER ANDERSON:
Right. But, again, it gets to the level of detail and the scope of
work that's involved. This isn't just a matter of replacing a
straightforward, you know, rooftop unit with some duct work on the
inside. This is -- you know, each of these -- each of these hoods
is a special entity to a certain extent unto itself. And I would
expect that there is -- just like I mentioned, in the Jail, there
was a specific -- there were specific consultants, State --
country-wide that were, you know, procured from. When we did the
Cedar Island lighthouse, we looked for structural, historic and --
you know, architects, and we had to go into the City to find a
couple of firms. And, you know, there's other firms nationwide.
It's not -- you can't go down to a local firm and say, "Do you" --
you know, maybe they do, but we're going -- my anticipation is
we're going to have to rely on that, on that level of detail when
get into the hoods and that exhaust system for a firm that's
outside of this local area.
LEG. CILMI:
So -- but are we required to hire the firm from Suffolk County or Nassau County?

COMMISSIONER ANDERSON:
The Local Preference Law, I believe, requires that we hire from -- from Nassau or Suffolk firms.

LEG. CILMI:
Without exception? Maybe one of the attorneys in the room could --

MR. NOLAN:
What was the question?

LEG. CILMI:
The question is, with respect to the Local Preference Law, is DPW required to hire somebody from Nassau or Suffolk County to do the planning on this project?

MR. NOLAN:
It's a consulting contract? I think there are -- there's a 10% price differential built into the law.

COMMISSIONER ANDERSON:
I thought that was only for construction, which --

MR. NOLAN:
Let me go to the Local Preference Law.

LEG. CILMI:
Because if there's not some sort of a provision in there that allows you to, you know, go outside of Nassau and Suffolk Counties when we don't have a viable bidder from Nassau or Suffolk Counties, then all we're doing is, like I said, we're -- first of all, we're padding the costs. Second of all, we're taking us one step away from the -- you know, the service provider, if you will, which is an added step that's unnecessary. George.

MR. NOLAN:
Well, it says that contracts for consulting services will be awarded to a business doing business within Suffolk and Nassau County, unless there's no local consultant who has the necessary professional expertise or credentials to provide the service, or where local consultants' response to the RFP exceeds the otherwise lowest response by more than 10%. So --

LEG. CILMI:
So here's my question, if we get back six bids and one of them is from some other place, and the other five are from Nassau or Suffolk County, but the other five are basically going to subcontract the work out to a bidder outside of Nassau and Suffolk County, can we, in that instance, then hire the contractor from outside of Nassau and Suffolk County?
COMMISSIONER ANDERSON:
I believe if their fees are within 10% of the lowest fee.

LEG. CILMI:
Is that right, George? Do understand my question?

MR. NOLAN:
Couldn't you have made it two vendors instead of six?

LEG. CILMI:
I could have made it two. My mind was on a -- yes, I could have
made it two. So one from Nassau or Suffolk and the other from New
Jersey, and the Nassau and Suffolk bidder is going to subcontract
the work out to some other vendor in some other state. Do we have
to choose the Nassau or Suffolk vendor who's subcontracting the
work, as opposed to the New Jersey vendor who's doing the work
themselves?

MR. NOLAN:
You know, the Local Preference Law doesn't speak to that situation
about the local vendor subcontracting out to somebody else who's
not within the area, so it's not really addressed in the law.

LEG. CILMI:
All right. We'll have to work on that together, then.

MR. NOLAN:
Okay.

LEG. CILMI:
Gil, do you have anything else to add here? I mean, I've sort of
expressed my opinion here. You understand my point of view.

COMMISSIONER ANDERSON:
Yes, absolutely.

LEG. CILMI:
I do understand your point of view, but --

COMMISSIONER ANDERSON:
Right. And, you know, again, I would state for the record that it
is very important to the Department of Public Works that the cost
proposals we receive are reviewed in detail, and we feel they are
fair and, you know, economically benefits the County.

P.O. GREGORY:
Okay. All right. So we have a -- oh, I'm sorry. Legislator
McCaffrey.

LEG. MC CAFFREY:
Thank you. Commissioner, I'm just -- you know, I'm just concerned
about, and I'm not going to belabor the point, but just, you know,
my thinking is what others have expressed. It's just because the
equipment is expensive, I don't know that the planning needs to be,
you know what I'm saying? I think it changed the different
dynamic, I think you agree with that.

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And I also agree with my colleagues that said that I’ve never seen this approved, $300,000 in planning, and not get it pretty close to that in terms of what the cost is. Maybe it’s because we’re tipping our hand, or whatever it is, or that it’s accepted that the County will take the 10% and that’s their rule.

And, you know, the suggestion was made why don’t we put this out to bid and see what happens. It’s been ongoing. I don’t want to belabor it, but this is -- you know, this is a project we support and we’re -- you know, I’m personally committed to doing it. I just don’t want to overpay for it. And what would be the harm if we were to do, as you talked about before, kind of putting the horse before the cart, you know what I mean, which is to maybe bid out the work, and bid it out and then let us do that approval afterwards? I mean, this is something that’s gone on for a while, right? Would that be the end of the world if we tabled that or waited until we got those numbers?

COMMISSIONER ANDERSON:
As long -- it could delay the project by six months. If we are able to get -- again, one of the things that we have to keep in mind is that we have a year to obtain all the funding for a project, or that yearly amount in the capital project I guess goes away. I don’t know the right word.

LEG. MC CAFFREY:
But it’s the same work that’s going to get done. Whether we approve it tonight and then bid it out, or if we bid it out and then approve it right after, isn’t that really the same amount of time? I don’t see the delay there.

COMMISSIONER ANDERSON:
Again, that’s a decision for this body to make. And my -- and my impression, again, I would state for the record that we are very -- you know, it’s not only based on quality. I mean, many of these services that we get from design consultants are based -- the review of the proposals is based on a quality-based selection. So we’re looking for the best team to give us the best product at the end of the day. And then we generally look at the cost. We review the cost to make sure that what we’re getting is what we’re paying for, so we go into that level of detail.

I don’t see this as any real economic gain for the amount of time we’re going to lose in doing this. This isn’t as -- and with all due respect, this isn’t the same as going out to bid for construction. There is -- you know, that’s why they call them professional services. We do rely on professional engineers and architects to give us a detailed product that protects the County and gets us the product that we need.

So, to answer your question, would it -- right now, it wouldn’t. We would be able to get out to bid, come back to this body, say we need "X" number of dollars. I just, again, would state for the record, we review these proposals. I would expect they’re going to come in a little lower. I don’t expect that much lower.
LEG. MC CAFFREY:
Right. But we're going to put it out there we're willing to spend
300,000, because that's what we bonded, and these people know that,
and then you're going to see them all come in at around that bid.
I mean, it's a pattern that continues and continues. And I want to
support this project, I do and I will. I just would like to see
without us -- this is a lot of money, and if you're buying
equipment, instead of just a regular hood, you're buying a hood
that costs ten times as much because it removes certain
contaminants, and I'm okay with that. I understand the work that
the Doctor does and his staff does in there. We want to protect
them. So I just want to -- it looks like -- it seems like
following that 10% doesn't seem like the way to go, and I would
prefer to see that it be bid out first and then we approve it. And
I promise you, you have my support no matter which way those bonds
come.

COMMISSIONER ANDERSON:
Again, I would leave this -- I mean, that's a decision for this
body to make.

P.O. GREGORY:
Okay. Anybody else? All right. So we have a motion and a second
on I.R. 1096.

LEG. MC CAFFREY:
Can I make a motion to table?

P.O. GREGORY:
You can make a motion to table. Motion to table by Legislator
McCaffrey, second by Legislator Trotta, to table. Roll call on the
tabling.

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

LEG. MC CAFFREY:
Yes.

LEG. TROTTA:
Yes.

LEG. KRUPSKI:
No to table.

LEG. FLEMING:
(Absent)

LEG. BROWNING:
Yes -- no to table. Sorry.

LEG. MURATORE:
No to table.
LEG. HAHN:
No to table.

LEG. ANKER:
No.

LEG. LINDSAY:
No.

LEG. MARTINEZ:
No.

LEG. CILMI:
Yes to table.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. STERN:
No.

LEG. D'AMARO:
No.

LEG. SPENCER:
No.

D.P.O. CALARCO:
No.

P.O. GREGORY:
No.

MR. RICHBERG:
Three. (Absent: Legislator Fleming)

P.O. GREGORY:
Okay. And a motion to approve. All in favor? Opposed?

LEG. CILMI:
Opposed.

LEG. MC CAFFREY:
Opposed.

P.O. GREGORY:
Abstentions?

LEG. TROTTA:
Abstention.

P.O. GREGORY:
You've got two opposed, one abstention.
MR. RICHBERG:
Fourteen. (Absent: Legislator Fleming).

P.O. GREGORY:
All right. I.R. 1096A, bond resolution, same motion, same second. Roll call.

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

06:07 PM

LEG. BROWNING:
Yes.

LEG. HAHN:
Yes.

LEG. KRUPSKI:
Yes.

MR. RICHBERG:
Muratore -- sorry Fleming.

LEG. FLEMING:
(Absent)

LEG. MURATORE:
Yes.

LEG. ANKER:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
No.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. TROTTA:
No.

LEG. MC CAFFREY:
No.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.
LEG. SPENCER: Yes.

D. P. O. CALARCO: Yes.

P. O. GREGORY: Yes.

MR. RICHBERG:
Fourteen. (Absent: Legislator Fleming)

P. O. GREGORY:
I.R. 1097 - Appropriating funds for the purchase of equipment for Med-Legal Investigations and Forensic Sciences (CP 1132) (Co. Exec.). Motion to approve. Do I have a second?

D. P. O. CALARCO: Second.

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

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

P. O. GREGORY:
I.R. 1097A, bond resolution, same motion, same second. Roll call.

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

P. O. GREGORY: Yes.

D. P. O. CALARCO: Yes.

LEG. KRUPSKI: Yes.

LEG. FLEMING:
(Absent)

LEG. BROWNING: Yes.

LEG. MURATORE: Yes.

LEG. HAHN: Yes.

LEG. ANKER: Yes.

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LEG. LINDSAY: Yes.

LEG. MARTINEZ: Yes.

LEG. CILMI: Yes.

LEG. BARRAGA: Yes.

LEG. KENNEDY: Yes.

LEG. TROTTA: Yes.

LEG. MC CAFFREY: Yes.

06:08 PM

LEG. STERN: Yes.

LEG. D'AMARO: Yes.

LEG. SPENCER: Yes.

06:08 PM

MR. RICHBERG: Seventeen. (Absent: Legislator Fleming)


06:08 PM

MR. RICHBERG: Seventeen.

P.O. GREGORY: Oh, I'm sorry, I'm sorry, I'm sorry. I didn't hear you.

LEG. KENNEDY: Doctor, I'm sorry. How many vehicles was it? It was --

06:08 PM

DR. CAPLAN: Three vehicles.

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

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
I.R. 1098A, bond resolution, same motion, same second. Roll call.

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

06:09PM

P.O. GREGORY:
Yes.

D.P.O. CALARCO:
Yes.

LEG. KRUPSKI:
Yes.

LEG. FLEMING:
(Absent)

LEG. BROWNING:
Yes.

LEG. MURATORE:
No.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. TROTIA:
No.

LEG. MC CAFFREY:
Yes.
LEG. STERN:  
Yes.

LEG. D'AMARO:  
Yes.

LEG. SPENCER:  
Yes.

MR. RICHBERG:  
Fifteen. (Absent: Legislator Fleming)

P.O. GREGORY:  
I.R. 1103 - Accepting and appropriating a grant as pass-thru funding from the New York State Division of Criminal Justice Services to the Suffolk County Department of Probation for the S.T.O.P. Violence Against Women Act Program with 75% support (Co. Exec.). Motion by Legislator Hahn.

LEG. HAHN:  
Yes.

LEG. ANKER:  
(Raised hand).

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

MR. RICHBERG:  
Seventeen. (Absent: Legislator Fleming)

PUBLIC WORKS, TRANSPORTATION & ENERGY

P.O. GREGORY:  

LEG. CILMI:  
Second.

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

MR. RICHBERG:  
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:  
I.R. 1052 - Adding a member to the Tick Control Advisory Committee (Fleming).

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

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
I.R. 1088 - Approving and authorizing a contract with a New York State certified Minority and Woman Owned Business Enterprise via New York State Grant (Co. Exec.).

D.P.O. CALARCO:
Motion.

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

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
1109 we did. 1110 - Authorizing $3,842,579 in funds for the purchase of paratransit vehicles and accepting and appropriating Federal and State Aid and County funds (CP 5658)(Co. Exec.).

D.P.O. CALARCO:
Motion.

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

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming).

I.R. 1110A, bond resolution, same motion, same second. Roll call.

LEG. CILMI:
I'm sorry. I know this is unusual to -- on the motion with a bond resolution, but I really did have a question with respect to the funding on these paratransit vehicles. If we could have the Commissioner come up. And it's really not even -- my question is not so much germane to the funding for the paratransit vehicles, but, rather, with respect to the right sizing of our fleet. Is that -- is that ongoing? Are we full speed ahead with that, Gil? Have the buses been -- new buses been ordered, or how many of them?

COMMISSIONER ANDERSON:
Yeah. I believe we ordered -- I believe we ordered a total of 30, but we're in construction for 20 now. And we're waiting for the end of the year, because the 10 that are left are going to replace existing buses that have to meet the Federal guidelines for ability to be replaced.

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LEG. CILMI:
Has the analysis been done as to where those buses will go, what
routes they will take over?

COMMISSIONER ANDERSON:
I know that there's a plan. I don't know that that level of detail
has been reached yet.

LEG. CILMI:
Okay. Just keep me in the loop with all that, please.

COMMISSIONER ANDERSON:
Yes, sir.

LEG. CILMI:
Thank you.

P.O. GREGORY:
Okay. We have a motion and a second. 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:
(Absent)

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.
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LEG. KENNEDY:
Yes.

LEG. TROTTA:
Yes.

LEG. MC CAFFREY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. SPENCER:
Yes.

06:12PM

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:

06:13PM

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:

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

06:13PM

D.P.O. CALARCO:
Yes.

P.O. GREGORY:
Yes.

LEG. KRUPSKI:
Yes.

LEG. FLEMING:
(Absent)

06:13PM

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

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LEG. HAHN:  
Yes.

LEG. ANKER:  
Yes.

LEG. LINDSAY:  
Yes.

06:13PM

LEG. MARTINEZ:  
Yes.

LEG. CILMI:  
Yes.

LEG. BARRAGA:  
Yes.

06:13PM

LEG. KENNEDY:  
Yes.

LEG. TROTTA:  
Yes.

LEG. MC CAFFREY:  
Yes.

LEG. STERN:  
Yes.

06:13PM

LEG. D'AMARO:  
Yes.

LEG. SPENCER:  
Yes.

MR. RICHBERG:  
Seventeen. (Absent: Legislator Fleming)

06:13PM

P.O. GREGORY:  
I.R. 1120 - Adding two members to the Suffolk County Public Transportation Working Group (Fleming). I make a motion to approve, second by Legislator Krupski. All in favor? Opposed? Abstentions?

06:13PM

MR. RICHBERG:  
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:  
1122A we did.

06:14PM

SENIORS AND CONSUMER PROTECTION

I.R. 1086 - Accepting and appropriating 75% state grant funds from the New York State Office for the Aging in the amount of $101,874 for the Expanded In Home Services for the Elderly Program (EISEP)
administered by the Suffolk County Office for the Aging (Co. Exec.).

LEG. ANKER:
Motion.

LEG. MURATORE:
(Raised hand).

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

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

VETERANS

P.O. GREGORY:
Procedural Motion No. 1 - Designating Veterans organizations to receive funding for Memorial Day observances for 2017 (Stern). Motion by Legislator Stern.

LEG. D'AMARO:
Second.

P.O. GREGORY:
Second by Legislator D’Amaro. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

WAYS & MEANS

P.O. GREGORY:
I.R. 1927-16 - Adopting a Charter Law to increase the transparency of asset forfeiture funds (Hahn). Motion by Legislator Hahn.

LEG. HAHN:
Yes.

LEG. LINDSAY:
Second.

P.O. GREGORY:

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

P. O. GREGORY:
I.R. 1043 - Reappointing member to the Judicial Facilities Agency (Martin R. Cantor)(Pres. Off.). I make a motion to approve.
LEG. CILMI:
Second.

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

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
I.R. 1045 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Armand Regateiro III and James Regateiro (SCTM No. 0500-179.00-02.00-063.001)(Stern). Motion by Legislator Stern.

LEG. KRUPSKI:
Second.

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

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:

D.P.O. CALARCO:
Second.

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

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
I.R. 1099A, bond resolution, same motion, same second. Roll call.

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

P.O. GREGORY:
Yes.

D.P.O. CALARCO:
Yes.

LEG. KRUPSKI:
Yes.
LEG. FLEMING:  (Absent)
LEG. BROWNING:  Yes.
LEG. MURATORE:  No.

06:15PM
LEG. HAHN:  Yes.
LEG. ANKER:  Yes.
LEG. LINDSAY:  Yes.

06:16PM
LEG. MARTINEZ:  Yes.
LEG. CILMI:  Yes.
LEG. BARRAGA:  Yes.
LEG. KENNEDY:  Yes.

06:16PM
LEG. TROTTA:  No.
LEG. MC CAFFREY:  Pass.
LEG. STERN:  Yes.

MR. RICHBERG:  McCaffrey.

LEG. MC CAFFREY:  I was a yes already.

06:16PM
LEG. CILMI:  It sounded like pass.

LEG. MC CAFFREY:  No.  I said yes, I thought.  I said pass?  I didn't mean to.
LEG. CILMI:
It sounded like it.

LEG. MC CAFFREY:
I said yes.

D.P.O. CALARCO:
It's that Lindenhurst accent.

LEG. MC CAFFREY:
Who thinks I said yes?

P.O. GREGORY:
You only get one vote.

(Laughter)

D.P.O. CALARCO:
It's that Lindenhurst accent.

LEG. MC CAFFREY:
I am a yes.

P.O. GREGORY:
All right.

LEG. MC CAFFREY:
I remain as a yes.

MR. RICHBERG:
Fourteen. (Absent: Legislator Fleming)

P.O. GREGORY:

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
I.R. 1100A, bond resolution, same motion, same second. Roll call.

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

P.O. GREGORY:
Yes.

D.P.O. CALARCO:
Yes.

LEG. KRUPSKI:
Yes.
LEG. FLEMING:  
(Absent).

LEG. BROWNING:  
Yes.

LEG. MURATORE:  
No.

LEG. HAHN:  
Yes.

LEG. ANKER:  
Yes.

LEG. LINDSAY:  
Yes.

LEG. MARTINEZ:  
Yes.

LEG. CILMI:  
Yes.

LEG. BARRAGA:  
Yes.

LEG. KENNEDY:  
Yes.

LEG. TROTTA:  
No.

LEG. MC CAFFREY:  
Yes.

LEG. STERN:  
Yes.

LEG. D'AMARO:  
Yes.

LEG. SPENCER:  
Yes.

MR. RICHBERG:  
McCaffrey. Just making sure you're paying attention.  
(Laughter)

LEG. MC CAFFREY:  
I have to speak more clearly, I guess.

MR. RICHBERG:  
Fifteen. (Absent: Legislator Fleming)
General Meeting 3/7/17

P.O. GREGORY:
Okay. I.R. 1104 - Accepting and appropriating a grant in the amount of $2,106,258 from the New York State Office of Indigent Legal Services, to improve the quality of services provided under Article 18-B of the County Law by the Legal Aid Society of Suffolk County and the Suffolk County Assigned Counsel Defender Plan with 100% support (Co. Exec.).

LEG. KENNEDY:
Motion.

P.O. GREGORY:
Who was that?

LEG. KENNEDY:
(Raised hand)

P.O. GREGORY:
Motion by Legislator Kennedy.

D.P.O. CALARCO:
Second.

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

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
I.R. 1106 - Accepting and appropriating a grant in the amount of $5,476,712 from the New York State Office of Indigent Legal Services, to provide caseload relief for the providers of Indigent Criminal Defense pursuant to the Hurrell-Harring Settlement (Co. Exec.). Same motion, same second. All in favor?

LEG. SPENCER:
On the motion.

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

LEG. SPENCER:
George, with these last two resolutions, was there anything in particular that they weren't placed on the Consent Calendar?

MR. NOLAN:
No. Just thought they were large grants about the Legal Aid Society, so we sent them to the floor. No particular reason. We could have put them on the Consent Calendar.

LEG. SPENCER:
Okay. I just wanted to make sure that I wasn't missing something or that -- or some financial aspect to this that I --
General Meeting 3/7/17

MR. NOLAN:
No, it's 100% grant.

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

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
I.R. 1126 - Requiring Traffic and Parking Violations Agency to post
its fine schedule online (Browning). Motion by Legislator
Browning.

LEG. CILMI:
Second.

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

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
Okay. If you look in the manila folder, we have Procedural Motion
No. 2 - Resolution Apportioning Mortgage Tax By: County
Comptroller. I'll make a motion.

LEG. KRUPSKI:
Second.

P.O. GREGORY:
Second by Legislator Krupski. Everyone there? All in favor?
Opposed? Abstentions?

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
I.R. 1127 - Amending Resolution No. 9-2017, designating two (2)
alternating newspapers as official newspapers of the County of
Suffolk.

LEG. MC CAFFREY:
Motion.

P.O. GREGORY:
Motion by Legislator McCaffrey. Is there a second? I'll second.

LEG. SPENCER:
Wait. On the motion.

P.O. GREGORY:
On the motion, Legislator Spencer.
LEG. SPENCER:
We vote on the papers at the beginning of the year. What's going on with this?

MR. NOLAN:
We had to clarify. We designated one of the Republican papers as the Times Beacon Record for the second half of the year, or to the last three months of the year. But the proper name for the paper is the Village Time Herald, so we're just changing -- getting the right name of the paper.

LEG. SPENCER:
Okay. Thank you.

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

MR. RICHBERG:
Seventeen.

LEG. LINDSAY:
Opposed, opposed.

MR. RICHBERG:
Sixteen. (Absent: Legislator Fleming)

P.O. GREGORY:
Okay. I'd like to waive the rules and lay the following resolutions on the table: I.R. 1191 to EPA; I.R. 1192 to Ways and Means; I.R. 1193 to Parks; I.R. 1194 to Public Safety; I.R. 1195 to Ways and Means. Set the public hearing for March 28th, 2:30 P.M., at Hauppauge. Also, I.R. 1196 to Budget and Finance. Second by Legislator Cilmi.

LEG. CILMI:
Sure.

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

MR. RICHBERG:
Seventeen. (Absent: Legislator Fleming)

P.O. GREGORY:
That is our agenda. We stand adjourned. Thank you.

(*The meeting was adjourned at 6:21 p.m.*)
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