SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

NINTH DAY

July 26, 2016

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

TAKEN BY

LUCIA BRAATEN & ALISON MAHONEY - COURT STENOGRAPHERS
General Meeting 7/26/16

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

(*The meeting was called to order at 9:36 a.m.*)

P.O. GREGORY:
Good morning, Mr. Clerk, or Madam Clerk. Excuse me.

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

P.O. GREGORY:
Okay. Can you do the roll call?

(Roll Call by Amy Ellis, Chief Deputy Clerk)

LEG. KRUPSKI:
Here.

LEG. FLEMING:
Here.

LEG. BROWNING:
(Not Present)

LEG. MURATORE:
Here.

LEG. HAHN:
(Not Present)

LEG. ANKER:
Here.

LEG. LINDSAY:
(Not 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:
Fourteen. (Not Present: Legislators Browning, Hahn, Lindsay and Spencer.)

P.O. GREGORY:
Okay. Will you all please rise for the salute to the flag, led by Legislator McCaffrey.

(*Salutation*)

Next, we'll have Legislator McCaffrey make an announcement for who is leading us for the National Anthem.

LEG. MC CAFFREY:
Good morning. It is my pleasure to introduce Andrew Morrison from West Babylon. He graduated from West Babylon High School in 2015. In high school, Andrew sang and appeared in musicals. Andrew is now in his second year at Crane School of Music, SUNY Potsdam, where he’s majoring in Voice Performance, and is interested in singing in opera. Andrew is also an Eagle Scout from Troop 549, and for Andrew's Eagle Scout project, he gave back to the community by building a labyrinth at Christ Church in Babylon where Andrew worshipped. He is currently in a musical at Baywood Arts called "Into the Woods". I had the honor of meeting Andrew at the first time where he sang A capella at an Eagle Scout Court of Honor, and you're going to be very impressed by Andrew's musical talents. Please welcome Andrew Morrison.

(*Applause*)

(*Andrew Morrison Performed the Star Spangled Banner*)

LEG. MC CAFFREY:
You see, he didn't need the microphone, you can see why. Next, I'd like to introduce Reverend Davis. Reverend Davis was born in Harlem. He grew up in the Bronx, and has been in Long Island since 1973. Reverend Leonard Davis is an Army Veteran and has a B.S. (Bachelor of Science) in Theology from Nyack College. For 30 years Reverend Davis was a New York State Parole Officer. He is married with three adult children and eight grandchildren. He was ordained a minister in 1976 and has been a Pastor since. Reverend Davis has been a Pastor at the Bethel A.M.E. Church for eight years in Babylon. In addition to being a Pastor, Reverend Davis is involved in multiple community initiatives. He is a member of the Babylon Clergy Cluster, which is a union of various
faiths, including Christian and Jewish. He's a Chaplain at the Babylon American Legion Post of -- Post 94. His church is a member of the Babylon Chamber of Commerce. In fact, Bethel A.M.E. Church is the only church that is a member of the Chamber. The Church is listed with the Suffolk County Police Department's First Precinct as a source for emergency services. And the church partners with the Pilot Club. The Pilot Club provides school supplies and clothing for children returning to school in September.

Reverend Davis is very much a part of our Babylon community, and especially so at American Legion Post 94, where I got to meet him, and where I see him every time that there's an event there. And so he cares about his community and cares about the Veterans. Reverend Davis, if you would.

(*Applause*)

REVEREND DAVIS:
Thank you, thank you, thank you. And let me say God bless you. Thank you, brother McCaffrey, and thank you for the presentation. Thank you for the invitation to come and to be present with you.

I bring greetings, of course, from Bethel A.M.E. Church in Babylon, and the officers and members. And let me say this is just a very impressive, beautiful situation. Let's bow together in prayer.

Oh, God, our help in ages past, our hope for years to come, our shelter in the stormy blast, and our eternal home. We thank you, Lord. We praise you for this day. We praise you for life and health and strength. We praise you for this company of folks who have come together to conduct the business of the Lord in this place and in this area. We thank you, Lord God, for our Legislators. We thank you for our citizens. We thank you for our heritage. We thank you, Lord God, even as our young brother sang our National Anthem. We recall the fact that this nation was built on you, built on those principles of love and of brotherhood. And we thank you, Great God, that even in this chamber those things are still being carried out. And, certainly, we have differences of opinion on some things, but, Great God, we thank you that we can get together and prayerfully work through, sort through and come to right decisions.

We thank you, Great God, for this season of this year, the exciting season, oh, God when we press toward campaigns and elections, and those finalities that we leave in your hand. We praise you, oh, God, that we live in a nation such as this one, a great nation, oh, God, that is a standard of so many throughout the world. And we praise you that in this part of the nation that we are witnesses of democracy in action. We praise you, we thank you, and we ask, oh, God, that you would be with us. We ask that you certainly would be the Great God, the Great Judge over all that we say and do. We ask, Father, your blessings upon the Legislators, ask your blessings upon all the people, all those gathered here and those who will be gathering later on. We ask all of this in Jesus' name. Amen.

(*Amen Said in Unison*)

P.O. GREGORY:
Thank you, Pastor Davis. And please remain standing for a moment of silence.

The world we live in is passing through a most difficult time. Unspeakable acts of violence and terrorism, both home and abroad, are almost a daily occurrence. At home, attacks on members of our law enforcement community are vicious and unforgivable, as is all acts and unexplainable killings lately are unforgivable. In many countries lives are being lost due to the horrific terrorists acts. All of us, regardless of our race, political beliefs, religious beliefs, and family background must stand solidly in defense of our great nation. Our thoughts and prayers to the families of the victims of these attacks. And please always remember the men and women who put themselves in harm's
way every day to protect our country.

(*Moment of Silence*)

P.O. GREGORY:
Okay. Thank you. Be seated.

D.P.O. CALARCO:
Okay. Our first proclamations this morning will be by Presiding Officer Gregory, who will present a proclamation to Kerith Paschall, winner of the Police Athletic League John C. Carter, Sr. Memorial Scholarship. John C. Carter, Sr. was an uncle of Charvon Pierce, a Legislative Aide in Presiding Officer Gregory's District Office. Also here representing the Police Athletic League is Lieutenant O'Malley.

P.O. GREGORY:
Thank you, Deputy Presiding Officer. Is Kerith -- where is Kerith? Hi. All right. Please come up with your family.

(*Applause*)

I want to congratulate Kerith for this, and I say honor of a scholarship in the name of John Carter, John C. Carter. Mr. Carter had a profound influence on me. He was my PAL football coach when I was ten years old. Explains why I didn't make it to the NFL, but nonetheless, he was a very good coach. No, he -- no he, really --

(*Laughter*)

You had to meet him to really explain the type of person he was. He loved young people, he loved children, and he did put me on the straight path. My first year as quarterback wasn't so great, but the next year I had a -- I had a very good season and -- but even after that, growing up, many years later, seeing him in the community, he was just a tremendous, tremendous person and influence on our young people. And we were all sad, obviously, in his passing just a few years ago. But to see his legacy being passed on through this young gentleman, I don't know if you ever met him, but he is really a tremendous asset. And the Carter Family, they're tremendous assets to our community. They're very active. So today we wanted to honor you and congratulate you for being the recipient of the John C. Carter Memorial Scholarship. Congratulations.

(*Applause*)

I'm going to ask the family to come up, too, the Carter Family.

(*Photograph Was Taken*)

D.P.O. CALARCO:
Okay. Our next proclamation will be by Presiding Officer Gregory as well, and he will present a proclamation to Pal T. Pachter, Chief Executive Officer, and Michael Haynes, Government Affairs Representative of Long Island Cares for their rich history of caring for people in need, and commemorating the 35th Anniversary of the untimely passing of their founder, Harry Chapin, killed in an automobile accident on the Long Island Expressway.

P.O. GREGORY:
Good morning. It is again my honor and pleasure to stand before you to present this proclamation in recognition of Long Island Cares' 35th Anniversary. I imagine most of you, if not all of you, are
familiar with the work that they do, the tremendous work that they do for helping those families in need, not only here in Suffolk County, but all throughout Long Island, serving thousands and thousands of people that are at their darkest periods and their lowest moments in their lives. And if you haven't been to their location, it is a sight to see. All the food and things that are there to help those in need is tremendous. And it is certainly my honor to give them just a small token of our appreciation on their 35th Anniversary. And we hope for 35 more years, if not, even more than that. Congratulations. Thank you for all that you do.

(*Applause*)

(*Photograph Was Taken*)

D.P.O. CALARCO:
Our next presentation will be Legislator Hahn, who will present a proclamation to Cydney Crasa in recognition of being named the "All Around Champion" in gymnastics by the National High School Gymnastics Association. Cydney is a recent graduate of Ward Melville High School, and will be joining the Women's Gymnastics Team at George Washington University in the Fall.

LEG. HAHN:
We have another Ward Melville student in the house. Come on up, Cydney. I am excited to recognize Cydney Crasa as a recent graduate of my alma mater, Ward Melville High School. Did I pronounce that properly, Crasa?

MISS CRASA:
Yes.

LEG. HAHN:
Yes, Crasa. Cydney received the distinction of "All Around Champion" at the 2016 National Senior Invitational, hosted by the National High School Gymnastics Association in Fort Myers, Florida. Cydney competed with gymnasts from 13 states, and achieved top scores in the floor exercise, a 9.8, and the balance beam, a 9.65. Cydney has demonstrated many important qualities during her time as both a student and an athlete. She has shown leadership, integrity, dedication and perseverance. Cydney will be joining the Women's Gymnastics Team at George Washington University in the Fall. And I extend to Cydney, her coach and her family my very best wishes, and look forward to hearing all about her future success.

So, Cydney, what an extraordinary achievement, all the hard work, because I know, you probably started what age?

MISS CRASA:
Four.

LEG. HAHN:
Four?

MISS CRASA:
Yeah.

LEG. HAHN:
You worked hard for this all your life, and, hopefully, and I know you have learned, as I'm sure we're going to hear from other girls in the audience, how dedication, persistence, perseverance pays off, and hard work pays off. And congratulations to you. And this is just, you know, a token from all of us up here saying congratulations and thank you, and keep up the good work.
(*Applause*)

(*Photograph Was Taken*)

D.P.O. CALARCO:
Next, Legislator Spencer will present proclamations to Liam Mrotzek, who has qualified for the Special Olympics World Winter Games in Austria next March, and John Cronin is an alternate on the United States Team, and their Coach, the Huntington High School, District's, Middle School and Intermediate Chairperson of Special Education, Linda Costello-Roth.

(*Applause*)

LEG. SPENCER:
Good morning. Thank you, Mr. Deputy Presiding Officer. This morning I am proud to be joined by Liam, who is here with his family; his mother, Laura, his father, Robert, his brother, Aidan. And I’m also joined by John Cronin, who is here with his mother, Carol Schlitt, and his father, Mark Cronin.

MR. CRONIN:
And my brother, Shamus.

LEG. SPENCER:
And your brother, Shamus, is here also?

MR. CRONIN:
Yeah.

LEG. SPENCER:
And Shamus, absolutely. And also their coach, Linda Costello-Roth.

Liam, a Huntington High School student, has qualified for the Special Olympics World Winter Games in Austria in 2017. He met the required times in the 200, the 400, and the 4-by-100 snowshoe relay event. The opening ceremony is set for March 18th, and will run in various cities across Austria, and he will join 3,000 other athletes from 110 nations.

Also, another Huntington High School student, John Cronin, also has qualified as an alternate participant, meeting the required times in the 200, the 400 and the 4-by-100.

I could not be prouder of these young men representing us right here in Suffolk County and the world. And they have been led by their coach, Linda Costello-Roth, who's Huntington High School's District Chairperson for Special Education Grades 4 through 8, Huntington School District. She grew up in Huntington and attended schools in Huntington, and graduated in '82, where she attended Hartwick College, and earned a Master's Degree from CW Post. She began her teaching career at Finley Middle School, and she's an athlete herself who has coached lacrosse, soccer, tennis and volleyball. So she has had the experience and the program to prepare these young men. So together they are a fantastic team, and it gives me great pleasure to present them with these proclamations recognizing their fantastic achievements. Thank you.

(*Applause*)

(*Photograph Was Taken*)

(*Applause*)
D.P.O. CALARCO:
Legislator Spencer will stay at the podium for one more presentation.

LEG. SPENCER:
I'd like to ask if Hannah Willen and Samantha Levine would join me at the podium.

(*Applause*)

Thank you. Hannah and Samantha have spent the summer here at the Legislature, and they are two fantastic, bright young women that have a bright future ahead of them. And as this is their last day, I wanted to take the time to recognize their dedication to the future of working and serving in our community and their intense interest.

Hannah did something really special in an emergency blood crisis. She organized and sponsored a blood drive that had a record number of people that came out, and she really did a fantastic job. Samantha is going back to Binghampton, and she has -- she's double-majoring, and she's just a bright, intelligent individual that has been here working, and has really distinguished herself. So I just wanted to congratulate you guys and give you these proclamations, so thank you.

(*Applause*)

(*Photograph Was Taken*)

D.P.O. CALARCO:
Our next presenter will be Legislator Kennedy, who will present proclamations to the Smithtown High School West Lacrosse Team.

LEG. KENNEDY:
Okay. We're here today to honor Smithtown West Varsity Girls Lacrosse Team. You want to come up, girls? Just stand over here. It is always a wonder when each of our teams comes up with awards, but this team is spectacular. It's spectacular for the most part, these wonderful girls, but also their coaches. Their coaches -- where are you guys? Are you back there? In the back. Okay. Pete Klement and Carie Bodo. Excellent work, excellent work.

I just want to go through a few names and a few things that these people have accomplished. There are a few girls that aren't here today. Mackenzi, Natalia, Kayla, Taylor, Casey and Ashley could not make it today, but here is our team.

Katherine Aldrich, who's a Midfielder, third year. 2016 All Division, and verbally committed to Mount St. Mary’s in Maryland.

Okay. Jamie Bell, Midfield, first year Varsity.

Lili Burmeister, Goalie, first year Varsity.

Casey Caroussos --

MS. CAROUSSOS:
Caroussos.

LEG. KENNEDY:
Caroussos, thank you, Attack, first year Varsity.
Erin Cascone, Defense, first year Varsity.

Lauren Coletti, Attack, first year Varsity, and verbally committed to Hofstra.

Brianna Cuccia, Defense, first year Varsity.

Amanda D'Amico, Attack, second year Varsity, attending Cortland, where she will play field hockey.

Marissa D'Amico, Goalie, second year Varsity, 2016 All Division, attending Cortland -- whoop, wrong one. Oh, no. She'll be playing field hockey also. What happened to lacrosse, girls?

(*Laughter*)

Ashley Dolan, Attack, second year Varsity.

Jessica English, Defense, fourth year Varsity, 2016 All County, verbally committed to the University of Vermont.

Ashley Fisch, Midfield, second year Varsity, verbally committed to Gardner Webb University.


Mackenzie -- this one I need help on. Say it again.

**MS. HOVSEPIAN:**

Hovsepian.

**LEG. KENNEDY:**

Hovsepian? Okay. She's Defense, third year Varsity, verbally committed to Arizona.

Kayla Kosubinsky, Midfield, fourth year Varsity, 2016 All Division, verbally committed to the University of Tampa.

Grace Langella, Attack, second year Varsity, 2016 All Division, verbally committed to Hofstra University.

Natalia Lynch, Midfield, fifth year Varsity, 2016 All Long Island First Team, 2016 First Team All Metro, 2016 All American, 2016 Academic All-American Semi-Finalist, 2016 All County, attending Georgetown University.


Taylor Mennella, Midfield, second year Varsity, 2016 Unsung Hero Award.

Janine Suris, Attack, first year Varsity, verbally committed to Florida.

Amy Tracy, Attack, second year Varsity, verbally committed to Florida Southern.

Chelsea Witteck, Attack, fourth year Varsity, 2016 All County, verbally committed to Columbia.
And your Coach Bodo, who received Suffolk County Girls Lacrosse Coaches Association -- I can't even speak -- 2016 Coach of the Year Award. This is marvelous.

Just to give a couple of more stats on your team, Smithtown West in Girls Lacrosse, New York State number nine out of 89 Class A teams. In the East Coast, it's 38 out of 863 teams. And nationally, it's 77 out of 3,062 teams. This is quite an accomplishment, coaches and ladies. So on the behalf of -- where's Rob? Rob Trotta, and myself, and the entire Legislature, we are congratulating you for all your efforts. Good luck with your colleges. You are amazing.

(*Applause*)

D.P.O. CALARCO:
Okay. Legislator Kennedy will stay at the podium and present a certificate to three boys who won the Major League Baseball Pitch, Hit and Run competition.

LEG. KENNEDY:
This one's shorter, I promise. Okay. Where are you guys? Come on up. Yay, we got all three of you.

Okay. Our office, for our about ten years, has been doing the Pitch, Hit and Run competition that's open to students in every district all in the entire area of Suffolk County. Today we're here with Luke, Conor and Dan, who are the winners of the All-Around Championship. Out of a score of 800, Luke scored 746. Who's Luke? Yay, Luke. Conor scored 626, and Dan scored 578. These are the heroes All-Around. So today we will present these lovely gentlemen for all their hard work with two certificates, one from Major League Baseball, and one from myself. Congratulations, guys. You did an excellent job all of you.

(*Applause*)

(*Photograph Was Taken*)

D.P.O. CALARCO:
Okay. Our next presentation will be Legislator Anker, who will present a proclamation to Jeff Feinstein, both an Eagle Scout and a Veteran, for saving his coworker's life. On April 19th, while trimming trees in Medford, Jeff's coworker lacerated his arm with a chain saw. Using his extensive knowledge of first aid, Jeff applied pressure to limit blood loss before the arrival of EMS.

LEG. ANKER:
Thank you, Legislator Calarco. So today we have here Jeff Feinstein. And I just wanted to say what an honor it is, because not only is Jeff a former Eagle Scout, he also is a U.S. Army Veteran. And because of those skills that he learned, you know, with his experiences with both the Scouts and our military, he has acted above and beyond, and not only once, but this is his second time in his -- how old are you?

MR. FEINSTEIN:
When I first --

LEG. ANKER:
No. How old are you right now?

MR. FEINSTEIN:
I'm 23.
LEG. ANKER:
He's 23 years old, and he's received -- this is his second Merit of Honor. So Jeff is a resident of the Miller Place District, again, also a Veteran of the Army for four years, and he was recently discharged last August.

On April 19th, 2016, Jeff saved the life of his coworker who had lacerated his arm with a chain saw while trimming trees in Medford. And what he did, he used his Eagle Scout and Veteran experience by applying pressure and using his first aid experience, and basically saved his coworker's life. If it was not for his quick thinking, he definitely would not have made it.

And so, also, I also wanted to mention, this is not the first time. In 2009, when he was 17 years old, he aided his sister after she experienced a contusion to her head. And, again, he used his first aid experience, probably because of Scouts, I would say, probably at age 17, and he basically saved his sister's life. For this brave act, he received from the Boy Scouts of America the Medal of Merit. And it gives me great honor to present Jeff Feinstein a Certificate of Recognition from the Suffolk County Legislature for his heroic acts. Thank you so much.

(*Applause*)

(*Photograph Was Taken*)

D.P.O. CALARCO:
Next will be Legislator Martinez, who will present a proclamation to several members of the Suffolk County Public Safety Department. Joe Callari of AME will be accepting the proclamations on behalf of the members.

LEG. MARTINEZ:
Good morning. I'm also here joined with Legislator Anker as well, and Michelle O'Connell, Third VP of AME, and also Public Safety Lieutenant James Mockler.

We're here today because on Monday, June 13th, 2016, at approximately 7 a.m., the Suffolk Community College Eastern Campus Public Safety Department was notified of a contractor who had accidentally hit a gas line outside the Shinnecock Building, causing propane gas to leak out.

The Public Safety Officers contacted the Eastport Fire Department. The Director of the Fire and Public Safety, the StarLite Gas, Suffolk County Fire Marshal and Southampton Police responded. The supervisor on duty turned on the air quality detector inside the building and realized there was no alarm. The building was evacuated for safety, and a perimeter was maintained to keep the campus community as safe as possible.

The Fire Department, upon arrival, was able to temporarily cap the line, closing the leak. The Fire Marshal determined to keep the area clear and all classes were either moved or cancelled. StarLite Gas arrived and began the process of burning off the remaining gas from the damaged line and tanks so they could repair the damage. The Fire Marshal remained on the scene to observe the work being done by StarLite Gas. When the burn was completely off, Public Safety Department contacted Fire Rescue to advise to mark the incident complete, and the building could be reopened around 5:50 p.m. on June 13th of 2016.

So on behalf of Legislator Anker and myself, as Chair of Education and Human Services, I would like to thank you for your efforts that day in making sure that our students at the campus and our faculty maintained safe and out of harm. So thank you.

(*Applause*)
LEG. ANKER:
I just want to say, you know, I was recently on vacation at my sister's house in Mississippi, and I was out helping trimming bushes and painting, or whatever, and I smelled gas. And, you know, she didn't smell it, she didn't realize it, but I also had experienced this about 20 years ago. So, you know, I know this is going to sound funny, but if you smell something, say something. No, really, because it will save someone's life. And I remember my grandmother said it only takes a quarter pound of gas explosion to topple the Empire State building. It doesn't take much, and it's a very, very serious situation.

So Monica will read those who responded to this very serious incident. But, again, I appreciate the quick response. So here are the people who participated.

LEG. MARTINEZ:
Thank you. We have Public Safety Lieutenant James D. Mockler, Public Safety Lieutenant Sheri D. Scharpf, Public Safety Captain Thomas M. Carroll, Public Safety Officer Kevin J. Dowd, Public Safety Officer Michael M. Vanturini, Fire Marshal Kevin Peterson, and Secretarial Assistant Adele Terwilliger. So thank you so much again.

(*Applause*)

(*Photograph Was Taken*)

D.P.O. CALARCO:
Okay. Last, but not least, Presiding Officer Gregory will recognize all the participants in the 2016 Legislature Page Program with proclamations. If all the Pages will please stand and come to the front of the horseshoe. When your name is called, you will go to the podium and receive a proclamation. If any other Legislator has an award for their Page, please join them at the podium when the Page's name is called.

P.O. GREGORY:
Yes. It's my pleasure to recognize our Pages. I want to congratulate all the Pages for their outstanding participation in this year's Legislature Page Program and performances at our District Offices. Each of you have learned an essential skill associated with working in the County and County Government. We're proud to observe your leadership skills and attention to the curriculum of this program, including the essential workshops. I wish all of you a bright future as you choose to pursue a career in public service or the private sector. Keep up the great work, and continue to pursue your dreams and make a difference in this world. Good luck to each and every one of you.

So I'm going to call your name. If you could please come, you'll receive your proclamation.

(*Applause After Each Page's Name Was Announced*)


(*Photograph Was Taken*)

Kevin. Thomas Harrison. I'm going to go ahead and have you come back up again.

(*Photograph Was Taken*)
And we're going to call Brianna back up with Monica.

(*Photograph Was Taken*)

Joseph. Kathleen Wall. And is Legislator Spencer here? Actually, all right. I'm sorry. Hannah. And George. George, this is my -- he was first year. Well, he's a Senior Page. I mean, he was a big help in getting the program going this year, and came from Legislator Spencer's Office. He is a character, as you all know, an interesting person, but a great help. Thank you.

(*Laughter*)

MR. BASILE:
That's a nice way to put it.

P.O. GREGORY:
That's good, that's a compliment. Also, Senior Page Kristen. Kristin has been a great help as well. I mean, they worked as a great team. And without -- you know, the program would not have been a success without their help. Certainly others, D.J., and Jason, and Amy, and everyone else that helped things go along, but these two were instrumental in being a part of that. So thank you very much.

MR. BASILE:
Thank you.

MS. LOMANDO:
Thank you.

P.O. GREGORY:
Again, congratulations to you all. We're going to take an all 18 photo.

(*Photograph Was Taken*)

Okay. That concludes our presentation portion of the agenda. We're going to go into the Public Portion. We do have several cards, so, please, hold on tight. Nancy Mariano is up first, and then we have John Gerbitz.

MS. MARIANO:
Thank you for this opportunity to share Friends of Karen with you. It's most important that you know what we do, because many times you are going to be the one that gets the call.

September is Childhood Cancer Awareness Month, and cancer still is the number one children's killer. Friends of Karen provides emotional, financial and advocacy support for children with cancer or another life threatening illness residing in the New York Tri-State area. Last year we helped 1679 children, and in our 38 years history, we've helped 14,200 kids. Our team of social workers determine the emotional and financial needs of the family. Many of our families have lost their income. The loss of income, coupled with mounting medical -- medical bills leaves a family financially devastated. Friends of Karen provide support by underwriting many of the families' bills, including mortgage, rent, travel to treatment, child care, to the amount of about $100,000 a month.

Through our Sibling Support Program, our specialists educate the brothers and sisters to understand the nature of the illness, allows them to express their anger and fears. And if the treatment does not work, we spend hours and hours helping the family prepare for end of life and help them move forward with their life. Last year, we lost 72 precious children.
With the continual support from the time of diagnosis until treatment ends, we are able to sustain the family unit. Our families remain in their own home, children get the medical treatment they need, siblings are not forgotten, and medical bills are paid. The goal, an intact family when this is over. We are the only ones in the country that have this intense complete program.

I share this quote with you from Dr. Lipton, Chief of Pediatric Oncology from Cohen Children's Hospital Northwell System. This is his quote: "Our outcomes are unquestionably enhanced by the support of patients we see from Friends of Karen. Every day in the hospital we celebrate the partnership between Friends of Karen and our division on behalf of our patients and their families."

We can't do our work alone. We are actively seeking funding streams. We have partnered with many major Long Island corporations, service groups and individuals, but we need your help as well. With your support, we will make sure no family will ever make this journey alone.

Also, Charity Navigator just awarded us a four star rating, their highest, for their eighth consecutive year, putting us in the 2% of the country of all nonprofits.

One last thing. You all heard the story, you've heard it before, many of you. I need your help also to be our ambassadors. Let me meet with you. Put a story in your newsletter. Make sure together that no family ever, ever makes this journey alone. And I thank you.

(*)Applause*)

P.O. GREGORY:
Thank you, Nancy. Before Mr. Gerbitz comes up, we had -- my apologies, I had an oversight. We have an elected official that wants to make a presentation. Under our agenda, they are allowed to do that prior to the Public Portion. So Comptroller Kennedy is going to come forward and make a brief presentation or statement.

COMPTROLLER KENNEDY:
Thank you. Good morning, Mr. Presiding Officer, and to the Legislature. Thank you very much, and thank you for the opportunity to go ahead and be before you today.

I'm joined with a number of my staff, my Chief Deputy, Lou Necroto; my Director of Audit Services, Frank Bayer; my Director of Contract Services, Joe Pecorella, and our Assistant Contract Administrator and Auditor, Jennifer Fasano.

I am here before you today very simply to go ahead and speak about dialogue that went on last Tuesday at the Budget and Finance Committee meeting associated with the Suffolk County Historical Society. My purpose has nothing to do with debating I.R. 1599, but simply just to clarify the record, because there were a number of statements that were made by the agency that quite candidly were not so.

It's not my intention to want to go tit for tat with committee meeting proceedings. Having sat there through many of them, I know how they go. They can be long, they can be tedious. But the venue that we are under, contracts agency oversight and reporting is something that I think is important, and accuracy is critical, having recalled sitting through hour after hour after hour of evaluation of contract agencies derived from the reporting data.

As you recall, in 2013, we had a significant revision of the reporting process, and, in fact, had the oversight departments that were now charged with justifying the operations of agencies and then the obligation on the part of the agencies themselves to go ahead and submit contract data.
In the case of the Suffolk County Historical Society, let me just go through it fairly quickly. Nobody in my office ever asked them to redo their books. We are not in the business of advising any entity, whether it's a public agency, a private agency, or anybody else, how to characterize their expenses. That's done through their financial professionals, their CFO, or whoever they turn to. We are a filing entity in which they submit what they have compiled, and we evaluate it as to the criteria that the Legislature had adopted.

The category, as far as Suffolk County Historical Society, it is a contract agency, just like the 269 other contract agencies that the County winds up engaging for the purposes of delivery of services. I believe that there was some confusion, that some thought they might fall under the same category as the Vanderbilt or the Walt Whitman. But when you look at tax law, it is very clear, those are the only two entities named for receipt of funding from Hotel/Motel without the obligation to go ahead and comply with the administrative cap or any of the other provisions that this body has put in place. They're a contract agency, plain and simple.

You've seen the letter that I sent to you. You've seen the statements and the points that we went through. I urge you to go ahead and take a look at that. And, ultimately, make the decision that this body will make when it comes to a decision about whether to fund this agency, just as you do with the other 269. I have no animus, and it is not my purpose or role, candidly, to determine whether or not this is an agency that merits funding or that has any particular need for any kinds of observations. But I did want to make sure that I came to you and let you know that, unlike we were portrayed in the Budget and Finance Committee, we did not at any time try to direct this agency how to characterize their funding, what category to put it into, or what they would need to do in order to achieve compliance with the 20%. Ironically, what had been a 73% administrative component was lowered by virtue of the bill that I brought to you a month ago to attempt to achieve some greater equity of evaluation, if you will, and at which time we instituted the online filing. They're now at 37%, but that was based on the fact that we had a new set of standards that were put in. I should probably stop at this point.

(*Laughter*)

LEG. D'AMARO:
I had a question.

LEG. TROTTA:
I have one quick question.

P.O. GREGORY:
Okay. I'll recognize Legislator D'Amaro.

COMPTROLLER KENNEDY:
Good morning, Mr. Chairman. How are you?

LEG. D'AMARO:
Good morning, Mr. Comptroller. Thank you for joining us today. So, yeah, we did have this hearing concerning this agency. And normally, just at the outset, it was a little unusual, because your office has always participated or come down on request. But I guess this time it just wasn't requested, so my apologies for that. We should have made sure that your office was notified and had an opportunity to come down.

COMPTROLLER KENNEDY:
Mr. Chair, I -- listen, running a committee is a complex set of duties, and candidly, you are charged with marshalling hundreds of resolutions that go through your committee. I take no particular
offense, as a matter of fact, although I'll reiterate for you and for anybody around this horseshoe, we literally are only five minutes away. We are happy to attend and we are happy to participate.

LEG. D'AMARO:
I appreciate that. So let me just do this very quickly --

COMPTROLLER KENNEDY:
Sure.

LEG. D'AMARO:
-- now that you're here, because I know we have a long agenda for today. But I just want to ask you specifically about where this agency was when they first came to you and where they are today with the efforts and help from your office.

COMPTROLLER KENNEDY:
Okay. At this point, Mr. Chair, if you will, I'm going to defer to Mr. Pecorella, who's most directly involved with it. And, Joe, maybe you can talk a little bit about what the back and forth has been.

MR. PECORELLA:
Good morning. How are you?

LEG. D'AMARO:
Hi, Joe.

MR. PECORELLA:
Nothing has really changed over the last couple of months. They were at 73% initially. We redid the law, like Mr. Kennedy just said. They're at 37%. They tried to reclassify some numbers. I had some questions. I sent an email to the Executive Director, it was never answered. So we're pretty much at the same place it was two months ago.

LEG. D'AMARO:
So this agency today, even with the work of your office and helping to classify or properly classify expenditures, is at 37%, where administrative percent -- administrative expenses are 37% of the total budget of the agency?

MR. PECORELLA:
They're at 37%, yes.

LEG. D'AMARO:
Okay. And there was also some discussion during the committee -- I don't know if this question is for you or for Mr. Kennedy, but there was also some discussions about the improper or miscellaneous classification of this agency. Can either one of you speak to that? Is that something that we should be concerned about? Because the way it was presented was that most contract agencies have a particular department that is charged with the responsibility of working with them, if you will, or budgeting with them, whatever it is they do. We were told that this agency has no specific department that is charged with that responsibility; is that true? And, you know, how should we take that?

COMPTROLLER KENNEDY:
Mr. Chairman, I -- to the best of my knowledge, there is no department of a particular category. They're not overseen by Parks, they're not overseen by Economic Development, not Health, not DSS.
LEG. D'AMARO:
Are all contract agencies?

COMPTROLLER KENNEDY:
The lion's share are, yes. The lion's share are tied to a particular department. I believe, in this case, the default is the Exec's Office.

LEG. D'AMARO:
As a default?

COMPTROLLER KENNEDY:
Yes, sir. And -- but, but let me be very clear. That is an Executive Branch decision, I would assume, and particularly depending upon the nature of the work that an agency does. Food pantries by definition fall under DSS, agencies that promote tourism and things along those lines, economic development. Whoever was making a decision about where to put this particular department, I believe, must have ultimately made the -- this agency, I'm sorry this agency, have it fall under Exec.

LEG. D'AMARO:
All right. So they're at 37% today. We were also told that they were asked to redo their forms, but because they were already filed, they chose not to do so.

COMPTROLLER KENNEDY:
That's a real problem, Mr. Chairman, and candidly, that is the reason that I'm here. They were never asked to redo their forms.

LEG. D'AMARO:
Okay. You just worked with the numbers that were presented to try and classify them properly?

COMPTROLLER KENNEDY:
Absolutely. And I need to -- I cannot state that enough.

LEG. D'AMARO:
You know, I think that's probably more of just a misunderstanding in terminology --

COMPTROLLER KENNEDY:
Yes.

LEG. D'AMARO:
-- than --

COMPTROLLER KENNEDY:
Okay.

LEG. D'AMARO:
I didn't get the sense at that hearing that there was -- that they felt that they were being asked to do something that they shouldn't do. I think it was just probably a misunderstanding --

COMPTROLLER KENNEDY:
Okay.

LEG. D'AMARO:
-- between maybe your office and them.
COMPTROLLER KENNEDY:
As I said, we're a filing entity.

LEG. D’AMARO:
Here's the big -- here's the big question, though.

COMPTROLLER KENNEDY:
Sure.

LEG. D’AMARO:
We have in the past rarely, but we have done it, approved agencies with the requisite vote and the two-third majority vote that's needed here today --

COMPTROLLER KENNEDY:
Absolutely.

LEG. D’AMARO:
-- in instances where organizations or contract agencies have tried diligently to work with your office, bring that number down.

COMPTROLLER KENNEDY:
Yup.

LEG. D’AMARO:
Now understand the rules and need the funding for this year, and most importantly, understand that next year they would have to comply. The representation was made to us at that committee meeting by this contract agency that next year there is no doubt they will comply. Do you have any opinion on that?

COMPTROLLER KENNEDY:
Well, let's -- having not been there, but certainly knowing that you are an excellent judge, I guess, of a presenter's sincerity, I have no reason to doubt that the representations they made were sincere and in earnest.

LEG. D’AMARO:
Well, you know, I'm going more to the numbers and --

COMPTROLLER KENNEDY:
Well, so -- and let's talk a little bit about that. The request was sent out to 270 agencies on June 30th.

LEG. D’AMARO:
Right.

COMPTROLLER KENNEDY:
What they will be filing with us is the 20 --

LEG. D’AMARO:
'15?

COMPTROLLER KENNEDY:
-- '15, right, the 2015 certified financials. So in making the statement to you that they're going to do everything now that they can to go ahead and comply, again, we're talking about a
representation, about activity that occurred almost 18 months ago at its inception. I have no way to basically say did they contemplate a year-and-a-half ago that they were going to be now looking at that 20% cap. I can -- I can't speak to that.

LEG. D'AMARO:
I agree with you. I think in their mind, what they were speaking to, though, was going forward for perhaps when they do their next filing, which will be for 2016.

COMPTROLLER KENNEDY:
Yes.

LEG. D'AMARO:
That they will be in compliance, because they can't really undo what's already happened.

COMPTROLLER KENNEDY:
Absolutely not.

LEG. D'AMARO:
They don't realize there's a lag in the analysis going on. But my question really is, is there anything glaring in their financial picture that you see that would prohibit them, or maybe Joe would know, having looked at some of those numbers also, that would prohibit them from coming within that 20% rule?

COMPTROLLER KENNEDY:
Let me defer to Joe. What's keeping them over 20% at this point, Joe?

MR. PECORELLA:
Honestly, looking at the 2014 financial statements, I don't think much is going to change going forward. There's not a lot of program expenses in relation to fundraising and administrative expenses. We had a few questions for the agency to try to understand it better, but, like I said, were never answered.

LEG. D'AMARO:
Joe, what's the biggest driver of their administrative expenses; is it salaries?

MR. PECORELLA:
Salaries, professional fees, there's a few different things.

LEG. D'AMARO:
Okay, okay. Because, as we all know, this law was put in place to ensure that funding is reaching program, programmatic expenses, as opposed to administrative expenses. So that's something that I guess we would all have to consider. This is coming up for a vote today, I believe. Is it coming up for a vote today? It is, right?

P.O. GREGORY:
Yeah.

LEG. D'AMARO:
Yeah. All right. I don't have any other questions. Mr. Comptroller and Joe, thank you very much for answering mine, I appreciate it. Thanks for the time.

COMPTROLLER KENNEDY:
Thank you, Mr. Chair.
P.O. GREGORY:
Okay. We have several -- Legislator Trotta is next.

LEG. TROTTA:
I think it was answered. They're at 37%. They're supposed to be at 20%?

COMPTROLLER KENNEDY:
The 20% is the administrative cap component, actually, that was put into place in 2007.

LEG. D'AMARO:
Okay.

LEG. KENNEDY:
And then we iterated again in 2013.

LEG. TROTTA:
They're almost twice as over the limit. Okay. Thanks.

P.O. GREGORY:
Legislator Barraga.

LEG. BARRAGA:
Good morning. Was there ever any discussion, John, between yourself, or any of the members of your staff and the Historical Society on the question of how they could spend almost $64,000 for fundraising expense and only generate $1500 in revenue?

COMPTROLLER KENNEDY:
You pose an excellent question, Legislator Barraga. Again, we didn't necessarily point out to them that that would be something that I would characterize as a real head-scratcher. But any entity that's charged with overseeing or operating, you have to wonder how is it that you can expend that much County funding and realize $1,522 in return. It is -- did they -- Joe, they didn't ask anything in particular as to that, did they?

MR. PECORELLA:
I had questioned that in my email on June 1st to the Executive Director and, again, it was never answered.

LEG. BARRAGA:
I just want to confirm your comments. There has been no discussion since the beginning of June between the Comptroller's Office and this organization?

MR. PECORELLA:
Correct.

COMPTROLLER KENNEDY:
Legislator Barraga, let me make sure that I'm very clear with that. No contact with our office and the Historical Society. We did meet with Legislator Krupski to speak about the Historical Society, what, maybe about a week-and-a-half ago, two weeks ago?

LEG. KRUPSKI:
Two or three weeks ago, yeah.
COMPTROLLER KENNEDY:
Yes, two or three weeks ago. But as with the agency, no contact since June 1st.

LEG. BARRAGA:
The total amount of revenue generated by this group, including the County portion, I understand is around $450,000 a year.

COMPTROLLER KENNEDY:
Yes. As a matter of fact, we are the lion's share of their operating fund, 320 and change. They get about 7500, I believe, from the Town of Riverhead, and they get a couple of thousand from another grant organization. They also receive some revenue from sale of different items, goods that they put out in the museum, but the lion's share of their annual budget is County-funded.

LEG. BARRAGA:
I just find that surprising, because you take a look at the history of the Historical Society, there were so many times over the years where they had key main contributors come forward who donated tremendous amounts of money.

COMPTROLLER KENNEDY:
Absolutely.

LEG. BARRAGA:
In fact, I'm -- Mr. Cilmi and I were approached by people who run the Gardiner's Foundation to have some sort of a meeting with our Historical Society to discuss the feasibility of the Society's getting money from that particular group. And it amazes me that the Historical Society hasn't approached a group like that or a similar group to raise much more than 150,000. They should be up in the 4, 5, $600,000 category, as opposed to depending upon the County for $300,000, when they are certainly not line in with that 20% rule.

COMPTROLLER KENNEDY:
This is no different, Legislator Barraga, I think, than many, many entities that each and everyone around this horseshoe has worked with who do excellent work, very important, worthy causes, but come faced up against the genuine challenge and conundrum of financing, just as you have pointed out our larger challenge with our budget. You take a look at an agency like this and you say, absolutely, there should be a ten alarm fire going off to, you know, look for other sources for revenue. And I say that to you, as my first boss, Peter Fox Cohalan, is now a board member, so I tread lightly.

LEG. BARRAGA:
Thank you.

COMPTROLLER KENNEDY:
Thank you.

P.O. GREGORY:
Legislator Stern.

LEG. STERN:
Thank you. John, thank you to you and to your team. And I agree with Chairman D'Amaro. When we are sitting in on the Budget and Finance Committee meetings, and it happens often --

COMPTROLLER KENNEDY:
Yes.
LEG. STERN:
-- when we are hearing from the organizations, and we're hearing how there has been dialogue, how there has been cooperation, how there have been questions that have been asked and answered about how best to be able to comply, not directed, but with at least some kind of guidance as to what it is this Legislature and what our Budget Office and what your office is looking for.

So going back, a little bit of the history. Before June, so I understand that there has been no dialogue, there's been no contact before then. Can you take me back maybe a little before then and how -- what dialogue, if any, there had been, and specifically what had been discussed, what had not been discussed that gets us to this point. Now -- and the reason why I ask is because during the course of the last committee meeting, it was at least implied that there had been meaningful dialogue back and forth as to the numbers and how best they might be able to comply going forward.

COMPTROLLER KENNEDY:
And there has been, and I'm going to defer to Mr. Pecorella for that, and I believe it probably commenced with the initial filing that went on in October. You'll recall that our deadline for contract agency filing is September 15th. We did advise the agency that they did, in fact, have to submit a set of contract agency disclosure forms. I believe they were received in early October, and that's -- October of '15, and that's probably where it picked up. Is that about right, Joe? You want to walk us through where it went from there?

MR. PECORELLA:
Yeah, probably began shortly after October. I did have conversations with the agency prior to June. I spoke with their accountant. I spoke with several people. I never said to redo the financial statements. I said to the agency I believe their financial statements are incorrect. "Speak to your auditors and see if they're willing to restate the financial statements." The auditors then called me. We discussed it about half an after, the situation. I informed them there's only basically two options according to the County law. They have to be below 20%, or you have to get a stand-alone resolution passed by two-thirds of the Leg. At that time, their accountant said that they're unwilling to restate the financial statements. They do not believe anything is going to change significantly to put them below 20%. They may go from 73 to 50, she said, but to charge the agency to restate the financial statements, they're not going to do that.

After that conversation, I believe the Executive Director -- the Director sent me an email. It was a couple of pages with a couple of schedules trying to reclassify numbers, saying they're at 19.9%. I looked it over and I disagreed with everything she did, pretty much, on -- in the correspondence, I had several questions. She's trying to reclassify an administrative assistant as a program person. That cannot be a program person. They're moving more money into fundraising from the Executive Director's salary. They only have $1500 in fundraising revenue, so now they want to increase the fundraising expenses like 55 to 65,000, which makes no sense at all. And I had several questions regarding what she did, and I don't believe most -- you know, I know they wanted to get below 20%, but we can't just move numbers around to get below the 20%. After that email, I haven't heard anything from the agency or anybody else, other than we did meet with Legislator Krupski.

LEG. STERN:
During the course of the committee hearing, I asked the question, I know that others on the committee asked the question as well, what, if anything, has changed, or do you contemplate changing going forward of substance that would justify a recharacterization of the numbers, because I think we all agree that you can't just take one from column A and make it column B just because you want to get below a certain threshold. I know that's where your office has been helpful in the past, giving examples of how things can be done perhaps differently going forward. I think that the general idea coming back from representatives of the agency was that they don't see anything that
has changed substantially, nor do they contemplate changing anything substantially going forward. So if that is their position from a substantive standpoint, I guess I ask the question knowing the answer, what can change from a numbers standpoint?

**COMPTROLLER KENNEDY:**
You've kind of summed up, I think, the essence in the sense that we have at this point -- you know, Legislator D’Amaro talked about the fact that they made representations about changes and modifications that would go forward for their filing in the future. But even if there was a decision on the part of the Board to radically reconstitute either their employee base or hours of operation, or whatever it is the agency does, the earliest that they could really have a substantive change, in my opinion, would be for the 2017 -- I'm sorry, the 2018 operating, because we would be looking at 2016 certified financials that would be being submitted.

In essence, you know, the horse is out of the barn. They have continued to operate. Now, my understanding is that they have a new Director, and, obviously when a new person steps into a role, they should be given support, latitude, an opportunity to make recommendations, and try to implement whatever corrections could be put in place. I certainly am not aware of that, nor should I be, candidly. My role is to assess the financial submission, and to accurately report to each of you what our finding has been, and that is -- that is what we are doing.

**LEG. STERN:**
Thank you.

**P.O. GREGORY:**
Okay. I just to remind -- we do have several more people that have asked to ask questions. I just want to remind everyone that we do have about an hour's worth of comment from public speakers.

**COMPTROLLER KENNEDY:**
Mr. Chair, I -- throughout the course of the day, I'll do my level best to go ahead and make personnel available. Under no circumstances did I want to upend the agenda. I know better than anybody what the agenda is like to have to run. So I leave it to you. You know, if you would like us to be back later for discussion purposes, whatever it is, the will of the body, we'll be happy to comply.

**P.O. GREGORY:**
Okay. So for those who have asked to speak, do you want to do that, continue this? When the bill comes up, we can call it out of order, but I want to be able to get to the agenda, because at the rate we're going, we have about four more people, we'll be here for at least another half hour, it looks like, maybe.

**COMPTROLLER KENNEDY:**
Why don't we do -- why don't we do that. If somebody can just advise me, you know, as to what it's looking like for this afternoon, we will be back and we'll talk about it in any, you know, fashion you want. On the -- again, as I said, I'm not here to debate the bill, that's not my role. As to the process, the filing process and the financials, absolutely, we'll talk all day.

**P.O. GREGORY:**
We do have the Exec's Office here. We have members from the organization are here that could certainly -- I'm sure they would want to add input. So are you guys okay with that? I know --

**LEG. MC CAFFREY:**
Yes.
LEG. KRUPSKI:
I think that's what -- Mr. Presiding Officer, if I could, I think you do have all the players here, and if we have to reconvene, it's going to be another -- I think we want to be sensitive of -- you know, the Budget Director from the County Exec is here, and you do have the two people from the Historical Society. So I don't want to put it off. And I know, you know, Mr. Kennedy is here, and he's made a great effort here to bring his staff to explain everything to us.

P.O. GREGORY:
Right, but we -- you know, according to our agenda, we shouldn't be debating the bill now. And out of due respect to those public speakers who are -- who took time off work to come here --

LEG. KRUPSKI:
I understand that.

P.O. GREGORY:
You know, so -- all right? You guys are okay with that, Tom?

LEG. CILMI:
I'm okay, Mr. Chairman, as long as we have an opportunity to actually have a discussion at some point later with all of the parties involved here, because I'm sure the members of the Historical Society are sitting in their seats itching to get up and, you know, speak to some of the comments and questions that were raised here. So if we have that opportunity later on, then I'm fine with that.

P.O. GREGORY:
Okay. Good. All right. Thank you. Thank you for your understanding.

COMPTROLLER KENNEDY:
Okay. Thank you.

P.O. GREGORY:
Okay. I'm going to make a motion to extend the Public Portion, second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:
Sixteen -- 17. (Not Present: Legislator Browning)

P.O. GREGORY:

MR. GERBITZ:
Since you're pressed for time, I'll be very brief. I was here in the April meeting and I followed -- I followed about two-dozen people, residents of Suffolk County who were speaking out against the bill to ban Kratom in Suffolk County, to ban the sale of Kratom in Suffolk County, and there were three speakers who spoke in favor of it. And of those three speakers, one was a woman whose child was actually killed over a drug overdose. So she should have been a proponent of something that could have saved her child's life and that is Kratom. And the other two speakers were people who had a vested interest in Kratom not being left legal in the County.

All the people who spoke out expressed what they experienced in their lives. They were real people, they were your neighbors, and there were two dozen of them. And they let you know that this substance, this plant, unadulterated plant, a natural substance, saved their lives, changed their lives
for the better, and I'm here today to tell you that you have to consider that.

I mean, the statement on News 12, when this -- when this bill was put forth, everything was false about it. I mean, I could tell you right here, there's 50 people responded, all against this bill, on News 12's page, and all in response to this bill, saying this is not the right thing, that everything said here is false. It said that this is a drug that is particularly used by young people that is opiate in nature, causes hallucinations and respiratory problems and psychosis. And as Cindy Phillips states here, the problem is with that quote is absolutely nothing is factual in that quote, nothing. And if you folks look and use the search engine and actually research this on your own, instead of taking one person who came up here, who works for a rehabilitation program, and take his word because he's a so-called professional.

What's working is not what's going on right now in society. They're putting people from pain killers onto Suboxone, onto Methadone, and it's all basically legalized heroin. This is a solution, and I think the Legislature has to wait at least and maybe learn some more about it, because you'll see the light, I'm sure you will. The facts are all there. The people are there in support of this, they're not against it. These aren't -- this isn't a kid drug. This is not something people get high with, it just doesn't happen.

And I think the only thing I would add is everybody who knows about this substance agrees that it should be an 18-year-old or older, just like cigarettes, 18 or 21, whatever the cigarettes -- the statute is, that should apply to this. But consenting adults who know what's better to go in their body to treat their illnesses, to treat pain, to treat substance abuse, they should be able to make a choice for themselves and not have this Legislature make it illegal in this state -- in this County.

And I know you're pressed for time, so I'm going to let you go, but I speak my conscience here today. And I'm the only person here today, because, again --

P.O. GREGORY:  
Thank you, sir. Your time has expired.

MR. GEBRITZ:  
Yeah. Thank you very much.

P.O. GREGORY:  
Thank you.

(*Applause*)

All right. Phil Flora, and then Suzanne Luca.

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

MR. FLORA:  
Thank you. On behalf of Harvest Power, I’d like to thank the Suffolk County Legislature for approving the PACE Program and taking the time to have us here today to discuss the benefits of the program for commercial property owners in the solar industry.

We at Harvest Power have seen tremendous growth in the solar industry since we started in 2008. Back then there were only a few hundred residential and commercial solar customers on Long Island, while our company employed about half-dozen or so employees. Today there are thousands of customers enjoying the benefits of solar, saving money on their energy bills while Harvest Power
has grown to employ over 70 full-time employees across five offices on Long Island, four of which are here in Suffolk.

While there has been significant growth on Long Island, the growth has primarily been on the residential side where finance-to-own programs such as the New York State On-Bill Recovery Program has allowed thousands of residents the ability to purchase a solar system, laying little to no money out of pocket while saving money on their energy bill day one.

The PACE Program offers commercial property owners the same opportunity. Since the measure was passed late last year, Harvest Power has been out speaking with commercial property owners, both small and large businesses, offering them -- explaining to them the benefits of the program. Reception has been extremely positive; in fact, Harvest Power has secured commitments from two commercial businesses, small businesses, one in the Town of Brookhaven and one from the Town of Babylon, that they're ready to go forward once this measure is fully implemented. Well, it should be up and running and installed for those systems by this Fall.

In addition to providing a significant benefit for businesses in Suffolk, this program offers companies like us the ability to continue with steady growth allowing us to hire more people. In short, the PACE Program has the capability of saving businesses money while also offering companies like us the ability to grow and create jobs.

That's a true win/win for Suffolk. Thank you.

D.P.O. CALARCO:
Thank you. Our next speaker is Suzanne Luca, followed by Matthew Kogut.

MS. LUCA:
Good morning. My name is Suzanne Luca and I'm here today to speak about Intro Resolution 1747 which is amending the Suffolk County Classification & Salary Plan in connection with a new position, Paralegal. I was told by different sources that the resolution was supposed to be laid on the table today with a Certificate of Necessity. I found your website a little difficult to navigate, so I'm not sure whether or not the County Executive's Office actually submitted the CN. But in the event that the CN was submitted and the resolution can be voted on today, I wanted to give you a little background so you might understand why this is so important to those of us in this title.

I am one of two Paralegal Assistants in the Suffolk County Police Department, I've been with the County for over ten years. I believe there are ten Paralegal Assistants in the District Attorney's Office at this time. Several years ago my partner and I, we started to look into promotional exams and possible upgrades associated with our title. We found that there is no career ladder for our title -- no Paralegal, Senior Paralegal, Paralegal I, Paralegal II -- as other municipalities have. We questioned Civil Service and were told our only option was to go before the Salary & Appeals Board for a reclassification. We did our research, filled out the forms and submitted all of our backup material to Civil Service. We applied for Classification for everyone in the title, not just the two of us. We were told that it would take approximately 18 months; that was April, 2008, over eight years ago.

Around that time, during contract negotiations with then County Executive Steve Levy, our union, AME, agreed to suspend the Salary & Appeals Board for two years. Unfortunately, a board was not convened for more than two years and at that time it was maybe one meeting once a year. A major backlog was created. I've been told that a board was appointed and more meetings occurred once County Executive Steve Levy was in office. I received a phone call from my union informing me that my application for reclassification of title was finally going to go before the Salary & Appeals Board; that call came in early November of 2015. We waited seven and a half years for a hearing; so much for 18 months.
I found out at that time that another Paralegal Assistant in the District Attorney's Office had also submitted an application for reclassification for all the employees in that title back in September, 2008. We appeared before the Salary & Appeals Board on November 24th, 2015 to present our case. About a week later we were informed that our title was going to be reclassified. On December 4th, 2015, someone from our personnel department gave my partner and myself another questionnaire to submit to Civil Service. We were given until April -- til' December 18th to submit it to Civil Service, we met that deadline and we waited. Apparently the Paralegal Assistants in the District Attorney's Office didn't receive their questionnaires until some time in January, well after we did.

In February, my partner and I were asked to participate in a desk audit with a representative from Civil Service. We had our meeting by the second week in February and waited to hear from Civil Service, as all 12 of the Paralegal Assistants had to be interviewed. The interviews were finally completed sometime towards the end --

D.P.O. CALARCO:
Ms. Luca, your time is up. Can you wrap up, please?

MS. LUCA:
Okay. We finally got to the point where I believe the resolution is before you. We've been waiting eight years, eight months since our hearing. So in closing, I'd just like you to put yourselves in our shoes. How would you feel if, say, you were a Legislative Aide and ran for a seat in the Legislature, and after a long, drawn-out campaign you won in November and expecting to be sworn in in January. But despite taking on all the work and the responsibilities of that position at the time, your induction was delayed month after month after month, denying you the benefits and the privileges of that position. You have to wait until September to be called a Legislator and get those -- receive those privileges; I ask you, how would you feel? Thank you.

D.P.O. CALARCO:
Thank you, Ms. Luca. While we haven't received the CNs yet, it's our understanding that this is supposed to be coming over today.

MS. LUCA:
Thank you.

D.P.O. CALARCO:
Our next speaker is Matthew Kogut, followed by JP Clesan.

MR. KOGUT:
Hi. My name is Matthew Kogut and I want to speak out today in support of IR 1593, to establish a public information campaign on the dangers of conversion therapy.

I cannot stress the importance of education when it comes to LGBT issues. I have been to Albany myself to lobby for LGBT rights. I've served as the President on of LGBT Debate Club on my college campus. It was my job to educate, raise awareness and promote tolerance; I think that is exactly what this bill is trying to do. As an openly gay man myself, it has become an obligation of mine to speak up and speak out against the injustices that are continuously being directed at me and my community on a regular basis.

Conversion therapy is one of those injustices. As a matter of fact, it is more than an injustice, it's detrimental. It's detrimental to the health of those who are being forced to think that because they are lesbian, gay, bisexual or transgender, there is something wrong with them. Processes like conversion therapy lead to actions like suicide among LGBT youth who already are more likely to
commit suicide than their straight counterparts. So I think that if we have something in place, like what this resolution has to offer, you will be taking leaps and bounds in the right direction of tolerance, acceptance and, above all, inclusivity.

So I thank Legislator Spencer for this bill, for drafting this resolution, his support, and I am asking for all your support as well. Thank you.

**Applause**

**P.O. GREGORY:**
Thank you, Matt. Okay, JP Clesan and then Tim Norton.

**MR. CLESAN:**
Thank you. Good morning, Ladies and Gentlemen. Thank you for allowing me to speak here. First of all, I want to talk about the benefits of the PACE Program. Now that Suffolk County is adopting the PACE Program, the benefits are manifold, including the ability for businesses to access capital inexpensively, to implement energy efficiency and renewable energy projects. Those projects will make the businesses more competitive going forward, make the real estate more valuable going forward, improve environment for all of us. Suffolk County is to be commended for adopting the program. And I hope that the rest of the details come through in short order so we can start putting those projects in the ground, and I hope that other counties will follow suit to your example so that this kind of benefit to the business and the community and the environment can be made available all across New York State. Thank you.

**P.O. GREGORY:**
Thank you. Tim Norton, and then Lance Reinheimer.

**MR. NORTON:**
Hi. Thank you for letting me speak. I'm here to speak on behalf of IR 1686, the PACE Program that is to be adopted in Suffolk County. I work with National Energy Connection, we're a renewable energy company here in Long Island and we started in Hawaii where we're seeing a lot of projects take off the ground. Actually, 25% of the grid is now supplied by renewable energy, and we're just barely touching that here in Long Island. So it would be great to see this financing come into place.

I have a number of customers, whether they be non-profits, a small church, an auto body shop, million dollars businesses that are all highly interested and in the cue for PACE financing right now which would make a dramatic difference to each one of their businesses and bring renewable energy on board for them. So we're looking forward to your help in bringing this forward.

I also would like to mention, too, is the number of jobs that the renewable energy has created over the course of the last couple of years and the amount of jobs that will also come into play, I would think, in Suffolk County just from having this PACE Program finally put into place. So again, I thank you very much.

I did want to add one more thing. Over the past winter I went to PACE Nation out in Denver, Colorado, where people from all across the country are implementing this PACE Program in all different ways. I mean, in California they have a billion dollars, $2 billion already on residential renewable energy solar rooftop, that people are actually able to put these systems on the roofs, save money and have something sustainable. So I think we're just at the tip of it here. It was very exciting to hear what people are doing across the country, it will be even more exciting for us in Suffolk County to jump on board and lead the way. So thank you very much.
P.O. GREGORY:
Great. Thank you, Tim. Lance Reinheimer, then Larry Simms on deck.

MR. REINHEIMER:
Thank you and good morning. Lance Reinheimer, Executive Director of the Vanderbilt Museum. I'm here to speak in favor of IR 1644 which is a Capital Budget amending resolution. What that does is reschedule the funding that's in that Capital Program to provide $50,000 for planning. We have the funds needed to reroof and to fix all the work and water intrusion in Normandy Manor, we have all the construction funds, however we have no planning funds. We need planning funds to figure out how to work on this historic building, how to develop a plan, how to fix the flashing woodwork, curve-exposed beams that are a part of the building. I’m going to leave on record, I have some pictures of the Normandy Manor. It’s just -- it’s not the whole building, but it shows some of the areas, the doghouse dormers where there’s rot, water leaking in, the soffits that are rotten to the point where you can actually see through them, there's a bird nest in one of the exposed beams. So it's a lot of work that has to be done, but we have the construction funds, but we don't have the planning funds to do the work and to supervise the construction.

And what we're planning on doing is using a plastic composite slate to replace the original hundred year old slate. That will preserve the building. The material is one-third less -- yeah, it's one-third the cost of slate. It actually has a nicer profile, it comes in several colors so that we can replicate the colors that are in the existing roof and preserves this building that's a hundred years old and is part of the original estate.

It's crucial that we have the planning so we can go forward with the construction, and I urge you to support this resolution and to enable us to keep this building from further deterioration. Thank you very much.

P.O. GREGORY:
Thank you, Lance. Mr. Simms, Larry Simms. And then on deck, Dr. Carmine Vasile.

MR. SIMMS:
Good morning. My name is Larry Simms and I’m here speaking for Save Main Road, a grassroots organization of 400 North Fork residents.

You may soon see a Certificate of Necessity on sanitary plans for a Cider Tasting Room in Calverton. We believe this project will hurt farmers and our ag economy, but today we'll only talk about water and waste.

You should answer four questions before deciding on the CN. First, can you rely on what the applicant says? I'll cite one example, there are more details in your packet. In April, the local planning board approved this site plan stipulating, "There shall be no specific events." Less than a week later the applicant held a massive wine tasting that disrupted traffic for miles and brought the police. Locals couldn't get out of their driveways. The applicant did not notify the town and did not get required permits.

Does the plan merit approval? We believe the sanitary plan is deficient in at least three ways, process water required to clean tanks appears understated by at least 900 gallons per day. Water to clean fruit, critical for cider safety, is not addressed at all, despite the fact there will be a commercial harvest here with we believe at least 60,000 pounds of apples annually. Also, there's no provision for treating or disposing the organic waste generated by crushing apples. These problems are on top of the fact that grandfathering a use which was discontinued more than 40 years ago is environmentally irresponsible. That's more than twice the allowed density and would set a precedent allowing the facility to reach 576 seats.
Will the land offered the County for flow transfer have value? The parcel being donated is isolated and offers no features, amenities or other benefits. With liability and maintenance, it will be a burden to the County, not an asset.

Is there a valid reason to deny the public a voice? A sanitary plan was approved June 12th, eleven days later something entirely different was proposed. Perhaps it addresses our concerns, perhaps it’s worse; we can’t tell. The new proposal was announced just 20 days ago. It took over twice that long to FOIL the last plan. As we can’t FOIL in time to comment, we asked our Legislator and he was told that sharing this information would breach the applicant’s privacy rights. We respect that, but it’s at least as important to protect the public’s right to know. An owner in a hurry is no justification for secrecy. We believe you must deny the CN and allow the public to see what the County is voting on before the fact.

Lastly, before deals were cut and manufacturing was redefined, the applicant sued the town on this project, the site of operation was heavily opposed by town government. Thanks for your consideration.

**P.O. GREGORY:**

Thank you, sir. Okay, Dr. Carmine Vasile; and then Lillian Lennon is on deck.

**MR. VASILE:**

Good morning. My name’s Carmine Vasile. I’m here to speak about the water quality report. It’s page 20 of the current Water Quality Report on the Internet, they don’t mail them anymore. The first table is titled 2015 Radiological Test Results, All Distribution Areas. The second table is 2015 Suffolk County Water Authority and SCDHS Radiological Test Results for SCWA wells in East Farmingdale. Every single gross alpha entry is wrong.

I also have tests for the Grumman plume. They test similar things, all their gross alpha wrong. And also I have from the Navy. Now, the Grumman plume is impinging on East Farmingdale because you have the same radionuclides in East Farmingdale as you do in the Grumman plume; Radium 228, Radium 226. 228 comes from Thorium. When we worked at Grumman, I was in Plant 14, we were building the pebble bed reactor using Thorium. They threw everything in the ground.

The e-mail that I have was written by Ed Hannon, he testified at my Workman’s Comp hearing. He concealed the fact that there’s radioactivity in the plume. So the judge knocked out my cancer claim but he allowed the berylliosis and toxic neuropathy, secondary to heavy metal poisoning. Someone has to come in and do something about these fraudulent test results.

Now, you can analyze these things and calculate gross alpha and gross beta if you use a program called Nucleonica. In the 70’s we used to do it by hand. Now you have a program, you can run it on the Internet, you can run it on your laptop and you can confirm. You don’t have to take my word for it. You could calculate your own gross alpha for your own water. Somebody has to do it. And these labs that are running these fraudulent tests, they should lose their certification.

_**Applause**_

What did I say?

(*Laughter*)

But this is a very complicated subject and that’s the reason to get away with it. You show these test results to an average person, they don’t know what they mean.
Now, I don't know what else to say. I've prepared a table and I have an e-mail from the radiation chief of the EPA and it's a correspondence between him and Polly Kreisman. You should read it, because this was supposed to be one of the sessions of what's in the water --

(Timer Sounded)

-- and Pat Dolan cut it out, because Polly Kreisman did a heck of a job. So, that's about all I can say.

P.O. GREGORY:
Okay. Thank you, Mr. Vasile. Okay, Lillian Lennon; and then on deck, Jim Emlock.

MS. LENNON:
Good morning. My name is Lillian Lennon, I'm a volunteer for RSVP, Inc., Animal Welfare & Rescue, Suffolk County resident, taxpayer and voter. Last month I addressed this Legislative body in order to encourage your sponsorship of a new bill to address animal cruelty in honor of a dog named Roxy who was brutally beaten and hung to die in the community of Bellport. As I left the building that day, Legislator Martinez -- Martinez, I'm sorry if I'm pronouncing it wrong -- was gracious enough to meet me in the parking lot expressing her support for this new legislation. I have since e-mailed her a few drafts several animal advocates have created incorporating the current tethering law which, although amended and approved a few years ago, is still in need of further revision.

We believe Roxy's bill, and an amended version of the Suffolk County Tethering Law sponsored by Legislator D'Amaro which was very good, still needs further amending. We believe they're in concert with one another, both bills; the bill and the law, I should say. We would like to revisit the past legislation of the tethering law and new legislation for Roxy in honor of her. However, I cannot emphasize enough that laws on paper are useless without enforcement. Therefore, with this in mind, we would encourage language in the bills that directly correlate with enforcement in order to provide law offices the SPCA and our ACOs the authority and protection required to enforce the laws appropriately.

We need your support, your sponsorship, your availability and cooperation to that end and we hope we can count on it. Legislator Martinez has taken the first step, but she cannot do it alone. I thank her for coming forward. Who will join her? You can count on us. Can we count on you? Thank you. I'm also redistributing the poster that's been circulating regarding Roxy, I'll give that to Ms. Martinez. I gave it to you at the last June meeting. Thank you, everybody.

Applause

P.O. GREGORY:
Okay, Jim Emlock; and then on deck, Aaron Virgin.

MR. EMLOCK:
Good morning. My name is Jim Emlock, I reside at 150 Bay Avenue in Huntington, New York. I'm the Chief Executive Officer of Enerlogic LLC, and I'm here to speak in support of Resolution No. 1686-2016, authorizing an energy improvement charge line on real property tax bills.

I first want to thank the Suffolk Legislature for their consideration of this legislation. I also want to thank you for your support of the original legislation passed earlier in support of PACE. I'm like the fourth one here today talking about this, I think it's great. Your action further demonstrates your dedication to improving our environment, while at the same time improving our local economy by giving business owners the tools to lower operating expenses and creating jobs. I believe that PACE financing is an essential tool that allows government at a local level to promote clean energy
resolutions that will greatly benefit the residents of Suffolk County by reducing our reliance on fossil fuels and mitigating climate change.

Given the lack of movement in Washington to accomplish these goals, it is more important than ever that government bodies closest to the people take effective action. Enabling PACE financing with this resolution does just that. My colleagues and I found Enerlogic to serve this socially responsible mission and we endeavor every day to provide business owners with clean energy improvement such as solar, lighting retrofits, battery storage, fuel cells, HVAC upgrades. These improvements will significantly reduce the owner's consumption, while at the same time improving their bottom line.

PACE financing creates this brilliant win/win strategy for businesses and for all of the residents of Suffolk County that have access to these desperately needed environmental and economic programs. It is my hope that this fine Legislative body moves this resolution forward today because there are business owners eager to take action during the prime construction season to help deliver all of these benefits. Thank you and thank all of you for your time.

P.O. GREGORY:
Thank you, sir. All right, Aaron Virgin; and then on deck, Stephen Ruth.

MR. VIRGIN:
Good morning, Members of the Legislature. My name is Aaron Virgin, I represent Group for the East End as Vice-President. For the record, the Group represents the community and conservation planning interests of several thousand member households, individuals and businesses on the East End, and we were founded in 1972.

I'm here to speak today on Resolution No. 1571, proposed amendments to Article 19. As many of you are aware, Suffolk County currently has over 200,000 on-site wastewater disposal systems, and especially environmentally sensitive areas that contribute to the deeply troubling downward trend in our region's drinking and surface water quality. Many of these systems are on the East End of Long Island. After nearly two decades of work, the Suffolk County Comprehensive Water Resources Management Plan identified this issue as a major threat to the future of our region's water quality and call for actions that would begin to restore our water quality for the future. These proposed amendments represent a critical and strategic first step forward in implementing the recommendations of the Comprehensive Water Resources Plan and launch the necessary development of a new institutional framework for the County. It will begin to authorize the approval, installation and necessary monitoring of innovative and advanced wastewater treatment technology.

Once approved, these amendments will allow the County Health Department to greatly simplify and standardize the approval and inspection procedures for several innovative treatment systems that have been documented to greatly reduce the nitrogen concentrations present in the wastewater. We understand that this is a major first step in a very long and evolving process that will be needed to protect and restore our troubled waters. We have every expectation that further changes in technology, management responsibility, regulatory authority and data-driven water quality standards will continue to develop over time. However, right now we have a sufficient amount of information, technology and critical need to authorize a process that will get the best treatment systems in the ground in a standardized way with the oversight of a qualified management entity.

Your action of approval of these amendments today is absolutely necessary to turn all the discussions we've had about the need for water quality protection and to direct and lasting action for the benefit of all of Suffolk residents and water resources that we all rely upon -- rely upon, excuse me. So we urge you to move quickly and vote later today on IR 1571. Thank you for your time and
Mr. Ruth Jr.: Good morning, Ladies and Gentlemen. Today I want to talk about the red light cameras being located -- being placed around St. Charles Cemetery as well as Pinelawn Cemetery.

In discussing the Red Light Camera Program with many residents, I understand that a lot of residents are getting red light camera tickets while in funeral processions, and I think that those cameras should be removed from the cemetery locations or the routes leading to the cemeteries. Because when people are mourning the death of a loved one and then they're slowly getting over that loss, to get a red light camera ticket in the mail and then try and figure out the location and why they would have been in that location, it brings them right back to where they were in mourning the loss of a loved one. So if you guys could look into that, I'd really appreciate that. I'm sure many residents that are going through losses and burying people at St. Charles Cemetery as well as Pinelawn Cemetery really would appreciate it, because it's kind of disheartening getting a red light camera ticket while you're in a funeral procession.

Also, I understand that even if it's a police escorted funeral, you still get the ticket. So while the police officers are waiving cars through, the tickets are still being given by the cameras. So I don't know who is looking at the films or if anyone's looking at the films, but it's definitely in poor taste. So if you guys can look into that, I'd really appreciate that. I'm sure the residents would as well.

Also, there's an intersection on William Floyd Parkway and Moriches-Middle Island Road, where if you're coming off the LIE and you're going south, then you go to make a left-hand turn onto Moriches-Middle Island Road right by the 7th Precinct, there's a really short yellow light and it's two lanes that are crossing William Floyd Parkway, then they merge into one lane. There's only three seconds given on that yellow turning arrow and it's a very, very dangerous driving environment. So if you can look into that intersection, it will be greatly appreciated. I'm sure it's going to save somebody's life one day. Thank you very much.

Ms. Esposito: Good morning, Legislators. My name's Adrienne Esposito, Executive Director of Citizens Campaign for the Environment. Two quick things. One is we are also here to support 1571. As you heard from one of my colleagues, we believe that this is a very important management tool to be able to manage and supervise the new installation of the wastewater treatment technology.

We want to learn from our past mistakes. Some of you may know but some of you may not know that back in the 80's and the 90's there were super cesspools, 400 of them that were put in across Suffolk County that were supposed to treat wastewater, and they were put in areas where we allowed increased wastewater in commercially-zoned strip malls and other areas. They all failed. So while the increased density occurred in those commercial areas, the protection of water did not. So this will allow us to be able to test, maintain, supervise and manage these facilities in a way in which they were not in the past.

But I want to say, my support comes with a little bit of a warning; just want to put it out there and put it on record. These devices are here to protect drinking water, not to over develop Suffolk County. However, they're already being used for that type of manipulation.
We have the project like the Hills; the Hills is for, you know, 108 townhouses and a golf course out in the Hamptons, and the actual EIS says because they want to use innovative sewage technology, that should allow them the extra density. That will protect drinking water and actually make it better than the current wooded area, which is like completely ridiculous, but nevertheless, that's what it says.

Also, a project in Northport which is right around Indian Hills, 108 townhouses, is saying that we should be a test site for the new innovative technology and that should allow us increased density. No, you cannot be a test site and then also argue mitigation. I'm putting this out there to you so you can be aware of this. This advancement of sewage technology is to protect our drinking water, protect our coastal waters, make our Island sustainable; not over develop every inch of it.

Also, speaking of protecting water, with 40 seconds, an issue that we want you to please address, especially today as you're working to approve the Health Commissioner for another six years, Dr. Tomarken. You may or may not know, but Suffolk County right now, the Health Department is under a quota of only allowing -- I want you all to listen to this -- only allowing 20 water samples to be taken per week. That's 20 water samples per week for all of Suffolk County and fresh water, that includes monitoring wells, drinking water wells, private wells, rivers, streams, lakes, you name it. That is dangerous, Legislators. We need to be proactive in protecting the public's health, not reactive in protecting the public's health. Please, we never used to have a quota in the past, we should not have a quota now.

(Timer Sounded)

You must fix this problem, please talk to Dr. Tomarken about it. I look forward to you rectifying that. Thank you for your time.

P.O. GREGORY:
Thank you, Adrienne. Robert Anrig; and on deck, Victoria Berger. Did I pronounce your name right?

MR. ANRIG:
Anrig.

P.O. GREGORY:
Okay, that's right.

MR. ANRIG:
Good morning, Legislators. I am a Trustee and Treasurer for the Suffolk County Historical Society. I'd like to start, we received a copy of some bullet points that were called inaccuracies with the transcript from our last meeting last week. And on the top of that, the very first one states that the Comptroller's Office never asked the agency to redo their books for 2014, as stated by the agency's Treasurer; that's me. We absolutely were. I was asked by -- well, I should qualify that. With all respect for Comptroller Kennedy, nobody from our office had a direct conversation with him. We did speak with various people within his department. We were absolutely asked that the best way to resolve this was to restate our 2014 financial statements; I told him that I don't think we can do that. I referred him to our auditors, they said that they would not do that. I can further confirm proof of that by the famous e-mail that they referred to on June 1st, which was received by us from the Comptroller's Department. In the very last paragraph of that e-mail -- I don't know if you have a copy, I'd be glad to leave this with somebody so that you can see it. In their last statement it says, "My office would not be able to accept the proposed changes without one of the following: Perform our own audit of your agency", that was one; "Have your auditors restate their 2014 financial statements", that's right in their own e-mail. So I will leave this for somebody here so they
can circulate this so you can all review it. But we were absolutely asked at least three times verbally by the staff and once in writing by the staff in the June 1st memo; that’s the first thing I would like to clarify.

The second was a question about fund-raising expenses in 2014. Fund-raising runs in cycles. You apply for grants, sometimes you receive them that year, sometimes you receive them the following year. In 2014 we incurred considerable expenses in fund-raising and grant writing. We did receive approval of a $400,000 grant, $200,000 of which was received in 2015, so it didn’t appear on the 2014 financial statements, and another $200,000 is to be received in 2017. So it’s presented to you like we’re wasting money on grant writing and not receiving any grants; that’s not the facts. That was explained to the Comptroller’s Office. They elected to omit those facts, which they were advised of, just to present you with the illusion that we don’t know what we’re doing. We do know what we’re doing and we know how to run our books and we know how to run the Historical Society. So from those expenses incurred in ‘14, we received cash, the fruits of that benefit, of 200,000 in ’15 and another 200,000 in ‘17, and those are for capital improvements to our building, so I want to make that absolutely clear.

P.O. GREGORY:
Okay. Mr. Anrig, your time has expired. But we hope that you will be able to stick around until we debate the bill. We're not allowed --

MR. ANRIG:
We'll be here till the cows come home.

P.O. GREGORY:
Okay. Because at this point we can't ask you questions.

MR. ANRIG:
Thank you.

P.O. GREGORY:
All right. Ms. Berger; and then on deck, Christopher Clapp.

MS. BERGER:
Good morning, Legislators. My name is Victoria Berger, the new Executive Director of the Suffolk County Historical Society speaking on behalf of Resolution 1599 presented before you today. Since 1886 we have served Suffolk County as an institution of historic resources and education, serving more than 10,000 constituents per year through our varied services. Our archival document library and research services are visited regularly by university professors, historians, authors, students and general public. We maintain all early deeds, birth and death records that predate the onset of 1881 civil record keeping methods. We are the repository for the documents of H. Lee Dennison, the first Suffolk County Executive, as well as all County military records dating to the colonial error. Our Outreach End Programs include historic lectures, genealogy workshops and both in-house and off-site rotating historic exhibits. Our records reflect Suffolk County has provided annual supportive funding dating as far back as 1934.

Each year since 2007, our audit is presented in the very same manor to the County without incident. In 2013, our voucher submission method was commended by the County Budget Review Office and was actually used as a model to other agencies. We appear in the Comptroller's annual analysis classified as a Schedule I, 4770 miscellaneous agency as the Walt Whitman Museum is. This January we received notification from the Suffolk County Comptroller that 2016 funding was being withheld on the grounds that we are classified as a 4980 contract agency, subjected to County Law 18941 that administrative expenses cannot exceed 20% of total programming. Our 2014 audit has
been declared out of compliance with this law which, right or wrong, we have never before been subjected to. The County auditor has defined the law for us and going forward we are prepared to follow the order of the law now that we have a clear understanding of what it is. Our auditors will be informed of this protocol in preparation of our 2015 audit and we will take necessary measures to ensure we will be within the 20% compliance going forward. We ask for support in waiving the 20% restriction for the 2014 audit, allowing us the grace of one year to confirm to our registration classification -- to confirm our registration classification and restructure our organization accordingly, restoring our much needed funding. Thank you.

P.O. GREGORY:
Thank you. Christopher Clapp; and then on deck, Gabrielle Karr.

MR. CLAPP:
Good morning. My name is Christopher Clapp, I am a marine scientist with The Nature Conservancy and I am here to enthusiastically ask for your support in passing IR 1571 today, the bill to allow for Article 19 which will allow the Health Department to permit, monitor and track the installation of alternative on-site treatment systems. I'd like to say that the process for the way this -- the current article was drafted was also really fair and that Justin Jobin in particular in the Health Department should be commended for the way in which he was very inclusive in taking people's comments in and I think you actually have a much better product as a result.

This is a critical first in-step in improving our water quality. Adrienne and Aaron mentioned before that we have 360,000 households with antiquated ways -- means of treating their wastewater, along with another 100,000 commercial properties. All of that effluent goes into our groundwater, contaminating our drinking water which then eventually leaches into our surface waters, leading to the deplorable situation we're in now with green tides and red tides and brown tides and harmful algae blooms of every sort of color of the rainbow. This is a critical first step in moving on beyond this.

I was happy to be a part of the septic tour that the County had several years ago and I feel that what you have in front of you today is the lessons learned from that tour and I hope that you all pass this bill later this afternoon. Thank you all for your help and continued effort on cleaning up our waters and The Conservancy stands ready to assist you on the long road ahead. Thank you.

P.O. GREGORY:

MR. McCARTHY:
Hello. I'm Jack McCarthy, I'm the 2nd Assembly District for New York State Candidate from the Libertarian Party. For the past month I have been petitioning to help get me and other candidates on the ballot in November, and I've been -- I really enjoy talking to lots of the residents in Suffolk County about lots of the issues and what they thought, and one of the things that almost everyone agreed on is they do not like the Red Light Camera Program. It was actually pretty hard finding people that were in favor of the program. And when I was talking to them, I talked to many of them and asked them if they ever got a red light camera ticket, and out of the ones that said they have not gotten tickets, most of them are still not in favor of the program. So that kind of gets rid of the whole theory of, you know, only the people who get tickets are the people who are against the program. And -- because most people, they just realize that this is just a revenue trap and that it's not actually for the safety of the people.
And also, lots of people expressed that they are disappointed in you guys who are pushing for the camera program, trying to extend it and keeping it in play. And that most of them said that they think it's a waste of time even trying to talk to people in the Legislature because they don't think that you guys actually care about what they have to say. I'd also -- I would also like for you guys to think about who these cameras affect, because it's not really affecting the rich people driving out to the Hamptons for the weekend, because an $80 fine, they don't care about that. It's affecting all the hard working people in the district, especially families and stuff. And an $80 unplanned expense is a lot for a working family, especially since Suffolk's already so expensive to live in. And I'm a Boy Scout leader and most of our trips for one weekend is $20, so that's four weekends a kid could be going camping instead of paying the ticket.

And I would just like for you guys to keep in mind all the residents in Suffolk County, keep in mind that this isn't a favorable program and I would like you guys to consider getting rid of it. That's all I've got to say. Thank you.

P.O. GREGORY: Thank you. Okay, Ms. Frego; and then on deck, John King.

MS. FREGO: "I believe the government has a responsibility to protect the public, particularly the most vulnerable, our children. I also believe in the importance of free commerce, capitalism, and the right of business to conduct -- businesses to conduct business in an unfettered way, but they cannot be allowed to imperil the public, especially our most vulnerable." Those are the words uttered in a statement by Suffolk County Legislator William R. Spencer, M.D., before the United States Senate Committee on Commerce, Science & Transportation on July 31st, 2013. I believe that Dr. Spencer still believes in that and the words that he said. And I believe that the rest of you, in your hearts, believe that also. And I think that you know that this Red Light Camera Program is a horrible program and it's very dangerous for our most vulnerable of the population of Suffolk County. And I implore you to please listen to your hearts and the wise words of Dr. Spencer and please dump the Red Light Camera Program before any more of them get hurt.

P.O. GREGORY: Thanks, Doc.

(*Laughter*)

LEG. SPENCER: (Applause).

P.O. GREGORY: Thanks, Doc. John King. And then Lee Snead and Gabrielle Karr; did they enter the room? Okay.

MR. KING: Good afternoon. Thank you very much for allowing me to speak. I hadn't necessarily been prepared to speak, but I believe there's a motion before you folks later on about the Riverhead project, and I just thought I'd give some clarity to what they are -- what we are speaking about. And contrary to popular opinion, there is no cloak and dagger. I will explain the timing and things like that.

I currently own a building in Riverhead, it's 128,000 square feet. I have the largest Board of Health approval to do manufacturing in Suffolk County. Okay? So if I wanted to take all the produce and cut it and wash it and dice it, which is what I do in Bay Shore right now, I could do that, and that was the original plan. Unfortunately, there are problems,
challenges, and in some ways you may have seen some of it Saturday in Newsday about getting conformity from the farmers out there for the food safety and water analysis and things like that. So we've been struggling with that with the farmers. We've had several issues out there trying to get Cornell to do some different programs, we've held programs in our buildings.

So just in a nutshell, and I could talk all day here and I'd be happy to address any issues later on. It's a 128,000 square foot building, I could put 500 workers in there and do manufacturing. We've decided not to do that, so an alternate would be, which we are zoned for, an Agricultural Enterprise Zone to do a retail tasting area of a cidery, a hard cidery.

That being said, the Board of Health -- and I am not arguing anybody's opinions, this is the way the law reads. The Board of Health says that's retail and therefore you need 25 times the amount of seats -- 25 times the amount of space; I accepted that. When I went down to the Board of Health, they told me, Well, you have a couple of different options. If you'd like, you can knock down 22,000 square feet of the existing facility and put your facility in there. Okay? Regretfully I said yes -- I won't say regretfully, I just have to get this thing open, so I said, Yes, I will accept that.

That being said, since I own the building, I've provided space for Island Harvest, which I don't know if you know, my company does a lot. We serve on the Legislature committee to do food for the homeless; a lot of people don't know, one out of ten people in Suffolk County receive food from the food banks, okay, so Island Harvest is the largest of which. They have facilities -- excuse me. I provide them free space in my building. Okay? So one of the things I did is once I realized -- once I got my permit, so I have my permit and this project will be built. That being said, it didn't make any sense to me, a businessman, to knock down 22,000 square feet which, by the way, I'm prepared to do what. What I suggested to the Board of Health is I own another piece of property 1,500 square feet away, all wooded, I would dedicate that property, instead of building something on it at a later date, so I wouldn't have to knock down the 22,000 square feet, and I would donate the 22,000 square feet to the Board of Health for a dollar a year for 50 years.

P.O. GREGORY:
Okay.

MR. KING:
So we'd keep it on the tax roll, 22,000 square feet would stay on the Suffolk County tax roll. I could answer any other questions about an event, anything you want to ask, I'll be happy to answer.

P.O. GREGORY:
All right. Sir, your time has expired, but please stick around till when we entertain the resolution and if there's any questions, but we do have some other speakers that have to speak.

MR. KING:
Thank you very much. I appreciate the time.

P.O. GREGORY:
Okay. Thank you for coming.

Mr. Snead, I see you entered the room. Please step forward.

MR. SNEAD:
Good morning, Legislators. I'm here on IR 1520 which is an application for entry into the Agricultural District in the Town of Brookhaven for South Country LLC -- South Country Farms, LLC. This 26-acre piece of property has a conservation easement on it which authorizes -- which exempts six of the 26 acres for potential development as residential homes. The balance of the 20 acres,
however, is entirely required to remain open space and agriculture. In 2012 it was purchased and in 2013 we made application to the AFPB to come into the Agricultural District. At that time we were informed that the AFPB would request that we show a farm operation first and ultimately were denied the application, but told us we could come back and do it. A couple of years had since interceded, we have now developed it into a farm, it has six acres of pasturage for animals, it has about two-and-a-half acres of road crops, it has an apiary and over 50% of the property is now in active farming operations.

So we've gone through the process with the AFPB approving it, going through all the various committees, and we'd ask that the County Legislature bring this application through and put it in the district so we can move forward. If you have any questions, I'd be happy to answer them.

P.O. GREGORY:
Thank you, Mr. Snead. Okay, that -- well, actually let me call again for the third time; Gabrielle Karr? No? Okay. Anyone else that would like to speak that has not spoken already?

MR. SNEAD:
I have another application, actually.

P.O. GREGORY:
You're only allowed to speak once, sir.

MR. NOLAN:
He has one minute.

P.O. GREGORY:
Well, you do have a minute left that you didn't use, but I thought you were done.

MR. SNEAD:
Sorry. The next application I have is 1526, it's the Sagaponack Ventures LLC, application for Sagaponack Farms. This property came up before you last year. It went through the AFPB and was denied by the AFPB because at the time of the application the full farming had not occurred, but later, by the time it appeared before you in August -- excuse me, in July, we had, in fact, fully put the farm in operation. Ultimately it was denied at this body based on the fact that it arrived to you on a negative denial recommendation, so to speak. But it seemed in that hearing that the organization said that the Legislature was inclined to move forward with it and allow it to come in. At any rate, it failed before the Legislature, but we were given the opportunity to go back this year, as was stated by the AFPB that year.

We came back this year. It's got 25 of the 43 acres on the property is developed and farming. There are 15 acres that are reserved out for potential home building, there is no application before any municipality for a home or a subdivision at this time. The AFPB looked at this matter, approved it for moving forward, it went through CEQ and it was approved, but in the EP Committee it was discharged without resolution based, to my understanding, on a question that resulted about what happens when a property that's in a district is then subsequently subdivided. My understanding is that issue has been addressed by the Counsel --

P.O. GREGORY:
Mr. Snead, please wrap up.

MR. SNEAD:
-- and I would say that under 305 of the Agricultural & Markets Law, if that were to ever happen, that particular property would have to ask to be put back in the Agricultural District and it would
come back before the Legislature for that purpose. Thank you.

P.O. GREGORY:
Okay, thank you.

All right, that is the end of our public portion. I just have one announcement; at 12:30 today the County Executive and members of this body will be holding a drawing to select 20 winners of the County's 2nd Septic Lottery, winners will receive a free advanced wastewater treatment system which includes free installation, monitoring and maintenance for five years.

Okay, I'm going -- we're going to go on with our agenda. I'll make a motion to approve the Consent Calendar.

LEG. BARRAGA:
Second.

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

MS. ELLIS:
Eighteen.

P.O. GREGORY:
Okay, we have several requests we're going to try to get to to take resolutions out of order -- more than several, I should say -- the first being IR 1564-16, it's in EPA; Adopting Local Law No. -2016, A Local Law to identify and reserve tax default properties appropriate for siting Community Wastewater Treatment Systems (Fleming). I'll make a motion to take it out of order. Second by Legislator Fleming.

LEG. HAHN:
(Inaudible).

P.O. GREGORY:
But I have a list. All in favor? Opposed? Abstentions?

MS. ELLIS:
Eighteen.

P.O. GREGORY:
Okay, motion is before us.

LEG. FLEMING:
Motion.

P.O. GREGORY:
The resolution is before us. Motion to approve by Legislator Fleming. I'll second. All in favor?

LEG. KENNEDY:
On the motion.

LEG. TROTTA:
On the motion.
P.O. GREGORY:
On the motion, okay.

LEG. TROTTA:
What is the number again?

P.O. GREGORY:
1564.

LEG. TROTTA:
Fifteen what?

LEG. KENNEDY:
Sixty-four.

P.O. GREGORY:
Mr. Trotta, do you want to speak?

LEG. TROTTA:
No, I just -- I thought we were probably doing this already. It sounds good to me.

P.O. GREGORY:
Oh, okay.

LEG. KENNEDY:
I just have one question. Would this take precedence over the individual town's zoning and planning?

P.O. GREGORY:
Legislator Kennedy had a question, if this will take over precedence of a town and village planning.

MR. NOLAN:
Oh, no, of course not. No.

LEG. KENNEDY:
Okay. Thank you.

P.O. GREGORY:
Okay. All right, so we have a motion, a second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Eighteen.

LEG. KRUPSKI:
Jason, cosponsor.

P.O. GREGORY:
All right, the Clerk is saying we have to make a motion to close the public portion which I didn't do. I'll make that motion. I thought we did it. Second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.
P.O. GREGORY:
Okay, all right.

All right, IR 1526-16, Authorizing the inclusion of new parcel(s) – no, I’m going to -- this one’s going to be a little controversial.

LEG. HAHN:
Yeah, can we take -- there are people waiting.

P.O. GREGORY:
Yeah, I have a list of seven different resolutions from various people.

All right. So IR -- we're going to try to get rid of these -- there are people that are here for appointments, we're going to try to get you in and out.

IR 1659-16 - Appoint member to the Child Fatality Review Team (Jennifer Ripton-Snyder, M.D., M.P.H.) (Hahn).
Is Jennifer -- Hi, Jennifer.

DR. RIPTON-SNYDER:
Hi. Nice to meet you.

P.O. GREGORY:
This should be Public Safety, is it?

LEG. HAHN:
Yes.

P.O. GREGORY:
1659. Legislator Hahn makes a motion to take out of order. I will second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Okay.

LEG. HAHN:
Thank you so very much for being here --

P.O. GREGORY:
Make a motion.

LEG. HAHN:
Oh, yes, I make a motion. Motion.

P.O. GREGORY:
Motion to approve. Second by Legislator Fleming. The floor is yours.

LEG. HAHN:
Thank you. Thank you very much for being here. I know you were unable to make the Public Safety Committee, so unfortunately you had to sit through a couple of hours of --
DR. RIPTON-SNYDER:
No, it was interesting.

LEG. HAHN:
Hopefully you found it interesting.

DR. RIPTON-SNYDER:
I did.

LEG. HAHN:
Thank you. If you could just tell us a little bit about yourself and why you would like to be a part of this review team, we would appreciate that.

DR. RIPTON-SNYDER:
Sure. I was contacted by the Suffolk County Medical Examiner. I've been practicing in Suffolk County about three years now, I'm a diagnostic radiologist. So I came from the city, did my -- I was at Columbia University and I came out here for medical school, did my residency in radiology, two fellowships and I kind of started doing more pediatric imagining just based on need from the department that I work in at Stony Brook, and I found it to be one of the most rewarding things that I do. I do a lot of imaging. Sometimes a radiologist is the first to discover these cases of non-accidental trauma and that's kind of the sanitized word for child abuse. So sometimes we're the first to see it, we see the imaging findings and then we start the process of protecting these kids, and I find that to be really, really rewarding. I teach an annual course in Manhattan just for primary care physicians on the recognition of child abuse and how to proceed, so I think I can be helpful on the board and I'm happy to help.

LEG. HAHN:
Thank you very much for your willingness to serve.

P.O. GREGORY:
Yes, thank you. Legislator Spencer and then Legislator D’Amaro.

LEG. SPENCER:
Thank you, Dr. Snyder, for coming in. I'm a pediatric specialist myself, and just with regards to your interest in serving on this fatality review team. Have you had, in your experience where you've had to examine cases where you found evidence currently?

DR. RIPTON-SNYDER:
Yes. And when I say examine, I'm a radiologist, so my work is with imaging. Two weeks ago I think in my practice there were two cases that I think will be -- are highly suspicious, will probably end up being litigated. So I see it fairly frequently, a lot more frequently than I think people suspect. So it is something that I see in imaging and kind of follow-up with at my hospital.

LEG. SPENCER:
And in your position, a lot of times you're the first clue.

DR. RIPTON-SNYDER:
Yeah.

LEG. SPENCER:
Have you had frequent interactions with Child Protective Services? Do you initiate that phone call, or do you call the emergency room physician, or how -- what's been your connection?
DR. RIPTON-SNYDER:
So we -- usually I'm reading the cases from the emergency room and that's how they present, and what happens then is I have a discussion. I see something that makes me curious, I want to hear the full story, so I usually contact our ER, or our outpatient clinic if that's where the imaging is from. We have a discussion, I see how they're feeling and we decide whether or not to initiate the call to CPS. So I'm usually more involved in the diagnostic end and they are usually more involved in the administrative end.

LEG. SPENCER:
I can definitely speak personally as far as just the time to do other things when medicine is very demanding, but I really appreciate you being here. Thank you.

DR. RIPTON-SNYDER:
Thank you.

P.O. GREGORY:
Legislator D'Amaro.

LEG. D'AMARO:
Thank you. I also appreciate your service here. Just curious, the Child Fatality Review Team, is that a team that you have worked with in the past --

DR. RIPTON-SNYDER:
No.

LEG. D'AMARO:
-- and now you're becoming a board member? Have you ever heard of them before this?

DR. RIPTON-SNYDER:
No, my first knowledge of this --

LEG. HAHN:
We just established them this year.

LEG. D'AMARO:
Oh, it was this year?

LEG. HAHN:
It was just established this year, yes.

LEG. D'AMARO:
So how do you see that -- what you're describing, if you see evidence of child abuse or anything like that, I think you would, as a physician, look into that either way. So how --

DR. RIPTON-SNYDER:
We're mandated by law to look at that.

LEG. D'AMARO:
You're mandated to do so. So how would you bring that to this board? What do you think the role of this board is going to be?
DR. RIPTON-SNYDER:
I think the role of the board is to probably review the cases and decide whether, you know, anything further needs to be done. I'm assuming that my involvement or my expertise would be in review of the cases, possibly the imaging findings as to how to proceed, or in further education. And education, as far as assessment of child abuse, is a big part of what I do.

LEG. D'AMARO:
Uh-huh. So more than just an examination and reporting function, more of an awareness function also.

DR. RIPTON-SNYDER:
I'm hoping, I think it's important.

LEG. D'AMARO:
Good. All right, thank you. I appreciate that.

P.O. GREGORY:
All right, thank you. So we have a motion, a second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

LEG. SPENCER:
Congratulations.

P.O. GREGORY:
Okay, thank you.

DR. RIPTON-SNYDER:
Thank you.

P.O. GREGORY:
All right, next I'm going to call **IR 1505-16 - Reappointing member of the Council on Environmental Quality (Eva Growney) (Hahn).**

LEG. FLEMING:
Motion.

LEG. KRUPSKI:
(Raised hand).

P.O. GREGORY:
Motion by Legislator Fleming. Second by Legislator -- um, Krupski -- (*laughter*), sorry -- to take out of order. All in favor?

(*Legislator Krupski showed his nameplate To Presiding Officer Gregory*)

Thanks. Who are you again? All in favor? Opposed? Abstentions?

LEG. BROWNING:
Opposed.
MR. RICHBERG:
Eighteen.

P.O. GREGORY:
We have one in opposition.

MR. RICHBERG:
Seventeen (Opposed: Legislator Browning).

P.O. GREGORY:
Okay, motion is before us. Well, actually the resolution is before us. Do I have a motion? Same motion? Well, motion to approve by Legislator Fleming. Second by the guy next to her, Al Krupski (laughter).

LEG. FLEMING:
Just quickly on the motion.

P.O. GREGORY:
On the motion.

LEG. FLEMING:
If I can note that the American Institute of Architects sent us all a letter recommending that we reappoint Ms. Growney, and Mr. Richberg sent it around to us yesterday.

P.O. GREGORY:
Okay.

LEG. FLEMING:
Thank you.

P.O. GREGORY:
Legislator Krupski.

LEG. KRUPSKI:
I've had, you know, the experience of seeing Ms. Growney work on CEQ. It's a volunteer position. So first of all, thank you for volunteering.

MS. GROWNEY:
It's been my pleasure.

LEG. KRUPSKI:
And because Legislator Hahn was kind enough to appointment me in her absence to actually sit on CEQ, I've gotten to work with her and I can only recommend her reappointment because of her commitment to that body.

MS. GROWNEY:
Thank you very much, Al.

P.O. GREGORY:
Okay. So we have a motion, a second to approve. All in favor? Opposed? Abstentions?

LEG. BROWNING:
Opposed.
MS. ELLIS:
Seventeen (Opposed: Legislator Browning).

P.O. GREGORY:
Okay. All right, now we're moving.

LEG. SPENCER:
Congratulations.

MS. GROWNEY:
Thank you very much.

P.O. GREGORY:
I see the good doctor is in the back. Dr. Tomarken is here, so let's call him up. IR 1640-16 - Confirming the reappointment of James L. Tomarken, Commissioner of Health Services (County Executive); I'll make a motion to take it out of order.

D.P.O. CALARCO:
Second.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Okay. Motion by Legislator Spencer to approve. I'll second. And on the motion, I'm sure there are several questions.

LEG. SPENCER:
On the motion.

P.O. GREGORY:
Legislator Spencer and then Krupski, okay? Just keep in mind we have 15 minutes till break.

LEG. SPENCER:
Hi, Commissioner. It's good to see you again. And Dr. Tomarken, I did want to report, did come before our committee where we also had a chance to ask him questions. I can say over his past six years I've been Chair of the Health Committee, it's been a distinct pleasure serving with you. He's been responsive, he's always attended the meetings or sent the appropriate staff, he manages a very large and complex department, and that's why I'm cosponsoring the motion to support him. We are really well served.

Dr. Tomarken, I wanted to ask a couple of brief questions. One of the concerns that came up this morning was with regards to drinking water, and I was directed to just make sure that when you were up, if you could comment of the concern that there's only 20 samples per week, and I understand that part of that might be because of limited staff and limited resources, but I guess that number sounds shockingly low. And I don't know if you have an opinion, number one, about the potential of expanding that, but if you could maybe even give us some perspective as to, you know, why it's -- if it is indeed 20, maybe it's a lot larger and I'm not aware of that, but I think that that is a question that you would get from this body.
COMMISSIONER TOMARKEN:
Thank you. We do 10,000 water tests per year, and we think what the previous speaker was referring to is SVOCs, which is a very special test of which the limit is 50 per week because of our limited technology in terms of staff. And we've asked for an additional chemist for the 2017 budget which would bring -- allow us to test 80 per week which would bring us right up to speed.

LEG. SPENCER:
Thank you very much. That's all I have. And again, thank you, Dr. Tomarken.

P.O. GREGORY:
Legislator Krupski and then Fleming.

LEG. KRUPSKI:
Thank you. Welcome, Dr. Tomarken. So I won't go into Article 19 too much, I just want to, you know, thank you and your staff. Because the concerns that many of us had about Article 19 was increase in density, and I think -- I'll go into that when we debate that later, but I just want to thank you for having your staff that was very responsive, very inclusive to the East End towns and to Legislators' concerns about that.

And also, I've gotten to work with Dr. Tomarken on this Fuel Tank Replacement Program, Suffolk County Soil & Water Conservation District get State money and some Federal money to replace fuel tanks on farms. A change had to be made, the Board of Health to approve the changes, and I have to tell you, it was kind of a long process, but it was a fruitful one in the end and it -- even though it's very small, it was important to the agricultural community and everybody appreciated that.

Could you address -- there's a couple of things. Could you address permitting? Because a lot of the calls we get in my office about the Health Department are about permitting and the time it takes to permit. Could you address how you are prepared to move forward in the next six years on basically serving the public in a timely fashion.

COMMISSIONER TOMARKEN:
Well, I think we've -- this has been an ongoing issue for us for many years, and what we found fruitful was meeting with building association members and leadership, and explaining our process and having them explain to us what their issues are, and I think we need to have more of those meetings. I would like to have this process as easily available on-line and as quick a turnaround time as possible. If I had the staff, I would have someone in our department, after a period of time, a week or two weeks that they submitted, call the applicant and say, This is the status, or Where is the update, but I don't have that luxury right now. But I do think we need to continue to work closely with the building association which we have done in the past, and I think we need to improve our portal so that people can use it in a more friendlier fashion. But I think at the end of the day -- what often happens is our -- the application comes in and it goes back out because there's some deficiency. It then just sort of gets lost in Never Never Land because the applicant may turn it over to his vendor, his lawyer, his contractor, his engineer who have other issues to deal with, and no one has responsibility to provide oversight to make sure it comes back in a timely manner.

I would like to see if we could work out with the Builders' Association some way, some method so that someone is keeping an eye on these that go out and don't come back in a timely manner.

LEG. KRUPSKI:
Thank you. I know that would be greatly appreciated, because it is of great concern. People are waiting to expand or start a new business and they need that surety of getting a straight answer. You know, and whether it's yes or no, they need an answer in a timely fashion because it is
business.

I just want to address something; Doc Spencer asked you about, the water testing and the staffing levels and everything. So going forward, it's not just -- there always seems to be a contaminant, you know, emerging contaminant of concern; you know, it seems to be, unfortunately, on a regular basis. And this latest one, of course, is something that's in our clothing as a fire retardant, in our furniture, it seems to be everywhere in the environment and it's hard -- I know it's hard to keep track of those things. But the water testing that you do, it does relate -- it's a broader -- it's a much broader world than just the narrow range of people's health for one contaminant. It really goes on -- and I was at Yaphank last week for the -- the DEC had a forum there on these ground watersheds and tried to determine the best place to put these new innovative septic systems. And so there's a lot of talk about modeling and, you know, modeling is kind of, you know, I think an iffy business if you don't have good data. And how -- I would just like to know your opinion on how much testing should be done so that if modeling, in fact, is done, we have surety that the areas that are chosen and selected and prioritized for these new innovative systems are going to be the ones that really get a big bang for our buck. And when I say a big bang for our buck, I mean, you know, you're looking at beach openings, you're looking at underwater lands for shellfish openings, you're looking at real water quality -- I mean, I'm sorry, real quality of life issues if you improve water quality. If we're going to go to all this expense and effort to do something -- in this case put new systems in -- and we're not going to see quantifiable, good results, then it's an exercise just in work. So how do you feel about more testing to make sure we have real good data to put into this system?

COMMISSIONER TOMARKEN:
Well, I think you've raised two points. One is emerging contaminants that we don't have any control of and don't even know about as they continue to be found and need evaluation. And especially in private wells that are unregulated, it's purely up to the individual if they want to have testing or not and I think we ought to have an incentive program so that they do. So that's kind of the unknown; that's like having a disaster preparedness team.

In terms of the new innovative systems, I think we have to have a very vigorous and very detailed analysis, because it has to be proven to be cost effective. And I think we should have -- this should be a modeling so that we know how to expand it but potentially in the future to other areas of the County, and we should be looking at other jurisdictions who have done this and see how they evaluate the effectiveness of it.

LEG. KRUPSKI:
All right. Because it also relates to agriculture in my district, because if you look at the last Ag Stewardship Program, the plan that the County adopted, it calls for more testing of groundwater. And agriculture really is willing to -- the industry is really wanting to prove that in the past three decades they have completely changed their operation. So they're really minimizing their impacts to groundwater. It was only earlier this year I saw a water test result for one of your applicants for a processing facility in Cutchogue, and the water tests were quite clean from their wells. And so I think agriculture wants to see the water testing, I know you receive State money, DEC money to water -- to test the water quality; can you talk about that a little bit, that program?

COMMISSIONER TOMARKEN:
Let me see if I can get some assistance on that. Walt?

MR. DAWYDIAK:
Hi. I'm Walter Dawydiak, Division of Environmental Quality. Legislator Krupski, could you briefly restate your question?
LEG. KRUPSKI:
Absolutely. So just a description of the -- the County receives money from New York State DEC to do water quality testing on the East End for agriculture, and I wonder how is that program, you know, going forward, ball park? You know, how many wells, how samples? What's a long-term commitment?

MR. DAWYDIAK:
Legislator Krupski, you're referring to the pesticide grant, presumably?

LEG. KRUPSKI:
(Noed head yes).

MR. DAWYDIAK:
And that's a multi-year commitment that the State DEC just increased for us. It used to be about a hundred, $150,000 a year, now it's closer to 250,000; I don't have the exact numbers before me. What it did is it allowed us to hire a couple of additional crew members for our well drilling crew as well as a sanitarian for our well drilling program. We can now field up to three crews on any given day, if needed, but very reliably two, so we substantially increased our well drink capability and our analytical capability. What we're doing is we're looking at about half dozen different classes of agricultural land uses, from vineyards to row crops to nurseries and golf courses and other types of uses to look at not only conventional parameters like nitrates, but also pesticides and emerging contaminants as well.

So this is a very helpful exercise, Legislator Krupski, you're correct, in that many of the agricultural land uses have shown significant improvements in recent years in terms of keystone contaminants are concerned. Other types we just honestly don't have enough data on to say dispositively, so what we're looking at is building about a half-dozen different data points in each of these different agricultural land uses, so you're talking about 30 to 50 farms, approximately -- I don't have it in front of me, but I'm ball parking -- over the next five years as well as new and different pesticides and degradates. The idea is to continue to work with the agricultural community and Cornell Cooperative Extension and if anything, is found to be potentially harmful, to minimize its usage and find alternatives and that process has been successfully moving forward. So that's the pesticide grant in a nutshell.

LEG. KRUPSKI:
And thank you for that. Thank you for that effort. It's welcoming, and it's good to know that it's ongoing.

One more question, I promise, one more. And I sit on the Dredge Screening Committee and there's a creek in Peconic that's connected to Long Island Sound that closed up recently, and it was a major health concern. There is criteria, criteria No. 11 that the Dredge Project Screening Committee can use for environmental reasons to take action. And once this creek -- so it's a little bit of a complicated scenario and the creek is almost completely surrounded by County parkland. There's only a handful of homes on it, so the septic input is -- would be quite small. The town, working with Cornell Cooperative Extension in the past, has done DNA analysis of the pathogens in the creek that are leading it to be -- according to the DEC anyway -- impaired so that shellfishing, it's closed to shellfishing. And that was the Town's intent, to work -- to try to reduce the pathogens, or at least to convince the DEC that the pathogens are not sufficient enough to cause a shellfish closure of the creek. However, once the creek is closed, wouldn't you think it would be a real environmental harm cause? Because you don't have communication with the Sound, so all the species in it don't have communication. Also, the groundwater inputs are going to increase salinity, possibly causing a massive shellfish die-off in there. And then to complicate it, a Suffolk County Vector Control pipe is 12-inch pipe flows daily from an adjacent fresh water Autumn Lake that's just to the west, it flows...
daily into it. And if that backs up, then there are a number of homes surrounding Autumn Lake whose septic systems might or might not communicate with groundwater that would then overflow and then really possibly load the Autumn Lake and the creek with nutrients and pathogens. And wouldn't you think that would qualify for environmental criteria for dredging the water body?

COMMISSIONER TOMARKEN:
I think if everything you said is as you've described it, it certainly would be highly suggestive of it. But I think -- as you know, it's a very complicated process, it goes through a variety of groups and committees and departments. But we're -- we'll look at whatever criteria is submitted to us to evaluate it and look at all the parameters and make our judgement and keep an open mind about it.

LEG. KRUPSKI:
I appreciate you and your staff working with the Town and with the DEC to try to find some resolution there. Thank you.

P.O. GREGORY:
Okay. We are at the witching hour. I have five speakers.

LEG. FLEMING:
I just want to ask a few questions to Dr. Tomarken; two.

P.O. GREGORY:
Sure. One question?

LEG. FLEMING:
Two.

P.O. GREGORY:
Two questions?

LEG. ANKER:
(Inaudible).

P.O. GREGORY:
Well, she's next on the list. Two questions and then we'll break.

LEG. FLEMING:
All right, thank you. Just two questions, Dr. Tomarken. I think there's concern in the public, as you know; we discussed it at committee when you appeared last week to talk about your reappointment with regard to staffing in the Department of Health. And just a couple of things.

I know that in connection with the advanced treatment systems we are able to tap into State funding so that we'll have some additional engineers, and I appreciate your support for that. But with regard to drinking water monitoring, I just wanted -- first of all, I think it's important to recognize that we have the very best independent County lab facility in New York State and we appreciate your commitment to keeping it that way, even if it means staffing levels. I know at committee, Chairman Spencer and I both talked about staffing levels and we're looking forward meeting with you to audit staff, do an informal audit of staff to ensure that that's true. But I wanted to just direct your attention to -- and I'll make it my only question. If you can talk a little bit about the health advisory that was issued last week with regard to the area around Gabreski Airport. The EPA has identified PFCs, Polychlorinated Carbons which have a potential adverse health impact, but I understand that our Health Department is undertaking voluntarily a survey of private wells in the area. Just could you address whether we have adequate staff to address that issue and what steps
are being taken to ensure that folks have safe drinking water in Westhampton Beach area.

**COMMISSIONER TOMARKEN:**
Sure. We have initiated door-to-door canvassing of people who have private wells in that area. There was about -- it started out around 102 and now it's down to about 80 private wells. We have taken samples from 20 so far, and daily we are going door-to-door, literally knocking on the door; if no one is home, leaving information. We're considering calling people using the Code Red System to make sure that we get the message across. We have on Friday started dispensing free bottled water and we have bottled water and Water Buffalo available for the residents who choose to take advantage of that.

The testing results should be -- the first phase of them should be available Friday, as we were advised. Just so you know, the DEC is there today drilling six monitoring wells around the fire testing sites -- training sites, sorry -- and trying to determine if this should be a Superfund site. So that's the update as of this morning.

**LEG. FLEMING:**
I appreciate your efforts and I hope that you'll let us know if there's Legislative action needed to support it.

**COMMISSIONER TOMARKEN:**
Thank you.

**LEG. FLEMING:**
Thank you, sir.

**P.O. GREGORY:**
All right, thank you. We're going to have to break, Doctor, and call you back after public hearings, so I apologize about that. I have about -- I have four other speakers that have questions for you. All right, so we stand adjourned for lunch. Recess, excuse me.

**LEG. HAHN:**
The lottery.

**P.O. GREGORY:**
Can everyone stick around for the lottery?

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

**P.O. GREGORY:**
Welcome back, everyone. Please do the roll call.

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

**LEG. KRUPSKI:**
(Not Present)

**LEG. FLEMING:**
(Not Present)
LEG. BROWNING:
Here.

LEG. MURATORE:
Here.

LEG. HAHN:
Present.

LEG. ANKER:
Here.

LEG. LINDSAY:
(Not Present)

LEG. MARTINEZ:
Here.

LEG. CILMI:
Here.

LEG. BARRAGA:
(Not Present)

LEG. KENNEDY:
Here.

LEG. TROTTA:
Here.

LEG. MC CAFFREY:
Here.

LEG. STERN:
Here.

LEG. D’AMARO:
Here, here.

LEG. SPENCER:
Here.

D.P.O. CALARCO:
Present.

P.O. GREGORY:
Here.

MR. RICHBERG:
Fourteen. (Not Present: Legislators Krupski, Lindsay, Barraga, Fleming)

P.O. GREGORY:
Okay. Please state on the record that Legislator Fleming has been excused.
All right. So we are in the Public Hearing portion of our agenda. First Public Hearing is **I.R. 1309 - A Local Law to limit nitrogen content in lawn fertilizers (Lindsay)**. I do not have any cards for that public hearing. I'll make a motion to recess.

**LEG. CILMI:**
I'll second.

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

**MS. ELLIS:**
Fourteen. (Not Present: Legislators Krupski, Lindsay, Barraga, Fleming)

**P.O. GREGORY:**
**I.R. 1493 - A Local Law to improve alarm system registration requirements (Browning).**
I have one card, Mark Flaum.

**MR. FLAUM:**
Hello. Over 30 years I’ve had an alarm on my house. It's been there, because once upon a time we had a travel trailer, and when we pulled out to go on a vacation with our family, it acted as a neon sign telling everyone that the Flaums aren’t home. That security that the alarm system gave us has kept us, at a time when there were some burglaries in our neighborhood, from having any problems. That safety also saved the County money because there were no burglaries. Homes that don't have burglaries, as I see it, certainly don’t play into a system in which all of a sudden people have to be arrested, the police have to be involved, obviously, the courts get involved. All right?

There was a burglary, unfortunately, right next door to my home. They didn't have an alarm system. People were away. When they came home several days after, they found a window broken, their possessions gone, and, unfortunately, also two handguns and two rifles for hunting. Those have never been recovered, as far as I know, they're out in public.

If I'm going to be facing fees in retirement, which I am now, on a fixed income for a spider going across one of my motion detectors when I'm not home, I just assume would probably disconnect my system and then secure my home better with a gun, go for a permit and legally have a gun. Now that's not something I had ever considered in my life until now. That's pretty serious. Personally, I'd prefer not to have a gun. I don't believe that I would like to have a gun. But if my home isn't secure, that's an option that certainly myself and other people would probably consider. In reality, I won't be getting a gun, but I surely don't think it's appropriate to pay fines on a schedule the way you have. So if you could reconsider things that we have here, I would really appreciate it. Thank you very much for hearing me.

**P.O. GREGORY:**
Thank you, sir. Okay. Gertrude Grattan, and then next is Al Martucci.

**MS. GRATTON:**
Well, now Gertrude Grattan lives in Setauket. I have an alarm system and my alarm system protects my house. I don't have a sign outside, so nobody knows that I have an alarm system, but when it does go off, it's pretty loud. And if it goes off long enough, it will be connected with the Police Department. But so far, after living there for 62 years, I haven't bothered the Police Department. But to have to pay an extra $50 for your fee to have the alarm, when I'm already paying -- well, not every month. But this last bill from the alarm system, I had to have a new
battery put in, and so that was 2995. The man that came charged $65. The tax was $8.20. So this month it cost $103.19, and that's not the fee that I'm paying to the alarm system. So if you're going to put another fee onto putting the alarm in the house, it may deter other people from even putting an alarm on, and, therefore, your cost to the County would go up when all policemen have to go and hold the person's hand because they're crying because their house was burgled. Is there such a word as burgled? I don't know. Burgled?

LEG. LINDSAY:
Burglarized.

MS. GRATTAN:
Burglarized. Ah, thank you. So that's all I have to say. But I don't think that it's really necessary. It's another tax that you're putting on people that live in -- and, you know, things are very expensive. I have checks and all that go back to 1950s and things like that. Well, it must have been a joy to live then as compared to living now. I thank you very much for hearing me.

P.O. GREGORY:
I've got two people. I've got Trotta, and then Muratore.

MR. NOLAN:
Stay there, ma'am.

P.O. GREGORY:
Ma'am, ma'am. Questions, Ms. Grattan.

AUDIENCE MEMBER:
They're going to ask you questions.

MS. GRATTAN:
Oh, you're going to ask me questions?

(Laughter)

P.O. GREGORY:
You have a lovely hat, we can't just let you go.

LEG. TROTTA:
I'll concur. Tom, you could ask first.

LEG. MURATORE:
Over here, young lady, over this way. Here, over here. I have a question for you.

MS. GRATTAN:
Yes.

LEG. MURATORE:
Do you pay a monthly fee to your -- you have a service, an alarm company that you pay a monthly fee to?

MS. GRATTAN:
Yes, yes, I pay a monthly fee.
LEG. MURATORE:
Do you know how much that fee is?

MS. GRATTAN:
The fee is something like $72.

LEG. MURATORE:
Per year or per month?

MS. GRATTAN:
For the month.

LEG. MURATORE:
For the month, $72?

MS. GRATTAN:
It was less before. This bill that I have now is for the man who came to put --

LEG. MURATORE:
Yeah, that I know, but you pay a monthly charge that the company, if the alarm goes off, they call the house and they say, "Are you home," and they ask you for your password. You pay a fee for that?

MS. GRATTAN:
Yes.

LEG. MURATORE:
Okay. Have you ever had a false alarm?

MS. GRATTAN:
Have I ever --

LEG. MURATORE:
Has the alarm ever gone off accidentally?

MS. GRATTAN:
Has anybody -- has the alarm gone off other than the alarm that I may set off by mistake, no.

LEG. MURATORE:
So you have set it off, you have set it off by mistake?

MS. GRATTAN:
Yes.

LEG. MURATORE:
Okay. But you never had a false alarm other than that?

MS. GRATTAN:
No.

LEG. MURATORE:
Because what I'm getting at here, for my colleagues and for everyone else, is, you know, how do we know or how does the police know that it's a false alarm if you go to the house and no one's there,
but the alarm is ringing? Like the man before you said, the house next to him was burglarized. How do we know that that person that burglarized the house next door didn't stop by his house and shook the door, the alarm went off, and like yours, it sounds, it make makes a noise, so the burglar ran away? So now we have to pay a fee for the possibility of a false alarm when, in fact, someone may have tried to burglarize the house.

**MS. GRATTAN:**
No, that's not the way it works.

**LEG. MURATORE:**
I know that. I know that. In your case, I know that, yes, but that can happen. I could come to your door and shake it and make your alarm go off.

**MS. GRATTAN:**
No, that cannot happen.

**LEG. MURATORE:**
Cannot happen?

**MS. GRATTAN:**
No. You can shake my door all you want, it will not go on.

**LEG. MURATORE:**
Okay. But there are some out there that -- because I know when I was a young policeman in Smithtown, I set off many alarms by shaking the door.

**MS. GRATTAN:**
No. You have to go in and the alarm is a little box.

**LEG. MURATORE:**
It's a sensor.

**MS. GRATTAN:**
You put in your --

**LEG. MURATORE:**
Okay. You don't have them on the entry, you have to get into the house first?

**MS. GRATTAN:**
That must have been a very old system that you're talking about.

**LEG. MURATORE:**
Well, I said when I was a young policeman. That's a long, long time ago.

*(Laughter)*

**MS. GRATTAN:**
I understand, I was married to a policeman, yes.

**LEG. MURATORE:**
It was horse and buggy, actually. My first police car was a horse and buggy.

*(Laughter)*
But, okay. Thank you so very much.

**MS. GRATTAN:**
You're very welcome.

**LEG. TROTTA:**
I just have one quick question, ma'am.

**P.O. GREGORY:**
Hold on, ma'am. Right here.

**MS. GRATTAN:**
Oh, where is that?

**LEG. TROTTA:**
You own your house, right?

**MS. GRATTAN:**
Yes.

**LEG. TROTTA:**
And you pay -- what are your property taxes?

**MS. GRATTAN:**
A lot, maybe 13, 14, 15,000.

**LEG. TROTTA:**
You're probably paying about $2,000 a year for police coverage, somewhere between 18 and 2,000.

**MS. GRATTAN:**
I pay $2,000 a year for police coverage?

**LEG. TROTTA:**
Yeah. You don't even know it, but it is part of that bill. My argument is I concur, I agree with you, you should not be paying this, and I will be introducing a bill shortly to eliminate it, so stand by.

**MS. GRATTAN:**
Oh, the fee that you want to charge now should be --

**LEG. TROTTA:**
I want to eliminate it, yes.

**MS. GRATTAN:**
Oh, that's very nice of you.

* (Laughter) *

**LEG. MURATORE:**
Me, too.

**P.O. GREGORY:**
He's a nice guy like that.
LEG. SPENCER:
DuWayne.

P.O. GREGORY:
Oh, ma'am, you got another.

MS. GRATTAN:
Where?

P.O. GREGORY:
You're popular. Right here, the guy on the end.

MS. GRATTAN:
Evidently, yes.

LEG. SPENCER:
Burgle is an acceptable word.

MS. GRATTAN:
Where are you?

LEG. SPENCER:
Burgle is an acceptable word. Thank you.

P.O. GREGORY:
That was it.

LEG. SPENCER:
That was it.

MS. GRATTAN:
What was it?

LEG. SPENCER:
Burgle is a word.

P.O. GREGORY:
You're done, ma'am. Thank you.

LEG. SPENCER:
Burgle is a word.

MS. GRATTAN:
Oh, burgle is a word, aha.

P.O. GREGORY:
We have another one. Legislator Browning right here.

MS. GRATTAN:
Yes.

P.O. GREGORY:
She has a question for you.
LEG. BROWNING:
Hi. How are you? Now I am the sponsor of this bill and this is to amend what currently exists. Are you aware that -- did you get -- well, let me ask the first question. Did you get the notice in your mailbox that you have to register from the Police Department?

MS. GRATTAN:
No. I found out about this meeting from the man who owns the alarm company.

LEG. BROWNING:
Okay. But -- okay. But prior to this, when this system and this requirement to register was something that was implemented in April of this year --

MS. GRATTAN:
Uh-huh.

LEG. BROWNING:
-- did you receive a notice in your mailbox from the Suffolk County Police Department to tell you that you have to register?

MS. GRATTAN:
Oh, well, the month of April I was in Dallas, Texas.

LEG. BROWNING:
Okay.

MS. GRATTAN:
So that took care of your fee -- your piece of paper, because there was so much mail, that anything that was not, you know, caught for me that was important was heaved out.

LEG. BROWNING:
Right.

MS. GRATTAN:
Otherwise, normally, I'd read it.

LEG. BROWNING:
Okay. So that I wanted to clarify, because what you just said is what I've also heard from my constituents. So you know, that this is something that was implemented by the County Exec's Office in December of last year.

MS. GRATTAN:
Uh-huh.

LEG. BROWNING:
And, however, there -- what the requirements were by the County Exec has in my bill been amended and changed. Were you aware -- I guess I have to ask questions -- that you're required to do a $50 registration, and every year you have to pay to register? Were you aware that that's what is currently in place?

MS. GRATTAN:
What we're talking about now, you mean?
LEG. BROWNING:
Yes.

MS. GRATTAN:
Yes, I am.

LEG. BROWNING:
And the new bill, are you aware that after -- it's a one-time registration now, and that I have eliminated in my bill the re-registration fee, are you aware of that?

MS. GRATTAN:
Was your re-registration fee --

LEG. BROWNING:
Has been eliminated.

MS. GRATTAN:
-- lowered?

LEG. BROWNING:
That's been eliminated.

MS. GRATTAN:
Has been eliminated. No I was not aware that it was eliminated.

LEG. BROWNING:
Okay, okay. And my last question, again, this is something that I agree, this is a hardship on many people and I felt unfair, but one of the issues that the Police Department has was that there's so many false alarms. And like you said, you had a false alarm, your alarm went off accidentally, and there are so many alarm systems that are going off accidentally that the Police Department has to respond to every single one of these calls. So do you agree with the fact that if a resident or a business has -- is a habitual offender with false alarms, that there should be some kind of repercussions?

MS. GRATTAN:
Well, this does not appear -- concern me, because if by chance I happen to set the alarm off, it goes to the central station --

LEG. BROWNING:
Right.

MS. GRATTAN:
-- of the company that has put the alarm on, and they have people that answer that system and call. They'll say, "Trudy Grattan, are you all right," you know, and I'll say, "Yes, I am." And then they say, "Give me the password," and I give them the password. And then they'll say, "Fine. Well, have a nice evening," whatever it is, daytime.

LEG. BROWNING:
Right.

MS. GRATTAN:
But it does not -- it does not go into the Police Department, no. I'm not getting the Police Department involved.
LEG. BROWNING:
But that's only if central station calls the police that the police will show up.

MS. GRATTAN:
Well, the central station will call the police --

LEG. BROWNING:
Right.

MS. GRATTAN:
-- if no one in my house answers it, or if they answer it, they don't give the password, whatever it is.

LEG. BROWNING:
Do you have an alternative number? If you're in Dallas, or Florida, or somewhere, and your alarm system goes off, do you have an alternate phone number for them to contact?

MS. GRATTAN:
Well, what you do, if you do go away for a period of time, you call the alarm system and tell them that from the first of April to the 30th of April you will be away, and it's then up to you to call that alarm system back and tell them that you are back in the house.

LEG. BROWNING:
Right.

MS. GRATTAN:
And that if it does go off and nobody answers, well, then it will be a stranger.

LEG. BROWNING:
Okay. I thank you.

MS. GRATTAN:
You're very welcome.

P.O. GREGORY:
Okay. Ma'am, ma'am, ma'am.

MS. GRATTAN:
Again?

(*Laughter*)

P.O. GREGORY:
Mr. Cilmi would like to ask you a question.

LEG. CILMI:
I just wanted to make sure that you were clear. I didn't want -- I sensed there might be some misunderstanding and I just wanted to make sure you understood. Legislator Browning, who was just speaking with you, asked you if you were aware that she has a bill that would eliminate the --

MS. GRATTAN:
Fifty dollar fee?
LEG. CILMI:
The re-registration fee, you know, the annual registration.

MS. GRATTAN:
That's the re-registration.

LEG. CILMI:
Right. So -- but that's only a proposal at this point. The Legislature has not approved that yet. So, as of now, you still have to pay a renewal fee every year. If Legislator Browning's bill passes, you, as a resident, will no longer have to pay to renew that registration, but only if that bill passes. I just wanted to make sure you were aware of that.

MS. GRATTAN:
Has her bill passed?

LEG. CILMI:
No, that's -- today is the public hearing for that bill.

MS. GRATTAN:
And you're not going to pass it?

LEG. CILMI:
And then after the public hearing is closed, at some point, probably at our next meeting, or maybe after that, we'll vote on it. And then if it passes, then it passes. If not, then it remains the way it is now.

MS. GRATTAN:
Well, why would you want to pass a one-time $50 bill? What are you going to do with that money?

LEG. CILMI:
No, no, no. When I say "bill", I mean the legislation. So it's -- so Legislator Browning has proposed legislation that would change the program such that it would eliminate the renewal fee, which is good. We don't want you to have to pay a renewal fee every year.

MS. GRATTAN:
Well, even the first fee would be silly, it doesn't do anything.

LEG. CILMI:
I completely agree with you, but that is the way it is now. I agree, but that's the way it is now. So only if Legislator Browning's bill passes will you not have to pay a renewal fee, understand? And we won't know if that's going to happen yet until later on in the year.

MS. GRATTAN:
I have to come back next year?

LEG. CILMI:
Later this year, come back this year.

MS. GRATTAN:
It will be my pleasure, sir.

(Laughter)
LEG. CILMI:
Yes, thank you. Our pleasure as well.

P.O. GREGORY:
All right. Mr. Martuci -- Martucci? I'm sorry. And then Eugene Demers.

MR. MARTUCCI:
Good afternoon, everyone. My name is Al Martucci. I am the owner/president of AMI Lock and Alarm Service. I'm here today because since this alarm bill came out, my office has been getting inundated with phone calls of people wanting to cancel their alarm systems because of the fees, commercially, residential.

I have a couple of customers that had some issues where they had a spider. We were not able to get in because they were away. They got $1400 worth of summonses over a period of a weekend. That customer is now cancelling our service. I advised her that she has a contract and that I'll have to take her to court.

In the economy that we're in now, I have more and more customers, after 30 years being in business, having to take them to court. The central station that I use, which is Bob Spetta, which is here today, he could testify. I'm having trouble paying my bills because of the fact that people in the economy can't afford it. And now this coming in, residents, they want to cancel their alarm. And it's going to put a big hardship on our company and probably every other company.

And the reason why I'm here today, I'm extremely busy, but I had to stop what I'm doing to drive all the way here to address this issue, and I'm concerned. And a lot of my customers have expressed to me and the girls in the office, which one of the gentlemen, I don't know which one said it, because I was in the back, I couldn't see, about in your tax bill, we're paying for police protection. Why are we paying for this again? Why are we taxing everybody and killing everybody? It's just ridiculous.

This is going to hurt -- I'm on my way out. I'm getting ready to retire, but my kids are taking over my business and it's going to affect them big time. You know, I have just in Suffolk County probably 4-, 500 accounts, and in this year alone, 75 of them went bye-byes, and now 50 of them, I think it's 55 to date, 55 to date have called my office wanting to cancel, and half of those are with contract and without contract. The ones without contract, I can't do nothing about, but the ones with contract, I will take them to court. Now I've got a customer pissed at me. I'm eventually going to lose them, too. So this is a big hardship, a huge hardship.

Second, I want to make another point, is a lot of my customers did not get this bogus mailing that was sent out. It looked like a piece of junk mail. Half of them threw it away. Half of my customers never received it. They found out about it through our mailing when we did the monthly monitoring. We sent them the bill; said in there, big -- I think it was a yellow Day-Glo color thing so it can get their attention, "Look, go to the website and do this. We're against it, but you better do it, because if you don't, you're going to get a lot of summonses." And this is the issue that's happening right now. And I'm probably not the only alarm company that's pissed off about this, and I'll tell you I'm pissed. This is my livelihood. I built this business from scratch. Came out of high school in -- I was 18 years old, I'm 57 now. I built a huge company and it's going down the toilet because of stuff like this. We're overtaxed and this is ridiculous.

And that's all I have to say. I'm just really pissed off. I mean, this is ridiculous. I mean, a lot of my commercial accounts, they can afford it. But the problem that I have, I do a lot of institutional places and you don't have the same people locking up every day. Doctors, they don't care. They set their system, they don't --
P.O. GREGORY:
Sir.

MR. MARTUCCI:
They forget, whatever. It is -- it's an issue.

P.O. GREGORY:
Sir, I have -- I have several people that want to ask you questions, so you'll be able to get your --

MR. MARTUCCI:
Go ahead.

P.O. GREGORY:
I have Legislator Cilmi, and then Legislator Lindsay. And I have you first.

LEG. CILMI:
Thank you so much for being here. As somebody who used to own a small business, I completely empathize with your situation. I was one of six members of this body that opposed this legislation from both parties. And I have no problem with charging people when there are multiple repeated false alarms that are not being addressed, five -- four, five, six, whatever it is. But there's absolutely no value to the County or to you to have you -- or to your customers, to have you register your alarm system with Suffolk County and collect a fee to do so.

Continually, we treat business here in this County like second-class citizens, and we think that you're an ATM and we can keep digging into your pockets for this kind of fee and that kind of fee, and without any impact at all. And the fact is that there is impact, and some of those impacts are not so obvious to us. I don't know among this body who might have expected that alarm companies would lose business as a result of this. Certainly, it was brought out in the debate. In fact -- and I'm getting get to my question for you in a second. But when this idea was proposed, the Police Department came to us and said that we have seen in other jurisdictions the number of false alarms decrease, and they proposed it as a means to decrease false alarms, and they said they've seen false alarms decrease in other jurisdictions. And I believe then and I believe now that that's at least partially, if not mostly, a result of people cancelling their central station monitoring service. So, obviously, false alarms are going to decrease when the Police Department isn't getting notified of your false alarm or of your alarm in the first place.

So I guess my question to you, as somebody in the business, is, is there some sort of an industry association that can present to this body factual information with respect to your decline in customers that you've seen sort of all of a sudden after this law was passed?

MR. MARTUCCI:
I don't know. We'd have to -- I'm a member of the Long Island Alarm Association, as are a couple of members that are here tonight. I used to be on the Board. I know we have somebody from the State here, they might be able to address that issue better. I am not aware of it. I just know with my company, every phone call is recorded coming in, and I looked at it last night shaking my head, and I said I have to go to this meeting today, because this is going to impact our industry. And if it's impacting us, it's got to be impacting other companies.

LEG. CILMI:
No doubt. I would ask you to get in touch with your associations.

MR. MARTUCCI:
See, let me just -- not to interrupt you.
LEG. CILMI:
Go ahead.

MR. MARTUCCI:
A lot of my customers expressed they're not concerned about the $50 fee so much or the $100 fee, it's the fines. See, I do a lot of work for Stony Brook University and all the facilities and they don't have an issue, because they have the money, but they have an issue with the fines. I got a phone call from the head administrator today and he says to me, "What are we going to do about this?" Now I've implemented in my company, call the premise first, three people on the contact list, put the P.D. down at the end. It's great, until recently, and I'm not really sure, because I'm going there after I leave here. One of my customers said, "By the time the cops got here, it wasn't a false alarm. They did break in, they did break window. They didn't get anything, scared them away. Is that considered a false alarm?" I'm waiting to see if he's going to get, you know, some sort of summons.

So these are the things that most of the people that I've been speaking to don't object to $50 fee, don't object to $100 fee. There's some residents that might that are seniors, you know, stuff like that, that might. Like this woman that came here, it might be a hardship on her. But the issue that most of the customers that I've been speaking to, okay, and other industry people, it's the fines that are the killer.

LEG. CILMI:
Well, there are certainly many problems associated with the program, many problems associated with the fines themselves. I disagree with the fee completely, I think it's a tax. But the fine structure there are many, many problems with, one of which is if you're -- if you're a resident -- we're here today working, right? If my alarm company calls me and says, "Mr. Cilmi, your alarm's going off in your house," well, what am I supposed to do? Do I leave work to drive 20 minutes to see what's going on? And by that time, have the police already arrived? And, you know, if you're a business owner who owns multiple businesses, maybe in different areas, maybe you live in Setauket, but your business is in Islip, it's going to take you some time to get from your residence to that business to see what's going on.

So I completely agree with you. I'd like nothing more than to see this program disappear entirely. And I would urge you to get with your association --

MR. MARTUCCI:
I think it was set up as a sham the way it was introduced, you know. And I was away over the winter. When I came back, I came back to this, and I'm like what is this?

LEG. CILMI:
Yeah. So I would --

MR. MARTUCCI:
I received it in my own home.

LEG. CILMI:
I don't want to monopolize anymore time. I would urge you to get with your association. See if the association can put their fingers on how many people, how many of their customers have eliminated their central station monitoring as a result of this, and tell each and every one of the association members to either submit a letter to us, or come here, take the time, this is your business, come here and take the time to speak to us about this, because, unfortunately, not enough of -- not enough business people come to this Legislature and share, you know, the impacts of what we do here on their -- on their business. So thank you.
MR. MARTUCCI:
Thank you.

P.O. GREGORY:
Okay. Bill, and then Al.

LEG. LINDSAY:
Good afternoon, sir. Thanks for coming in. And let me just preface my questions by saying I was one of the people who voted against the bill. But I do see that there is a problem that exists, and that's where we have an excessive amount of false alarms. In some instances, we heard from the Police Department that they're getting hundreds of false alarms from one particular or several particular commercial businesses. What -- outside of this, how do we combat that? Because, obviously, I think you would agree that that's a problem.

MR. MARTUCCI:
It is a problem.

LEG. LINDSAY:
If we have that many false alarms at one location, God forbid anything real ever happens there and it's like the boy who cried wolf, no one's going to show up.

MR. MARTUCCI:
You're absolutely right. I can't talk for other companies, but our company has a very strict policy. If an alarm goes off, and, again, Bob Spetta can testify to this, I have to be e-mailed on my -- I want to know, and I annoy the girls. Every call comes to my phone, because I address it immediately. I go to the place and I tell them, "Listen, we need to fix this, whatever it is." If they don't want to fix it, I'll put it on test, or whatever the case may be. I try, with my customers anyway, to limit the amount of false alarms. I've implemented, like I said before, three calls, you know, but that's not the issue. I don't have that many false alarms. It's not -- don't misunderstand me. It's not like my alarms are going off all over the place. They're hardly -- when they go off, it's usually for a reason. My customers are concerned, "What if my babysitter. I'm out at the movies, my babysitter doesn't know how to work the alarm. Trying to protect the kids that she's watching, it goes off accidentally, she let's the dog out," whatever the case maybe, that's what they're concerned about.

What my businesses are concerned about is, the corporate world that I'm in, it's not the same guy setting the system every day. He may be a facility guy that may go here today, there tomorrow, and you may not see him for six months, because a lot of these facilities that I do, they're fellowships. Like with Stony Brook University that we do work for, they have different people every day. If they're changing, they're calling my office every day, "Take this one out, put this one in, take this one out." So those are the ones that are concerning me, and those are the ones -- those are my big dollar accounts. I start losing them, it's going to be a big hardship.

LEG. LINDSAY:
You know, and I appreciate that and I sympathize with you. On that -- back to my question. How -- obviously, it sounds like you run your company maybe a little bit differently than some others. I could tell you from sitting with 911 operators while they're taking these calls, the operators themselves know this is a place we get a false alarm almost every day, but they still have to follow all their procedures and policies, dispatch a vehicle. And while that car is attending to that, what is most likely a false alarm, they're not able to go somewhere else. We only have a certain number of Police Officers. So what could we do as a regulatory body to try to get maybe not your company but other companies to be more diligent in policing those false alarms?
**MR. MARTUCCI:**
Well, the only thing that works for us is doing what I've done, the three, three calls before P.D. I even have some customers saying, "I don't want to call P.D.," you know.

And going back to one person saying that he was getting a gun, I actually have two customers that have permits that said, "Don't worry about calling the P.D., I'll respond." I was like, "Really?" I'm like, you know, "You guys are really going to go in the building?" So it's an issue, you know.

**LEG. LINDSAY:**
Okay. Thank you.

**P.O. GREGORY:**
Okay. Legislator Krupski.

**LEG. KRUPSKI:**
Good afternoon. Do you do any business in the five East End Towns with your company?

**MR. MARTUCCI:**
No.

**LEG. KRUPSKI:**
Okay. Because -- excuse me -- the five East End Towns have had this on the -- this law on the books, similar law, for a long time, and it was in response to the number of false alarms, the amount of time that the police had to spend going to false alarms. And as a response in that, they passed -- they all passed laws of varying degrees to try to discourage false alarms, to make sure people -- you sound like you're really on the ball in your business, but to try to, you know, make sure that everyone's equipment is up to date and properly maintained, so they don't have that -- the police running to what they think could be a crime scene, when, in fact, it's not, okay? So the -- are you aware that there is a -- Legislator Browning's legislation calls for three strikes, you're out? Currently, there's two, so you get two free false alarms.

**MR. MARTUCCI:**
I still don't think it's enough, personally.

**LEG. KRUPSKI:**
So how many? Because the Police, the Suffolk County Police Chief, you know, came in here and spoke and said, you know, they're responding to over 96,000 false alarms a year. And if you look at the amount of policing that is, when they could be putting, you know, everybody at risk responding, and then there could be something, a real emergency that they should be responding to instead. That's a serious -- that's a serious matter.

**MR. MARTUCCI:**
But I could tell you one thing. This is going to be a hard subject for me to talk about. Last year my mom and dad passed away, 96 and 93. My dad set off the alarm, lives in my house, and I was on my boat. I looked at my cameras immediately and I saw there was no issue going on. Called central, they couldn't circumvent it. It took them 45 minutes to get there. My dad could have been dead. So if I'm paying for, or my customers are paying for this fee, and permits, and all this other stuff, the least they could do is respond quicker. And then the reason why I watermarked it, because I looked on my cameras and I says, "Okay, the incident started at this time." And I watermarked my cameras and said, "Okay." Forty-five minutes later the cop came; never went to the door or walked around the building. Got back in his car and left. I called the precinct, I asked for the C.C. number. I asked for the cop to find out if the police come to the house. "Did you go around the house?" He says, "No, yeah, I did." I said, "You didn't, because I saw it on camera." So
that's just my incidents, you know.

So, I mean, I don't have a problem with the cops, I work with the cops a lot, a lot of my family are cops. I get what you're saying, but the biggest concern that I'm hearing, from my customers anyway, they'd rather have a higher fee for the permit fee and no fines. The businesses can -- you know, yes and no, they can afford it. But this is the issue that I think, the biggest -- the biggest complaint that I'm receiving from my customers. It's not so much the residence end of it, they're concerned about the fee. They like the idea that it's going to get amended to one fee. They could deal with that, okay? The business end of it, they're concerned because I have, like I said, one customer, $1400. And this is just the beginning, because it's only been just starting.

Now I've been trying to set up whatever customers that we have. We're trying to do another thing, two zones, one zone just notify if the zone goes off. If two zones go off, then call P.D. So we're trying different tricks, I am, anyway, on my end. The other thing I'm doing is sending a mailing out. I says, "Install cameras at your house," because if we give access to the central station, we could look live and say, "Okay, there's somebody there, it's not a false alarm." But if the cops get there and they say, "Well, we just got here, there's nobody here," well, guess what, there was somebody here ten minutes ago, you didn't get there quick enough, so my customer doesn't get a fine. So that's something else.

And I actually have two customers that are slated for this week, one on Thursday and one on Friday, to put cameras in because of this reason, because they're away a lot. And he's like, "How do we address this issue?" I said, "Put cameras in. This way you can look at, I can look at it, the central station will look at it. We could see if there's a real problem." So that's another way of doing it. I'm trying on my end to do it. I don't know. I can't speak for other alarm companies. You know, I'm trying on my end. But I'm just trying to be here today to voice the opinion, because I'm concerned about losing revenue, losing customers and my business going away. After working so hard, I don't want to see that happen.

LEG. KRUPSKI:
Thank you for your input. Thanks for coming today.

MR. MARTUCCI:
Thank you. Any other questions? Am I done?

P.O. GREGORY:
Okay. Legislator -- yeah, we have several more. Legislator Muratore.

MR. MARTUCCI:
Okay.

P.O. GREGORY:
And then Legislator D'Amaro.

LEG. MURATORE:
Yes, thank you for coming. A question. If we were to repeal this licensing format, would that help your business?

MR. MARTUCCI:
Absolutely.

LEG. MURATORE:
Absolutely. So, you know --
MR. MARTUCCI:
Just for me alone.

LEG. MURATORE:
I understand. I see you’re doing a lot to circumvent the problems. I mean, the argument was, you
know, the cop -- and I was a cop for 35 years, so I know a little bit about going to alarms and false
alarms. And you can go to an alarm and it looks like nothing there, and like what happened with
you, you know, all we did was walk around, or sometimes we’d say we did when we didn’t. But I
see you doing a lot to try and help the situation, a lot of your commercial accounts, and I see you
losing a lot of business.

MR. MARTUCCI:
Definitely.

LEG. MURATORE:
So I would ask my colleagues maybe to think about doing something before we start making a lot
money from this and we can't afford to lose that income. It’s like you getting an account, you know.
A tax is like an account for us. You know, we make a profit from it and we pay the bills with it. But
if we can think about rescinding this tax on -- or this registration fee on alarms, I think it would help
the people, you know. And I do believe there are -- as good as the systems are, false alarms can
happen. You know, a spider could do it, you know. Somebody could go by, a bad guy could come
by, shake the door and maybe set off that sensor that’s on the door. Even with new technology
today, I believe it can happen.

MR. MARTUCCI:
It can happen.

LEG. MURATORE:
I believe people are going to pay a fine for a false alarm that, in fact, was not a false alarm.

MR. MARTUCCI:
Right.

LEG. MURATORE:
So that's -- you know, that's my feeling on it. Thank you for your time.

MR. MARTUCCI:
Thank you. Anybody else?

P.O. GREGORY:
Legislator D’Amaro.

LEG. D’AMARO:
Okay. Hi. Thanks for coming down today. It’s a good education, and you’re right on the front lines,
so it’s very informative, I appreciate that.

The Second Precinct Inspector, Christopher Hatton, told us that in 2015, there were 97,000 false
alarms in Suffolk County. It consumed 32,000 patrol hours, and it cost the Department more than
2.1 million to respond to those false alarms. So just to give you a sense of, you know, what the
Legislature was looking at at the time that this bill was presented to us for consideration.

I find it interesting that you have stated that the real objection is to the fine and not the fee, not the
registration fee, right?
MR. MARTUCCI:
My customers, anyway.

LEG. D'AMARO:
Your customers. Yeah, we're only talking about yours.

MR. MARTUCCI:
Like I said, I can't speak for other customers. I'm only going by what, you know --

LEG. D'AMARO:
Right, right.

MR. MARTUCCI:
-- coming through my office.

LEG. D'AMARO:
Because in my office, I found the opposite, where when the notifications went out for those who did receive it, the complaint was more about the -- you know, now I have to go pay a $50 fee every year just for the privilege of maintaining an alarm in my home. And I think Legislator Browning, who's put a bill in now to make that a one-time fee, you know, if there's an administrative cost, that's fine. But it's a one-time fee, I think goes a long way in hopefully resolving that.

So let me get to my questions. Just educate me quickly. If I have a three bedroom home and I want to put a decent alarm in, what's the cost of doing that?

MR. MARTUCCI:
It depends, you know, if you're going to do all the windows, the doors, or you're just going to put motion sensors --

LEG. D'AMARO:
Well, the things that would lead to false alarms.

MR. MARTUCCI:
I'm sorry?

LEG. D'AMARO:
Anything that would lead to a false alarm, I would say. I mean, what's a middle, average system?

MR. MARTUCCI:
Well, first of all, I don't do free alarm systems, so whatever I do is not -- I'm not Slomans and ADT that I can afford to do free alarms. So I would do every protective point. So, let's for argument's sake, you know, $100 a point, meaning a window or door. Times it by the amount of doors or windows you have in your house, and a couple of motion sensors.

LEG. D'AMARO:
So a couple of thousand dollars?

MR. MARTUCCI:
So an average house, you know, I don't know, maybe a couple of thousand dollars.

LEG. D'AMARO:
Couple of thousand, okay. And then -- so now I have the alarm in place. Does your company charge a maintenance fee, a weekly fee, a monthly fee, an annual fee, any kind of fee?
MR. MARTUCCI:
Uh-huh.

LEG. D’AMARO:
What do you charge?

MR. MARTUCCI:
We charge the monitoring. Well, it depends. Some could be as little as $18 a month, could be as high as $36 a month, depending on what they're getting.

LEG. D’AMARO:
Between 18 and 36 a month.

MR. MARTUCCI:
Or opening and closings. I have a lot of customers. In my own home, I have opening and closings.

LEG. D’AMARO:
So that's the minimum fee I could get away with is about $200 a year?

MR. MARTUCCI:
Give or take, yeah. There are companies that do them a lot cheaper. There are companies that do them for $12 a month.

LEG. D’AMARO:
Okay. So what's the difference between what you offer and what they offer?

MR. MARTUCCI:
It's the same thing, it's just that, you know, they give cheaper prices, I guess, I don't know.

LEG. D’AMARO:
Okay. All right. So it costs you maybe a couple of thousand to put in the alarm, and then you play like a couple of hundred for just the basic, I guess, whatever your company does.

MR. MARTUCCI:
Monitor.

LEG. D’AMARO:
Monitor. Then my alarm goes off, whether it's false alarm or not false alarm, do you have a fee for that?

MR. MARTUCCI:
Within the first year, no, we take care of everything.

LEG. D’AMARO:
Okay. What about after the first year?

MR. MARTUCCI:
After that, it's a $95 road call, plus parts. Now, if I go there --

LEG. D’AMARO:
What do you mean parts? What's parts?
MR. MARTUCCI:
Well, if a motion sensor is bad --

LEG. D’AMARO:
Oh.

MR. MARTUCCI:
-- and it's got a warranty and I have to change it.

LEG. D’AMARO:
Sure. Well, that's fair.

MR. MARTUCCI:
You know.

LEG. D’AMARO:
Yeah. So when you respond, it's a $95 charge, whether it's a false alarm or not.

MR. MARTUCCI:
Walk in the door.

LEG. D’AMARO:
Okay. All right. So then -- so then --

LEG. CILMI:
They don't respond to alarms.

LEG. D’AMARO:
I'm sorry?

LEG. TROTTA:
They're not responding to the alarm.

LEG. CILMI:
But they're -- I'm sorry, Mr. Chair. They're not responding to alarms.

MR. MARTUCCI:
No, we're not responding.

LEG. CILMI:
He doesn't respond to an alarm.

LEG. D’AMARO:
I'm saying when the alarm goes off.

MR. MARTUCCI:
No.

LEG. CILMI:
No, he doesn't respond to that.

MR. MARTUCCI:
It goes into central station. Central station has a protocol, and they'll -- whatever the protocol is, or
whatever me and -- you know, the customer and I decide what we're going to do. Let's say for argument's sake we're going to call the premise first and we're going to call the homeowner --

**LEG. D'AMARO:**
I understand that.

**MR. MARTUCCI:**
-- his wife, or whatever.

**LEG. D'AMARO:**
But what I'm saying is that no matter what you and the customer decide to do, you have a $95 fee.

**MR. MARTUCCI:**
That's for service.

**LEG. D'AMARO:**
Right.

**MR. MARTUCCI:**
Right.

**LEG. D'AMARO:**
That's what I'm saying.

**MR. MARTUCCI:**
Yeah.

**LEG. D'AMARO:**
So you're not responding to the alarm, you're deciding what to do about the alarm.

**MR. MARTUCCI:**
Right.

**LEG. D'AMARO:**
But once the alarm goes off, there's a $95 fee.

**LEG. CILMI:**
No.

**MR. MARTUCCI:**
No, no, no, no. You're missing the point.

**LEG. D'AMARO:**
Okay.

**MR. MARTUCCI:**
If I install a system today --

**LEG. D'AMARO:**
Right.

**MR. MARTUCCI:**
-- I would warranty it for one full year. Anything goes wrong with it, we take care of it, doesn't
matter, even if it's customary.

LEG. D'AMARO:
Right.

MR. MARTUCCI:
Even if a dog chews something off the door and a kid hits it with a baseball bat, we're fixing it.

LEG. D'AMARO:
Oh, okay.

MR. MARTUCCI:
Free.

LEG. D'AMARO:
Okay.

MR. MARTUCCI:
After the year, if a kid shoots at a motion sensor with a BB gun, or whatever, then I charge to repair it.

LEG. D'AMARO:
Oh, I see. So you're talking about a service charge for a --

MR. MARTUCCI:
Exactly, it's service charge.

LEG. D'AMARO:
-- service call to fix the alarm.

MR. MARTUCCI:
It's not a fee for, you know, like a service contract fee, no.

LEG. D'AMARO:
I got you.

MR. MARTUCCI:
I do have service contract fees for my commercial accounts, yes.

LEG. D'AMARO:
So there's no -- there's no fee when the alarm goes off, it's if the alarm needs to be fixed or maintained.

MR. MARTUCCI:
Right, to maintain it.

LEG. D'AMARO:
Well, that's a normal service charge.

MR. MARTUCCI:
Right, exactly.
LEG. D'AMARO:
So -- all right. So if I have a false alarm, possibly it's because of defective equipment, but maybe not, who knows.

MR. MARTUCCI:
You know, in today's world, we're not in the era of foil. I don't know if anybody remembers foil that used to be on the windows. It was a nightmare in the '80s.

LEG. D'AMARO:
Yeah.

MR. MARTUCCI:
I used to run around my tail. That's why I'm so thin, because I used to chase service calls, okay? You don't have that as much anymore, very, very rare. Ninety-nine percent of the problems, it's usually certain times of the year I've noticed spiders come out, cause issues with, you know, motion sensors, and then you also have other issues, usually customer error.

LEG. D'AMARO:
When you -- when your company gets -- an alarm goes off, do you track whether they're false alarms or not false?

MR. MARTUCCI:
Absolutely.

LEG. D'AMARO:
You do? And what's --

MR. MARTUCCI:
Every morning, the first thing I do when I get up out of bed is I look at my iPad and check what the history is.

LEG. D'AMARO:
Right.

MR. MARTUCCI:
Central station sends me a report. It's -- religiously, it's done every day.

LEG. D'AMARO:
So what -- how many false alarms do you -- does your company get?

MR. MARTUCCI:
Very few.

LEG. D'AMARO:
Very few?

MR. MARTUCCI:
Very few.

LEG. D'AMARO:
How many?
MR. MARTUCCI:
Less than a half a percent.

LEG. D'AMARO:
No. I mean numbers, how many?

MR. MARTUCCI:
Oh, one or two, three a night, maybe.

LEG. D'AMARO:
A night?

MR. MARTUCCI:
Yeah.

LEG. D'AMARO:
Okay. So that's about 1,000 a year?

MR. MARTUCCI:
Maybe. But, again, they're not what I call -- all right. The best way to explain it is it's hard for me to judge that barometer, because a lot of my customers have opening and closings, so when it comes in. Actual alarms, okay, or false alarms, if you want to call it that, maybe one or two a week. Alarms coming in every night are different. Maybe, like for instance, somebody goes in a facility, trips an alarm and they'll call central and they'll say, "Oh, password." Okay, boom, we don't dispatch. That's an alarm, as far as I'm concerned. I look into the history of that and say, "Okay, I don't need to respond to that, because it was a customer error issue." But now the one that goes off at 2 o'clock in the morning five times, let's say, next morning, "Hey, I need to get in there. I'm sending one of my guys in there." We're going to repair it, fix it --

LEG. D'AMARO:
Right.

MR. MARTUCCI:
-- replace it, whatever it is.

LEG. D'AMARO:
Well, any -- a false alarm is, you know --

MR. MARTUCCI:
But I have very few false alarms. I want to make that point very, very clear. My systems are tight. I am very anal about my systems. I am very anal about my systems. I make sure the minute there's a problem -- a brand new system that I put online today --

LEG. D'AMARO:
Right.

MR. MARTUCCI:
-- does not go -- I tell the central station no dispatch for two weeks, because if it's a brand new system, whether it's a homeowner or a business, they are not going to know how to use it. I don't care how much tutorial I sit there and explain to them, it goes in one ear and out the other. They want me out of their house and business and they want to go and have dinner.
LEG. D'AMARO:
Right.

MR. MARTUCCI:
They're not going to hear me. I'm going to get a phone call in three days, "Hey, Al, how do I set this thing?" Common problem, so I put a protocol into effect. I tell customers, "You have two weeks, figure it out," and we do that. And then I have customers call me up and say, "Listen, we're still not getting it, you know, we're having an issue where we keep tripping it." So we'll go there and we'll check it. So there are things that I'm doing on my end to fix it. That's why I'm so adamant about this, because I don't know about other companies, I can't talk for other companies, but I know what I do with my company.

LEG. D'AMARO:
Well, to me, a false alarm -- the issue that this legislation was trying to address was a false alarm in the sense that when the police responded, it was not a criminal situation, let's say.

MR. MARTUCCI:
Right.

LEG. D'AMARO:
It was more of whether it was the wind that set it off, or a homeowner accidentally set it off, or, you know, someone opened the door and forgot the alarm was armed, you know, whatever it could be, that's -- they're all false alarms.

MR. MARTUCCI:
No. Well --

LEG. D'AMARO:
Right?

MR. MARTUCCI:
You may call it a false alarm, but it may not be a false alarm.

LEG. D'AMARO:
What would you call that?

MR. MARTUCCI:
As far as I'm concerned, you could have a lot of issues with a false alarm. You could have a spider that's crawling in the place. Is it a false alarm?

LEG. D'AMARO:
Sure it is.

MR. MARTUCCI:
Yeah, but I could go there and clean those spiders and they could be back tomorrow.

LEG. D'AMARO:
Right, I agree.

MR. MARTUCCI:
Okay?
LEG. D'AMARO:
I agree.

MR. MARTUCCI:
So what we do now is when I see an issue with my customers, let's say I have one specific customer has an issue with one motion sensor every night. So what we did was we coupled two motion sensors together, so now they both have to go off to generate an alarm. Problem solved. So --

LEG. D'AMARO:
Right, that's a good thing. But my -- you know, my point is only that from the County perspective, when that spider sets off the alarm, that's pulling a cop away that could otherwise be fighting crime and gangs in Huntington Station. See? So there's competing interests here. It's not anyone's faults that that alarm went off, but that's a false alarm, and I am using taxpayer funded resources to respond to one homeowner's false alarm.

MR. MARTUCCI:
It goes back to what --

LEG. D'AMARO:
Just saying. So my -- this is the point that I'm making, all right? So you're saying you have about 1,000 false alarms a year, okay? So now you multiply that by the number of alarm companies, and that's where the police come out with testimony --

MR. MARTUCCI:
That's when I corrected myself.

LEG. D'AMARO:
-- about 97,000.

MR. MARTUCCI:
That's when I corrected myself. A false alarm, when I'm -- in my company, anyway, I consider a false alarm in general a false alarm. And then I look at it and say, "Okay, what was the real false alarm?" Was it customer error? That's not a false alarm, it's gone. I look at the overall number. You misunderstood me when I said that. The overall number of what I see is that, and then I chop it down and say, okay, this is customer error, this was, you know, a real alarm, broken window, a real break-in, and this was maybe a spider or a cat, or a bird got into a building. I have a warehouse that had a bird in the building all weekend, and that's the customer I was talking about before, $1400 worth of summonses later.

LEG. D'AMARO:
Right.

MR. MARTUCCI:
And I was understanding that, and correct me if I'm wrong, it's within the 24-hour period, because is a weekend considered -- you know, it happened on a Friday night and it kept going off all weekend, Friday, Saturday and Sunday.

LEG. D'AMARO:
Well, I can answer that. I could suggest to you, if that's a question, that the bill or the law right now provides that there's an appeal process where you could make the argument that, "Look, you know, maybe I got four summonses, but it was the same bird."
MR. MARTUCCI:
Right.

LEG. D'AMARO:
You know, so I don't know where that lands or how they deal with it, but at least there's a remedy for it.

MR. MARTUCCI:
Well, I know that I had to give evidence to one of my customers recently, because to show that it was the same zone running off.

LEG. D'AMARO:
Right, right.

MR. MARTUCCI:
They were away and the bird was in the building.

LEG. D'AMARO:
Right. Okay. Just a couple of more things. So, again, going back to the $50 fee, in your experience, it's not as much a deal-breaker as is the fines for the false alarms.

MR. MARTUCCI:
With my customers, yes, it's the fines.

LEG. D'AMARO:
Right.

MR. MARTUCCI:
That's the big issue.

LEG. D'AMARO:
So I think, though, under the current law, if your -- if you register, I think on the first response you only get a warning.

LEG. TROTTA:
First two.

LEG. D'AMARO:
First two. First two? So are they calling you after the third alarm and they get charged with a fee?

MR. MARTUCCI:
The ones that are calling me was -- the only customer that had a real issue where they were getting summonses is the one customer that was away, there was nobody here to respond.

LEG. D'AMARO:
Right.

MR. MARTUCCI:
And other customers that are calling me are in protest of it, because they're saying they're not going to pay it.

LEG. D'AMARO:
Okay.
MR. MARTUCCI:
"Cancel my service."

LEG. D’AMARO:
You mean after the third?

MR. MARTUCCI:
That's why I'm here today, because if they -- they're not going to pay a summons.

LEG. D’AMARO:
So they're saying, even though -- after the third false alarm, they're saying to you, you know, "I just don't want to even take that chance, I'm just going to cancel my alarm service"?

MR. MARTUCCI:
Exactly. So they're not even saying -- they don't even want to get the permit. They don't want to take the chance of getting, you know, summonses. "Just cancel my service. I'm out of contract, cancel my service." The ones that are in contract, I have to.

LEG. D’AMARO:
But the ones that are not in are saying to you, "Even though I can get two free false alarms, I want to cancel my alarm"?

MR. MARTUCCI:
Yeah, exactly.

LEG. D’AMARO:
How many people have done that?

MR. MARTUCCI:
I have 54 to date.

LEG. D’AMARO:
Fifty-four?

MR. MARTUCCI:
Fifty-four customers.

LEG. D’AMARO:
And how -- before the bill went into effect, how many people would cancel in the same time period?

MR. MARTUCCI:
Maybe 12, 13 a year. You know, and some people are cancelling because they sold the house.

LEG. D’AMARO:
Right, right.

MR. MARTUCCI:
Some people didn't want to take it over. Some people fell on bad times, hard times.

LEG. D’AMARO:
Right.
MR. MARTUCCI:
I had a woman who lost her husband and she called me up, she says, "I'm in contract, I know you can sue me." I says, "You know what, you and your husband have been customers of mine for 15 years."

LEG. D'AMARO:
Right.

MR. MARTUCCI:
"The alarm system for next year is on me."

LEG. D'AMARO:
Okay.

MR. MARTUCCI:
I couldn't do it to her, she was scared.

LEG. D'AMARO:
So 54 people from January until today have told you, "I am cancelling my alarm service, because on the third false alarm, I have to pay a fine"?

MR. MARTUCCI:
That's why they're --

LEG. D'AMARO:
That's what you're saying.

MR. MARTUCCI:
That's what they -- that's what --

LEG. D'AMARO:
And what's your total customer base?

MR. MARTUCCI:
Excuse me?

LEG. D'AMARO:
What's your total customer --

MR. MARTUCCI:
Just in Suffolk?

LEG. D'AMARO:
Yeah, roughly.

MR. MARTUCCI:
Oh, probably somewhere in the area of about 3- to 400 accounts.

LEG. D'AMARO:
Okay. Well, it's -- I appreciate your testimony. I do agree with you, that we have to be very careful. This is not like fining criminal activity. I understand that.
MR. MARTUCCI:
It's going to hurt a lot of businesses.

LEG. D'AMARO:
Well, but it's also, you know, again, the balance of, you know, using taxpayer police-funded police where --

MR. MARTUCCI:
And that goes back to my argument before.

LEG. D'AMARO:
But let me just finish. The purpose of --

MR. MARTUCCI:
We're paying our tax bill.

LEG. D'AMARO:
The purpose of the law was not to do it on the first time, not to fine you on the second time, giving that benefit of the doubt that, look, false alarms happen, we get it. But by the third, fourth and fifth time, when you're pulling those police resources out of our communities and putting it to people who just don't give a damn and don't fix the cause of their alarm going off incorrectly, that's what the law is aimed at.

MR. MARTUCCI:
I can't answer for other companies, again.

LEG. D'AMARO:
Okay.

MR. MARTUCCI:
I only know with my company, I'm very anal about that.

LEG. D'AMARO:
I appreciate that.

MR. MARTUCCI:
You know, we have a company policy, respond within one hour, fix within 24.

P.O. GREGORY:
Okay. Thank you. And, Lou, not to debate the bill, but just a point of information. I think if you don't register and you get a false alarm, you get banged the first time, you don't get the two free.

MR. MARTUCCI:
Yeah.

P.O. GREGORY:
Because that happened to --

LEG. D'AMARO:
Yes. And that's why I appreciate Legislator Browning's bill. Once again, on that first time, if you register within 30 days, you don't pay the fine.
P.O. GREGORY:
Right.

MR. MARTUCCI:
And I believe that's what happened with this customer of mine, because it's a seasonal business. And they were away for the winter months and they didn't come back until -- I think it was June when it started. The next thing you know, they didn't know. They never got the mailing. Had a false alarm over that weekend, because they were away, they were taking their son, I don't know, someplace, and they went away again, they came back. Next thing you know, "What do I do with these fees?" So now they have to -- I guess they have to go to court, I'm assuming. I don't know what the logistic on that end is.

P.O. GREGORY:
Right. We have several more. Legislator Hahn, and then Legislator Calarco.

LEG. HAHN:
Hi there. I really appreciate you taking the time to come out. I know a lot of people don't do it. A lot of people don't come down here to express their concerns, their ideas, etcetera. I really think we need -- and I thought we had met. The County Executive and the Police Department in drafting this had met with industry representatives working out some of this. And I very much respect the fact that you are an anal business owner who is on top of things; not all businesses are.

MR. MARTUCCI:
It's not just about the money with me, this is my passion.

LEG. HAHN:
Yeah. No, right, it's your passion, it's your life's work, it's -- you know, this is what we need every company to be doing, is being on top of it, so that the number of calls that go to 911 are the ones that need 911.

MR. MARTUCCI:
I agree with you.

LEG. HAHN:
Because I hear from residents who are mothers of four that live on a block with three drug dealers, two gang members, and they're concerned about what we're doing about the opiate epidemic, and they don't want to be told that the cops on the street were responding to a building with a bird flying around.

MR. MARTUCCI:
Well --

LEG. HAHN:
I'm sorry, but --

LEG. TROTTA:
Through the Chair.

LEG. HAHN:
I'm sorry, but the bird flying around a building should not get a response from a police officer. And there's a flaw in the industry where systems are calling 911 over and over and over and over and over again because there's a bird in the building. And the industry cannot operate on the backs of our Police Department. The service that you're providing cannot be calling the police when there's
not an emergency. So I very much think that there are issues here that can be worked out. We can all come back to the table and figure this out, but we cannot have 96,000 false alarms. Let me tell you a story, and this is a --

P.O. GREGORY:
Questions.

LEG. HAHN:
No, I'm going to -- I'm sorry, I sat here and listened to everybody else. And I'm asking you a question, because I'm getting to the spider.

My father is a volunteer firefighter in Stony Brook Fire Department, has been for 48 years. It's a little bit different, because Fire Department calls, smoke detectors are exempt. Growing up, I heard the alarm go off every single night for the Stony Brook Boys School. It's now called the Stony Brook School, it's private school dormitories. Every night, three times a night for six months, the Fire Department went to the Stony Brook Boys School. They finally figured it out. There were spiders in the smoke detector alarm system. You -- it like makes me so upset thinking about these people getting out of their bed every night, several times a night, and they could not say no, even -- you know, even after the first week of doing, because the children in those dormitories, what if it was real?

Some of the response times, some of what you talked about, the guy who didn't actually go and walk around, it's because 96,000 calls a year are -- you know, it's, again, 96,000 false alarms. They're going to say, "I don't have to go up there, it's just an alarm call, it's just an alarm call." And so I really, really do believe that we can get to a place where folks -- you know, there's a level of service here. We do pay for police protection. It's so much more than responding. You know, folks who have an alarm system get a higher level of service, and we can work this out so that they're only responding when there's a real emergency. And you're getting some up-sales with cameras and things, and I don't know -- I don't have the answers here, but I think if we all sat down, we can come to a place where you're providing a service, we continue to provide the best service, but we also are taking care of the real problems that are in our community and plaguing our streets.

MR. MARTUCCI:
I agree with you 100% on that. You know, not for nothing, but last night, I had a personal situation last night. Came home about 10 o'clock from Oyster Bay, after looking at a job, and my CO detectors went off in the house. It was 220 parts per billion, I believe. And I went to my personal detector, because I carry them, because I make all my guys carry them now, because we go into boiler rooms working on alarms, and we're going into where this stuff is, so I want them. So I walked in. I went to my truck and I got it, I walked back in my house and it was high. And I called the Ronkonkoma Fire Department and they responded, and there was CO present, okay? So I get the false alarm issue, I get it with a lot of things, you know, but, you know, we need to address this. I think, whether it's this body or the Police Department, I think we need to get back to the drawing board and kind of abolish this thing and start fresh.

I don't think anybody in the industry or in this County is objecting against certain regulations. Look, unfortunately, it is what it is, where I get it, the police have to make their money, there's overtime, but I think we need to redraft this and start from scratch. And I think we need to just sit down with the Long Island Alarm Association, with a lot of members that are here today, sit down with the Board and make this happen, make this so that it's a win/win for everybody, so we don't get these kind of phone calls, "I'm losing business," you know, "I'm going out of business," or, you know, "I want my alarm disconnected." So that -- we would entertain that. As a matter of fact, I've been thinking seriously. I walked off the Board for personal health reasons for a while, and I'm thinking about getting back on, because I don't like what's going on in the industry. And I'm going to get
back into it, because this is why I'm here today.

LEG. HAHN:
And thank you. That's incredibly responsible for you to provide your workers with those personal detectors. That's so important.

MR. MARTUCCI:
It is.

LEG. HAHN:
They could really enter very dangerous situations, so we appreciate that.

The other thing, that, you know, the folks that are away for multiple months, you know, we have to have better protocols, that they -- if they -- you know, that's on them. They have to tell you, you know, how to reach them, how to reach someone else who's onsite. Whatever it is, there have to be better protocols. That can't be our -- that can't be the Police Officers' problem, that they keep responding. They're just away, so we keep going and there's nothing wrong.

MR. MARTUCCI:
I can tell you what I'm doing in my office. I have my daughter who works part-time for me. She comes in after, you know, being -- well, she's in school now, but she comes in, and I told her, "Start with the A's all the way down. Call every customer and update the contact list. And explain to them what's going on, and take off" -- if they want, my suggestion is to put three contacts and then the P.D. Some customers are against that. They say, "No, I want P.D." Well, I'm advising them that if -- that it's at your own risk. Don't come to me later on and say -- you know, you had an alarm and now you're looking at me wanting to cancel. So this is what I'm doing on my end. I'm doing a lot of things where -- to try to prevent for my company, and these are things that, maybe, if I get back on the board, I'm going to see if we can get other alarm companies to do this, because it's working for us, okay? And I've only implemented this since this started, so it's only been a short window.

LEG. HAHN:
Right. And then customer error, of course. There has to be just a greater deal of -- you know, the folks have to understand. I know I'm always afraid to call 911. I just feel like that you save for the worst of the worst things to go on, you know, and I know it shouldn't -- you know, it shouldn't be that case. But there has to be a level of respect, that it doesn't -- you know, if you screw up when -- because, you know, you didn't tell your daughter or you didn't tell your babysitter how to operate it, you know --

MR. MARTUCCI:
I get it, you know.

LEG. HAHN:
That's customer -- and that's not -- P.D. can't have to come because of that. So, you know, again, I really think we can work out reasonable solutions here, and I really just appreciate you coming down to share.

MR. MARTUCCI:
Thank you.

LEG. HAHN:
Thank you.
P.O. GREGORY:
Legislator Calarco.

D.P.O. CALARCO:
Thank you. Thank you for coming down, sir. We appreciate your testimony. And if you have -- you know, the number of clients you said you're losing is quite alarming. If you're saying you have 54 people who have said that they want to discontinue service out of the 300, 400 accounts that you have, that's almost a sixth of your --

MR. MARTUCCI:
That's why I'm here.

D.P.O. CALARCO:
-- users, so that's certainly alarming. The question I have for you is you said you only have those -- those are your Suffolk accounts, and I'm assuming those are the Suffolk Police District accounts, correct?

MR. MARTUCCI:
Say again.

D.P.O. CALARCO:
Those are your accounts that you have within the Police District, correct, the five western towns?

MR. MARTUCCI:
Uh-huh.

D.P.O. CALARCO:
Do you cover Nassau County as well?

MR. MARTUCCI:
Yes, and the five Boroughs.

D.P.O. CALARCO:
How many accounts do you have in Nassau County?

MR. MARTUCCI:
Probably about the same.

D.P.O. CALARCO:
About the same? Have you had a similar problem in Nassau County in terms of keeping clients?

MR. MARTUCCI:
No, I don’t.

D.P.O. CALARCO:
You know Nassau --

MR. MARTUCCI:
I rarely have any problems with any of my systems.

D.P.O. CALARCO:
Well, I mean, in terms of clients not wanting to have a system because of the cost associated with a County permit fee.
MR. MARTUCCI:
To date, no.

D.P.O. CALARCO:
Because you know they have a program?

MR. MARTUCCI:
Yes. As a matter of fact --

D.P.O. CALARCO:
And it seems to be -- I'm looking at it right now. It seems to be very similar to what the -- what our program is in terms of registration fees and penalties for false alarms after the two freebies, right? But you're not having any issues from them?

MR. MARTUCCI:
No. I think what the issue is here is the way this was presented, the way the mailing was sent out.

D.P.O. CALARCO:
Yeah, because this is -- this is new.

MR. MARTUCCI:
It was done so halfheartedly, if you want to call it, if you will.

D.P.O. CALARCO:
Sure, it seems like it was kind of quick.

MR. MARTUCCI:
I received it in the mail, the first one that I received, and I looked at it and I kind of tossed it to the side. And then when I went back and looked at it, I'm like, "What the heck is this about?" And the only reason why I knew about it is because I get the Long Island Alarm -- I get the --

D.P.O. CALARCO:
So you think a lot of -- a lot of the issues is because it's a new program, it was rolled out rather quick, it seems like rather quickly?

MR. MARTUCCI:
I think it went out -- I think it went --

D.P.O. CALARCO:
You know, I know they started sending out notices in the, I think, new year, and they only just started actually implementing the fine system I think about six months into sending out the notices to tell people they need to register and everything. But it's really that shock of the new -- of the new system.

MR. MARTUCCI:
I think they should get rid of it and start fresh.

D.P.O. CALARCO:
The new fee system. Okay. And do you cover the East End Towns as well, the five East End Towns?

MR. MARTUCCI:
Not as much, no.
D.P.O. CALARCO:
Not as much? Okay, yeah. It seems to me that a lot of this is just the initial shock of the program going in place. And I can appreciate for some consumers it's difficult. And I think Legislator Browning is on the right track in trying to find a balance in terms of how do we implement it to reduce the number of false alarms, because P.D. is reporting that residential false alarms are down by over 30% at this point in time. And that was a number based before the fines started going into place, so that was really just getting the knowledge out to people that we have a new program; really helped the system issue.

MR. MARTUCCI:
The other thing -- not to interrupt you, but I have other customers that are calling me and just saying they're not even using the alarm. They're not even setting it because they're afraid.

LEG. D'AMARO:
They're afraid it's --

MR. MARTUCCI:
So you have people who paid for an alarm, who's paying for monitoring, they're not using it. So now, going back to the gentleman that said he's going to get a gun, you know --

D.P.O. CALARCO:
No, I could appreciate it. But I guess my point, in that I think a lot of this is the shock of the system, is because Nassau County has had a system now four, five years, maybe a little bit longer than that. Their fine schedule is actually identical to ours. Actually, it might even be a little higher, and you're not experiencing similar problems in Nassau County.

MR. MARTUCCI:
No. Not with my company, no.

D.P.O. CALARCO:
Okay. Thank you.

P.O. GREGORY:
Yes, Legislator Browning.

LEG. BROWNING:
No. I think enough questions have been asked. I'm good.

P.O. GREGORY:
Okay. All right. Thank you for your time, sir.

MR. MARTUCCI:
Thank you so much.

P.O. GREGORY:
Okay. Gene, Eugene Demers, and then Larry Huff.

MR. DEMERS:
Hello. I'm also an alarm company owner in Suffolk County. Some of the things I'm going to say today are probably not going to go over too well.

I hear a request for us to provide input on things that might help a decision to be made about what this law is going to become. I'm curious why that question wasn't asked before the law was passed.
It -- I think everybody knows that once a law is passed, that it's never going to be rescinded, it's only going to be modified. So I have a feeling that the old -- the old process of ask for the world and we'll take half of it is presiding here. So I think that the -- I think that you should have all requested input before you passed the law.

I'm curious why the Police Department is the recipient of all of this money that's coming in. Not so much that, but why they are the ones who decide if a false alarm is real or not. Isn't that the fox watching the henhouse? Somebody calls up and says, "Oh, it really was a false alarm." "Well, I'm sorry," the operator on the other end says, "you have to pay the fine anyway." I've had a couple of those incidents occur.

What's the appeal process? Shouldn't there be an independent arbiter that's involved here, not the people who are the recipient of the money? That really sticks in my craw.

One of the -- one of the things that was said somewhere along the line, I forget where I heard it, was that the Police Department were being taken away from their patrolling duties in responding to false alarms. Seems to me that if they're responding to false alarms, they're patrolling, their presence in the neighborhood, the fact that when an alarm goes off, that they respond. Isn't that a deterrent? That disturbs me when I hear that.

Another thing that I believe is absent in the law is that municipalities are not included, municipal buildings are not included. And I seem to remember reading that across the country that municipalities -- municipal buildings and entities are among the worst offenders of false alarms. I don't have anything to back up that statistic, but I do remember reading that that is so.

P.O. GREGORY:
Mr. Demers, I'm sorry, your time has expired. If you have any -- if you'd like to submit a statement, you could submit it, and each Legislator can review it.

LEG. MURATORE:
I have a question.

P.O. GREGORY:
Oh, or if someone has a question. Legislator Muratore. Okay.

LEG. MURATORE:
No, over this way, here. What -- you have an alarm company here in Suffolk County?

MR. DEMERS:
Yes.

LEG. MURATORE:
My question to you, like I was to the other man, are you -- well, first of all, are you being impacted by this? Are you losing accounts? Are people saying, "I don't want your system"?

MR. DEMERS:
Yes, I am, yes.

LEG. MURATORE:
So you see a diminishment in your -- in the revenue and your business is in trouble, or it will be in trouble down the road?
MR. DEMERS:
I'm sorry?

LEG. MURATORE:
You can't hear me?

MR. DEMERS:
No.

LEG. MURATORE:
Okay. Is this any better?

MR. DEMERS:
Yes.

LEG. MURATORE:
Okay. So are you getting -- are you -- you're losing business because of this alarm bill?

MR. DEMERS:
Yes, I am.

LEG. MURATORE:
You're in trouble. Do you think if we rescind this it's going to help you?

MR. DEMERS:
I think so, sure.

LEG. MURATORE:
Okay. How long have you been in business in Suffolk? Are you in Suffolk County?

MR. DEMERS:
Suffolk County, 45 years.

LEG. MURATORE:
Forty-five years. And you're going to go out of business. You think you might go out of business because of this bill?

MR. DEMERS:
I don't have any plans of retiring, I love what I do.

LEG. MURATORE:
Oh, okay. Thank you.

P.O. GREGORY:
Legislator -- hold on, sir. Sir, Legislator Browning has a question for you.

LEG. BROWNING:
Yeah. I just -- I just wanted to know, I know you belong to the association.

MR. DEMERS:
Yeah.
LEG. BROWNING:
We have had meetings with the Police Department, and so I'm not sure if you're aware if you've had conversation with them --

MR. DEMERS:
I am aware.

LEG. BROWNING:
-- with regards to the appeals process. And that is an issue that they brought up with the Police Department. So you're aware that they have had that conversation?

MR. DEMERS:
Yes.

LEG. BROWNING:
And that the Police Department is responding to their requests; you're aware of that?

MR. DEMERS:
No, I wasn't aware that there is a response.

LEG. BROWNING:
Okay. And that's something that we're going to continue to do, is to, you know, work with the Alarm Association to address the complaints that we're hearing here today, and that's all. When I hear little bits and pieces, I want to make sure that you're getting all the right information. Again, your beginning statement is correct, it's very hard. I did want to rescind the fees completely, but we have an issue that the County Executive put this in the budget. So if we rescind this, we have to find an offset, we have to find a replacement for that fund. So it's easier said than done.

MR. DEMERS:
We all understand how it works.

LEG. BROWNING:
Right, right. And it's much easier said than done. And I'm --

MR. DEMERS:
Once it's there, it's hard to get rid of.

LEG. BROWNING:
Correct, correct.

MR. DEMERS:
So my question was, I wonder why we weren't asked ahead of time, because there are false alarm programs across the entire nation. There's a fellow, I think it's SIA is the Security Industry Association, who does just loads and loads of research on the false alarm issues, and there are plans and there are things that can be done to cut down on false alarms. And if that were asked of us before you passed the law, we wouldn't be in the situation that we are right now.

LEG. BROWNING:
And, again, that is something that I am going to try to do my best to remedy. And I think that the first thing that I've done is to say, "Okay, I can't rescind the $50 registration fee, but I can rescind the renewal, because this is the first year." And I think that will have lesser of an impact on local residents. But the P.D. was very compelling when they came and spoke to us about the numbers. And I know that the gentleman spoke about the 45-minute wait for a police car to show up, and
that's not acceptable. So that is something that we're going to try to work on is to reduce the amount of time. If the Police Officers have less calls, don't you think that their response time should be better?

MR. DEMERS:
I don't know.

LEG. BROWNING:
Well, I think it should be, and that is something that we need to keep an eye on.

MR. DEMERS:
I wasn't going to say this, but I think I will. I used to do a lot of -- I used to do a lot of work for fire alarm -- for fire companies, firehouses. Volunteer firehouses have lounges. There was never a time that I was working for a firehouse that there wasn't a Suffolk County Policeman, or two, or three, or four sitting in the lounge with their portables on doing nothing.

LEG. BROWNING:
Did you ask them what they were doing sitting there?

MR. DEMERS:
What's that?

LEG. BROWNING:
Did you ask them why they were sitting there?

MR. DEMERS:
Yeah, I'm going to walk up to a cop and ask him.

(Laughter)

LEG. BROWNING:
Oh, as a taxpayer you -- and as a taxpayer, you have that right.

MR. DEMERS:
Yeah.

LEG. BROWNING:
You can also report that.

MR. DEMERS:
I'm sure that would go over great.

LEG. BROWNING:
Well, like I say --

MR. DEMERS:
All they do is take a look at my license plate.

(Laughter)

LEG. BROWNING:
But I appreciate your honest comment. Thank you.
P.O. GREGORY:
Legislator Krupski. Oh, sir, sir. Legislator Krupski.

LEG. KRUPSKI:
We'll change topics just a little bit off that last comment. Do you do any work in the five East End Towns?

MR. DEMERS:
No.

LEG. KRUPSKI:
Thanks.

P.O. GREGORY:
Okay. Thank you, sir. Okay. Larry Huff, and then Robert Sprotta?

MR. SPETTA:
Spetta.

P.O. GREGORY:
Spetta? Okay. Is Mr. Huff here? Are you Spetta?

MR. HUFF:
No, I'm Huff.

P.O. GREGORY:
Oh, okay.

MR. HUFF:
That's Spetta back there.

P.O. GREGORY:
Oh, okay.

MR. HUFF:
I thank you for allowing us to speak today. My name is Larry Huff. I'm Vice President of Electronix Systems, a Huntington Bay security installation and monitoring company. I'm also the President of the New York State Electronic Security Association, and past President of the Long Island Alarm Association.

I think what we all miss, we don't want -- we didn't want this from get-go, but we weren't involved with it until it had already passed committee and it was pretty much set and ready to go. We've worked with Legislator Browning to make amendments to the law as it stands now, which we feel comfortable with, and -- but, again, my heartfelt feeling as a Suffolk County resident, I don't think there should be a permit at all. I'm okay with false alarms if they're fair, but permits, no.

We've seen, and from our company's standpoint, we've seen lately, since the law was enacted primarily the elderly and the young people terminating services. So now you have systems out there that are not only security, but they're also life safety, smoke detection, carbon monoxide, and so forth, that aren't being monitored.
During our meeting, we discussed, and I was around in 1994, when this same type of law was introduced and then repealed, the Police Department introduced it that they were responding to over 140,000 false alarms. In 2015, they were responding to 97,000. So the industry members, along with the equipment quality, have helped to reduce those numbers drastically. I think there's other measures, other than penalizing the alarm user, on how to reduce those numbers even more. All right?

The Alarm Association that I belong to, we're part of a group of over 400 companies on Long Island, tens of thousands of alarm user customers. Not only is it impacting the customers, it's also going to impact the companies that belong to this association. Electronix on its own employs over 90 people, all right, and you've got over 400 companies. You've got over thousands of employees that are in jeopardy of potentially losing their jobs. So I think when you seriously -- excuse me. We seriously need to think about this and come up with better alternatives. Thank you.

**P.O. GREGORY:**
Thank you, sir. Sir.

**LEG. MURATORE:**
Don't go away. I have a question over here.

**P.O. GREGORY:**
Legislator Muratore has a question for you.

**LEG. MURATORE:**
You service -- how many accounts do you have in Suffolk County?

**MR. HUFF:**
Electronix, we have close to 5,000.

**LEG. MURATORE:**
You have 5,000 now? Do you have the ability to know how may false alarms --

**MR. HUFF:**
Yes, we do.

**LEG. MURATORE:**
-- your alarms generate each month, each year?

**MR. HUFF:**
Yes.

**LEG. MURATORE:**
And by false alarms, I mean not a, you know, "Oh, I put the code in wrong," false alarm where the cops come.

**MR. HUFF:**
I can get those numbers. I'm not going to shoot from the hip and give them at this -- at this meeting, but yeah.

**LEG. MURATORE:**
But do you think that -- I mean, with 5,000 customers, you must have --
MR. HUFF:
It's not high. It's not high.

LEG. MURATORE:
It's not high. Because I know, you know, a false alarm, because I put the code in wrong, and then you call up and you say, "Oh, Tom, listen, you know" -- "Is this Tom?" "Yeah." What's my password, and I put the code in wrong.

MR. HUFF:
Well, that's one of the factors that have helped reduce false alarms since '94. The central stations do a lot of the clearing of these alarms before they're actually turned over to the Police Department.

LEG. MURATORE:
Because, like I said before, you know, somebody could shake the door and the alarm could go off.

MR. HUFF:
Not in this day and age, that's typically not the case.

LEG. MURATORE:
So if it's a false alarm, someone is trying to break in.

MR. HUFF:
No, not necessarily. I think someone mentioned you could have a motion detector that goes bad. Last night, during the lightning storm, we say a lot of alarms because of the lightening. There's factors that can cause a false alarm, whether it's equipment or human error.

LEG. MURATORE:
So if someone like pushed on the window or something and tried to pry it up, it's not going to go off?

MR. HUFF:
It shouldn't, no.

LEG. MURATORE:
See, I'm losing -- I'm not familiar with the new technology, so I can't argue that for you.

MR. HUFF:
That's why the number of false alarms from '94 has decreased drastically.

LEG. MURATORE:
Yeah, I see that, I see that. But what I'm concerned, the number of false alarms where the Police actually respond, not with "I put the code in wrong," or, you know, something like that.

MR. HUFF:
You know, I'm not privy to where those numbers came from.

LEG. MURATORE:
If you could get it to my office, I'd appreciate it, if you can do that for me. Thank you.

P.O. GREGORY:
Legislator Cilmi.
LEG. CILMI:
Thanks, Mr. Chairman. Thank you for being here. To Legislator Muratore, when you hang a mylar balloon on your kitchen chair and the heat goes on and it blows that mylar balloon around, your motion detector goes off. Just an advanced warning. It's happened to me.

So, as an industry representative, I hope you were in the room when I was speaking with the first fellow who came to speak with respect to the impact on businesses, I guess on your members, in terms of customers lost. Are you able to put that kind of information together?

MR. HUFF:
We can, yeah.

LEG. CILMI:
You can? If you would do that, that would be helpful. And at this point, as somebody has said and many of us have said, the money is already allocated now in the budget. So the only way to sort of get it out of the budget at this point is to advocate in the first instance with the County Executive's Office, because they have the responsibility to propose a budget every year. It's in September, so I'm sure they're working on the budget for 2017 now. And if they so choose, they could find a way to make that budget work without the revenue from this alarm management program, as they call it. And, of course, to advocate with the members of this Legislature as well, because although the County Executive proposes the budget, it's this Legislature that adopts the budget.

And what happened in this particular case is that a budget was proposed, inclusive of this revenue from this fee, and this Legislature adopted a budget, inclusive of the revenue from this fee, before the program had even been adopted by this Legislature. And so when the Legislature was presented with a bill to adopt this program, sort of all fingers pointed to the budget and said, "Well, the money's in there, so, therefore, you must approve this program." As I said earlier, there's six of us who said no. But, nevertheless, that's what the options are at this point. You have to get your members and their customers en masse to advocate with the folks who run this County, the County Executive and the Legislature, to remove -- to eliminate this program. Thank you.

MR. HUFF:
I agree with that.

P.O. GREGORY:
Let's stick to questions, please. Kara, then Trotta, and then I have Bill.

LEG. HAHN:
Hi there.

MR. HUFF:
Hi, Kara.

LEG. HAHN:
Thanks for coming. So I obviously won't repeat what I said before, but did -- I don't know if anyone answered. I had to leave to use the ladies room. Did anyone ask about Nassau County and the difference, and have you fought and asked for the repeal in Nassau?

MR. HUFF:
It's a different County. We're talking about Suffolk County here and what we feel fairest to the residents of Suffolk County, both residentially and commercially. Yes, they have a law. It's been around --
LEG. HAHN:
So what are the differences in the fees in Nassau?

MR. HUFF:
It's been around five-plus years.

LEG. HAHN:
And their fees are?

MR. HUFF:
Pretty much comparable to what Suffolk proposed initially.

LEG. HAHN:
And the initial fees, like the initial startup and the cost per alarm are comparable in Nassau?

MR. HUFF:
Uh-huh.

LEG. HAHN:
But your association hasn't taken a position there?

MR. HUFF:
No. That's a law that's been in place.

LEG. HAHN:
Okay. Thank you.

P.O. GREGORY:
Trotta.

LEG. TROTTA:
Just quick. I'm going to be introducing a bill eliminating the registration fee, and after your fifth alarm, you would be fined $100. Is that something that you would be --

MR. HUFF:
I think most of the members of the association, I won't speak for them, but I'd just guess they would probably support that.

LEG. TROTTA:
And the ticket would be written to the homeowner, like some kind of summons to the homeowner at the time the alarm was there. So you would think that would be fair?

MR. HUFF:
Very fair.

LEG. TROTTA:
Thank you.

P.O. GREGORY:
Legislator Lindsay.
LEG. LINDSAY:
Thank you, sir. You know, back to -- I have two questions for you, but one of those pertain to the question that Legislator Hahn tried to ask you. Nassau County, my understanding is the permit fee is about double what ours is here. And have you --

MR. HUFF:
No, it's a two-year permit and it's the same amount.

LEG. LINDSAY:
Okay. But have you seen a dramatic decrease in central station alarm systems in Nassau County once that was instituted?

MR. HUFF:
I think we all here agree that permits don't reduce false alarms. They're just another money-grabbing fine, okay? It's false alarm fines that are going to reduce it, so that's what you guys need to work on.

LEG. LINDSAY:
Okay.

MR. HUFF:
Eliminate the permit.

LEG. LINDSAY:
Right.

MR. HUFF:
Stop penalizing the residents and commercial owners of Suffolk, all right? We pay taxes already, and probably our taxes are up there.

LEG. LINDSAY:
Sir, I understand that, and I -- as I said to one of your other colleagues, I voted against this because I wasn't in agreement with it. But just to stick with the facts, and I'll pose the same question I posed -- I'll pose the same question to you that I posed to him. Obviously, 96,000 false alarms is a problem, wouldn't you agree?

MR. HUFF:
Well, is it down? It's down from 147 that we had in 1994.

LEG. LINDSAY:
Okay. But wouldn't you agree, 96,000 is still a problem?

MR. HUFF:
I don't know the Operating Budget of Suffolk, and how much I pay in taxes --

LEG. LINDSAY:
If I can't get you to agree to that, then it doesn't --

MR. HUFF:
I won't agree with that.

LEG. LINDSAY:
It doesn't pay to ask you the next question.
MR. HUFF:
I won't agree with that.

LEG. LINDSAY:
How would you -- how would you -- if you were us, how would you address the false alarm situation, if you thought it was a problem?

MR. HUFF:
I would work on false alarm fine structures, and maybe even a no response, like they have in Nassau.

LEG. LINDSAY:
And then if something is actually going on at that location and we don't respond, then we become, the County becomes liable.

MR. HUFF:
Suffolk -- Nassau County is doing it. How do they get away with it?

LEG. LINDSAY:
Until somebody gets hurt.

MR. HUFF:
You guys know better than me.

LEG. LINDSAY:
Okay.

MR. HUFF:
Right now, you've got residents and homeowners responding to their alarms, so -- because they cancelled police response. That's a big issue that's happening with us right now. Not only are the customers cancelling, but they're also cancelling any involvement with the P.D. on alarms. So they are responding to their own alarms, or their neighbors are. So there's a big problem that I see in the future.

LEG. LINDSAY:
Right, but I -- and we're trying to have this interaction looking for solutions, but it doesn't seem like you --

MR. HUFF:
No. False alarm fines we agree with. I think most of us in the industry agree. The only way to eliminate false alarms is to penalize the people that are generating the majority of them.

LEG. LINDSAY:
Okay. Thank you.

P.O. GREGORY:
Okay. All right. Robert Spetta, and then James -- I can't -- Panea? I can't read the writing.

MR. SPETTA:
Good afternoon. I just have a question for the Legislature. How many Legislators have an alarm system?
LEG. BARRAGA:  
(Raised hand).

LEG. CILMI:  
(Raised hand).

MR. SPETTA:  
Okay. And if you had that alarm system and it went off in the middle of the night, and because somebody opened your door and then left, and then a police officer came and you had to explain that, because you didn't have any evidence for a false alarm, what would that mean? That would mean you'd have to pay a fine for a false alarm, because that's what a false alarm is considered, and that's one of my issues.

We really have to define what a false alarm is much more accurately. We're not doing that with this legislation at all, because I'm not going to repeat what other people have said. You know, that's whipping a dead horse. But that's one issue that I see here that is really faulty in the bill, because it's up to a police officer to determine what a false alarm is. And, you know, what he considers a false alarm and what you consider a false alarm, when somebody's outside of your house, could be two different things.

Also, that appeal -- that goes back to the appeals process. It's very difficult for a homeowner to appeal any kind of a false alarm right now. So, you know, that whole appeals process needs to be worked on as well and we have to do that.

I just want to go into a personal note here. This law is hurting businesses in Suffolk County. I worked at Grumman Aerospace before I started this business 30 years ago. We employ roughly 35 people at my business. We are losing business because of homeowners dropping their alarm systems. We're losing safety, more importantly, in the County. People feel safe with alarms. So to institute this legislation is really damaging a huge industry on Long Island, and particularly Suffolk County. I mean, you try and get employees today, you can't get people to work at a business, because there are no people that want to stay here anymore. We're being taxed out of our minds, and people are not -- young people are not staying in Suffolk County. We want young people to come back here, we want businesses to stay here, and we don't want the County to be part of that loss of business.

And, by the way, the alarms at the -- probably at the Boys School were from 30 years ago.

LEG. HAHN:  
Yes.

MR. SPETTA:  
And things have changed substantially since 30 years ago.

LEG. HAHN:  
Oh, there's no question. It was a long -- I was a young girl.

MR. SPETTA:  
So, yeah. So, I mean, we don't have those types of issues anymore. I don't have anything else to add. I know time is of the essence. I'm on the last end of this, and I know you have other matters to take care of. So if there are no other further questions, that's all I have to say.

P.O. GREGORY:  
All right. Thank you.
LEG. MURATORE:
Question.

P.O. GREGORY:
Legislator Muratore.

LEG. MURATORE:
Do you do business here in Suffolk County, you said?

MR. SPETTA:
Absolutely.

LEG. MURATORE:
Absolutely. How long, 30 years?

MR. SPETTA:
Twenty-eight years.

LEG. MURATORE:
Twenty-eight years. Do you feel that if this bill survives, I mean, what's on the books now, that it will impact your business, it's going to hurt your business? You did say that, right, you said it's going to hurt your business?

MR. SPETTA:
As the -- as the bill sits right now, without the amendments, it definitely hurts business.

LEG. MURATORE:
Okay. And I think the key here is if -- see, we're trying to explain the process to you as we babble on here, but from what I gather, we have to find -- if we rescind this bill or want to --

MR. SPETTA:
I sit on that committee.

LEG. MURATORE:
-- we have to find an offset for the monies collected so far, which I'm having my Aide -- we're trying to find that out, how much have we actually collected so far. And maybe collectively, the 18 of us, can find a way to save jobs in Suffolk County, to keep young people here, and find a way to find an offset for the monies that have been collected and do away with this bill in entirety.

MR. SPETTA:
Absolutely.

LEG. MURATORE:
So I'm -- you know, I promise you we'll do that. I know one of the Legislators wants to put one with false alarms. We feel the industry feels that that's the way to do it, I do, too. Three and you're out. I think three is a good number, I think four is a little far, and then really hit them with it, you know, and we can -- you know, they are -- then they're costing -- they're costing the County money with, you know --

P.O. GREGORY:
Tom.
LEG. MURATORE:
-- too many false alarms.

P.O. GREGORY:
Tom, question.

LEG. MURATORE:
So if you can do that, okay, for me.

MR. SPETTA:
No one wants to call the police to come to their house for a false alarm. Not one person wants the police to come to their house.

LEG. MURATORE:
Do you know how many false alarms you have per year in your -- with your alarm system?

MR. SPETTA:
I can get that for you.

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

LEG. MURATORE:
If you could do that and get it to my office, too. I'm sorry, Mr. Presiding Officer. I should have -- I rambled on, I should have just asked the question.

P.O. GREGORY:
All right. Anyone else? All right, thank you.

MR. HUFF:
Thank you.

P.O. GREGORY:
All right, Mr. Ptucha.

MR. PTUCHA:
Hi. How are you? My name is James Ptucha and I'm the President of Safe Circuits. We're a security company in Suffolk County. And first off, I want to thank Legislator Steven Stern and his staff for granting us access early on to this process; and Legislator Browning and her staff, she's been terrific. She really is a sweetheart of a woman, she really is. But you know what? She can really stand up to Chief Cameron, I must say, and he's a tough cookie. So you can be tough when you need to be tough and that's exactly what we need here. And Mr. Nolan over there, I want to thank you again for your access and your assistance in this.

I really wish -- one of you mentioned that, "Gee, where were you?" Well, we've been trying to meet with you guys; where were you? I've been doing this for over 30 years. I know this industry like the back of my hand, like some of these other fellas. I know the issues extremely well and we've been trying to -- I don't want to say educate, you know, it sounds condescending, but on this one issue we do know a lot more. You can educate us about a lot of things, but on this one issue we know a lot. Okay?
Interesting, at our last meeting that we were present at, Chief Cameron -- who I have a lot of respect for, don't misconstrue my words -- presented some bar graphs as far as the false alarm reductions since April. And I thought the bar graphs were fascinating. He's saying, Look, in the month of April we reduced 10%, in the month of May another 5%, in the month of June another 5%, and he's saying that's because of this alarm law legislation. Really? Does anyone really believe that for a second? We're all intelligent beings here. It's because we instituted false alarm reduction programs that I think.

Mr. Lindsay is trying to get at, you were asking, because we've been telling the Police Department what to do. Number one was what we call ECV, electronic call verification; that's where we're calling a second or third phone number before we dispatch the police. Okay? That's critical. Also, the ability to actually cancel a dispatch after a call is out and then a homeowner who might get a subsequent phone call on their cell phone saying the police are on the way to the house but they know that the babysitter is there or the son or daughter or somebody who is supposed to be there is there, Please, we don't want the police coming. As Mr. Spatta said, nobody wants the police coming for a false dispatch, absolutely not.

And one thing I keep on hearing, and I'm not going to repeat things because we've heard -- we're beating a dead horse, somebody said. But most of us here did not grow up in Suffolk County; a lot of us did, but a lot of us came from Queens and Brooklyn and Nassau County and other places. And chiefly, among other reasons, we came here because of the cost of living; yes, the quality of life, but the cost of living. So we keep on comparing ourselves to Nassau County. Is this a union contract negotiation or something? I mean, come on. Where does it stop? It's just -- it's not right. There are a lot of people here in Suffolk County who just cannot afford to pay any more to the cost of living.

(Timer Sounded)

A lot of us can, but a lot of us can't. Now, unfortunately we have to treat everybody equal here, the folks who live in certain towns or areas pay the same fines as the folks who live in the more opulent areas. And my other statement is --

P.O. GREGORY:
Sir? Your time's expired, but I do have several Legislators that want to ask you questions.

MR. PTUCHA:
Okay, sure. Thank you.

P.O. GREGORY:
Legislator Spencer is first.

LEG. SPENCER:
Something caught my attention during your testimony and I've wondered about this. With my security system where they've tried to reach out after an alarm went off, and for some reason it went to voicemail. I would call the central monitoring and they would say, I'm sorry, the police have already been dispatched. Is that a policy on your end? For instance, if I call you and say, I'm here, everything's okay, if you call the police, I mean, they have radios, aren't they able to stop the call? Is that a policy, as far as you know, from your perspective, or is it a police issue?

MR. PTUCHA:
It's a police issue, but I believe it's been rectified. Okay, that's something that to the best of my knowledge, as of this year, that's what I'm talking about, is we're able to now cancel a dispatch that's already been called out. And especially when -- I mean, we hear 45-minute response times,
that's not an exaggeration. But, you know, we all hear five-minute response times also, so, you know, it is the full spectrum. We've also heard of two-hour response times. The point being, I think to your point, yes, now we're able to cancel a dispatch that has already been called in, and that has been a great effect in reducing false alarms, absolutely.

LEG. SPENCER:  
If a dispatch is canceled, though, the customer, as I understand it, is not billed for a false alarm?

MR. PTUCHA:  
Well, this is to be determined. I do not think so based on Legislator Browning's latest proposal, I don't think so.

LEG. SPENCER:  
Okay. All right, thank you.

P.O. GREGORY:  
Okay, Legislator Calarco.

D.P.O. CALARCO:  
Thank you, and thank you for coming today. Are you on the board for the LIA, the Long Island Alarm Association?

MR. PTUCHA:  
No, I'm not.

D.P.O. CALARCO:  
Is there members from the organization here, the board members?

UNKNOWN AUDIENCE MEMBER:  
Right here.

D.P.O. CALARCO:  
Okay. I guess you guys haven't spoken yet? Are you going -- we'll get to that after. I have a question for the board, but that's a later question.

Sir, you mentioned that you believe the reason the false alarms have gone down over the last three months is because the industry started implementing programs to, you know, prevent the false alarms from occurring in the first place, right?

MR. PTUCHA:  
Absolutely. This is all about reducing false alarms.

D.P.O. CALARCO:  
So was the technology or the capacity existing last year to implement those programs?

MR. PTUCHA:  
Absolutely, yes.

D.P.O. CALARCO:  
And why didn't they get implemented last year?

MR. PTUCHA:  
You need to talk to the Suffolk County Police Department.
D.P.O. CALARCO:
So what programs did you say were good at preventing the false alarms? Didn't you say it was, you know, the call-in numbers and those kind of things that --

MR. PTUCHA:
I mentioned two things. Number one was the Electronic Call Verification, that's ECV -- several other folks have mentioned it at the podium here -- but basically that's where we call several numbers before a dispatch.

D.P.O. CALARCO:
So that's --

MR. PTUCHA:
Kudos to the Suffolk County Police Department, they just now put that recommendation on their website per our urging.

D.P.O. CALARCO:
But that's an arrangement between you and your customer.

MR. PTUCHA:
Absolutely; yes, it is.

D.P.O. CALARCO:
Okay. So you could have a year ago insisted with all your customers that you wanted to have that arrangement?

MR. PTUCHA:
Well, it's a free country. We can't tell people what to do, but we have been recommending this for years, for years.

D.P.O. CALARCO:
Okay.

MR. PTUCHA:
But it needs to come from a place of authority like the Suffolk County Police Department and now it finally is.

D.P.O. CALARCO:
So now that there's a place of authority saying that there would be a penalty imposed for false alarms, people are starting to implement the false alarm prevention programs in order to avoid those penalties.

MR. PTUCHA:
That's conjecture; you know, it is.

D.P.O. CALARCO:
Okay. Thank you.

P.O. GREGORY:
Legislator Stern.
LEG. STERN:
Yeah, thank you, and thank you for being here. You mentioned two procedures that have been implemented that have had a -- and have made a real difference, in your opinion. Are there any other processes, procedures that we should be mindful of that you would suggest at this point that's easily implementable that would have that much of an immediate impact?

MR. PTUCHA:
That's an excellent question, and I think that's a question we all should be pondering, every one of us. I mean, I don't have the answers, I'm just one individual. But I think if we had a committee that actually did, you know, tackle such an issue -- we have folks here representing the President of the New York State Burglar Alarm Association and the President of the Long Island Alarm Association here, we should be asking them these questions. I'm just a business owner.

You know, education is paramount, absolutely. And I think we can point fingers and lay blame, conjecture, but we all love ideas and I think it would be nice if we could have a round table and sit around and banter these ideas and come up with some solutions and, yes, suggestions. We can't tell folks what to do.

LEG. STERN:
Well, I look forward to continuing that conversation. Thanks.

MR. PTUCHA:
Thank you.

P.O. GREGORY:
Legislator Muratore.

LEG. MURATORE:
Thank you for coming also. Have you lost employees or have you lost revenue because of this bill?

MR. PTUCHA:
Yeah, absolutely. You know, it has not been terrible for us to this point, because we've been advising folks, hey, you know, the law is being mitigated and maybe we're selling it a little bit -- or spinning it, I should suggest, but we're saying, Hey, we are working on hopefully abolishing the resolution altogether. So before you cancel our services, you know, just hold out a little bit longer and maybe we don't have to worry about this. I think, you know, paying the $50 fine -- excuse me, the $50 registration fee, you know, I don't think it's bringing any additional revenue into Suffolk County after you do all the math.

LEG. MURATORE:
Well, they did, they estimated 7.5 million I believe.

MR. PTUCHA:
Well, that's inclusive of the fine structure.

LEG. MURATORE:
You know, that's the game we play, we all estimate, Oh, we're going to get three million from this; well, from this I think the number is 7.5 million.

MR. PTUCHA:
Okay, but 95,000 false alarms cost $2.1 million, which is the number they've thrown out. So then this is absolutely a money-making project.
LEG. MURATORE:
Of course.

MR. PTUCHA:
Especially the pressure of a 2% tax cap, what else can we do to tax folks without telling them it's a tax?

LEG. MURATORE:
You should run for Legislator, you know?

MR. PTUCHA:
I mean, the thing is folks are educated, they're smart, they know what's going on. This is your legacy. I see everybody's websites promoting all the bills they're sponsoring, all the bills they support. Is anybody here going to put this on their website, on the front page of the website saying they support alarm legislation? I don't think so. But you know what? I challenge you to do that, I really do.

But most importantly, what Legislator Stern said, let's get together. Let's figure out what a solution is. I mean, false -- it's all about false alarm reductions. We want the police responding to the gangs and the drugs and the real crimes, we absolutely do. We have been bending over backwards for the last 20 years at least that I can think of, how do we reduce false alarms; as an industry, that's what we are doing. That is paramount in our minds.

LEG. MURATORE:
Thank you.

MR. PTUCHA:
Thank you.

P.O. GREGORY:
Legislator Trotta.

LEG. TROTTA:
I forgot what my question was, but --

LEG. McCAFFREY:
Make one up.

LEG. TROTTA:
I'll make one up. I mean, getting back to -- well, the reduction in crime; can you attribute that to the reduction of people cancelling their alarms? You told me there were other people, speakers who have said that people have cancelled their central station. So when chief Cameron said, Oh, look, alarms are going down, part of that is probably because less people for central station monitoring; is that true?

MR. PTUCHA:
Oh, absolutely. Absolutely true. We're all taking a hit. And we're feeling it personally, it's hurting our businesses. Make no bones about it, that's why we're here; it's money.

LEG. TROTTA:
Having been a cop, what I used to tell people when their alarms would go off, I would tell them, You're going to be fined. I would just lie to them and say, Listen, there's a thousand dollar fine for after four, and then they would get their alarm fixed. So I think some kind of letter, something that
we drop off to every cop to every alarm saying, Listen -- which is what we should have done before this, before this was even instituted, saying, *Listen, if your alarm goes off you’re going to be charged a thousand dollars*, or whatever it might be, after four or five times, and we didn't do that and we failed.

**MR. PTUCHA:**
I think what you’re suggesting is a threat or the actual implementation of an actual fine for the most egregious abusers --

**LEG. TROTTA:**
Well, I don't mean to threaten.

**MR. PTUCHA:**
-- and I think that's something we should be focusing on. Not the average homeowner who got a free alarm system or, more importantly, a business owner on Main Street who has a store front and they're trying to stay in business where we know half the other ones are boarded up, so every nickel counts. And when somebody has a fight because they're located next to a bar or whatever the establishment is and somebody throws -- you know, they're having a fight and they're hustling, horsing around and somebody throws them against their window, the alarm goes off but they run away; that's a false alarm that's counted against that business owner. So there's a lot of things that we really need to take into account and consideration, how we're affecting the little person. And we need to be more pro-business in Suffolk County and I'm not so sure that this legislation is in that mindset.

**P.O. GREGORY:**
Okay. All right. Thank you, sir.

**MR. PTUCHA:**
Thank you. I appreciate your time. Thank you.

**P.O. GREGORY:**
That's all the cards we have. Is there anyone else that would like to speak on this public hearing? Please come forward, if you haven't spoken. Okay, Legislator Browning?

**LEG. BROWNING:**
Motion to close.

**P.O. GREGORY:**
Oh, okay. All right. Sorry.

**MR. BERTUCCIO:**
Hi there. My name is Jeff Bertuccio, I'm the President of Alarm Tech Security Systems. I've been in the alarm business for 35 years and I employ about 35, 34-35 people. I don't want to duplicate anything that everybody else said, it's a ditto on pretty much everything. The only thing that I'm recommending is some kind of notification to a person that's going to get a fine prior, a warning. There's no warnings that's going on right now. And that -- I'm talking to people pretty much every day now, all day long regarding the false alarm fines. So primarily when I get a store keeper or a factory or a homeowner with an alarm going off, they're calling me to complain. And I can't tell them that, you know -- well, I do; I tell them that they got a post card in the mail and they should have turned around and known about this. And if they read our inserts in our bills that we've given them or primarily try to educate them with, but they still usually cancel after they get a large fine. That's the only thing that I primarily wanted to add. All right? Thanks.
P.O. GREGORY:
Legislator Browning has a question for you.

LEG. BROWNING:
Hi. You're saying that people should get a notification ahead of time.

MR. BERTUCCIO:
Well, a warning.

LEG. BROWNING:
A warning, okay.

MR. BERTUCCIO:
So it's the first -- when they had the first alarm and they're going to get a fine --

LEG. BROWNING:
No, no, no.

MR. BERTUCCIO:
-- they should get a letter in the mail; instead of getting a fine in the mail, they should get a
warning in the mail.

LEG. BROWNING:
Okay. The bill says that your -- okay, if you're registered.

MR. BERTUCCIO:
Yeah, if you're registered. I guess people don't realize they have to register.

LEG. BROWNING:
If you're registered, okay -- so I guess maybe you're not totally understanding how I've changed
everything. If you are registered --

MR. BERTUCCIO:
I'm aware of that.

LEG. BROWNING:
-- you get three free false alarms.

MR. BERTUCCIO:
Correct, I'm aware of that.

LEG. BROWNING:
The fourth one is a fine. So you've pretty much been notified three times already your alarm went
off.

MR. BERTUCCIO:
No, I understand.

LEG. BROWNING:
Okay.

MR. BERTUCCIO:
Mainly it's the people that don't even realize they need to be registered.
LEG. BROWNING:
That's where I want to go. If someone does not register, they get a 30-day notice. They are told that you can register or pay the fine, so they have 30-days to make a choice.

Now, I cannot -- I will be honest with you, I don't like the fact that we had to keep that $50, but not having to reregister is, I think, less of an impact on the residents. The issue for us as a Legislature is when we -- if we were to rescind this today, we'd have to find an offset for every single person who's paid. And I already spoke with our Budget Office to find out how much revenue has come in and I would have to be able to come up with that money and I can't find it.

MR. BERTUCCIO:
I understand that.

LEG. BROWNING:
So that's -- I'm kind of stuck between a rock and a hard place. I've tried to work with the industry and our last meeting was -- I know they're not entirely happy, but I think we came to some kind of a middle ground so that there would be less of an impact. In fact, the last time they left our meeting with Chief Cameron, it was going to be a $100 reregistration for businesses and I actually cut that back to 50. So, and I want to ask -- now, you're a business owner?

MR. BERTUCCIO:
Yes, I'm an owner, right here in Hauppauge.

LEG. BROWNING:
Okay. Do you have customers in Nassau County?

MR. BERTUCCIO:
Yes, I do.

LEG. BROWNING:
Okay. So I think you see that what I have proposed is much lower than Nassau County; correct?

MR. BERTUCCIO:
Yes, I do.

LEG. BROWNING:
How is that working for you in Nassau County? And again, I know that Legislator Hahn asked the question. I know that we don't currently have it here in Suffolk County. I got a copy of what's being done in Cincinnati and what's being done in Nassau County is much higher as far as registration, the fines, everything is so much more expensive, but is your business impacted with it?

MR. BERTUCCIO:
Oh, it's definitely. I've got to say, we've probably -- I've probably lost, I would say, in the ballpark of about 5% of my customers so far, okay? And that's a lot --

LEG. BROWNING:
But probably because you're a Suffolk business.

MR. BERTUCCIO:
That's a big number. And I've spent -- we've spent thousands of dollars on documentation to reprint the printings, mailings, you know, extra man hours in the office for girls stuffing envelopes to educate people. And I understand that there has to be a permit fee or a schedule for false alarms, which I think is a good thing in the long run for the false alarm scenario. But we've got to educate
the customers, educate the end users. Because the thing is is that I've got customers calling me saying they got a $250 fine because they didn't register, and now they got a fine as well as the false alarm on top of it. I don't -- I haven't seen any documentation giving them 30-days to register. I've primarily just seen these and they've sent them to me.

**LEG. BROWNING:**
Okay. So the Police Department did explain to the industry, the association when we met with them, they are being very flexible because they are learning that a lot of people are not necessarily getting the notices or may have thrown them out as junk mail, and so there is a process. There are actually a lot of people, you know, waiving the fine because they didn't register, so they are being very flexible because it's the first year.

**MR. BERTUCCIO:**
Right.

**LEG. BROWNING:**
So, you know, if you have customers who say I didn't know, are you telling them to call the Police Department?

**MR. BERTUCCIO:**
We are. I haven't had any luck with anyone saying that they were able to get the fine rescinded. You know, if this is coming about, this is something new that I'm not aware of. You know, I've even had some good clients that we've eaten the fees for without losing the client. You know, it's -- you know, we work hard primarily to get these clients and to keep them happy and to make sure that they're safe. And they are a lot of life safety devices, you know, medical letters and smoke detectors and carbon monoxides; it's not just the security side of this business, you know.

And again, we see that the -- I think that the fines upfront, from a first false alarm without being registered, should definitely turn around and be looked at and send out a warning -- in the beginning you guys were sending out -- they were sending out warnings prior to the alarm law that came into effect saying that you needed to get registered. But once that date came about when the law went into effect, the way I understand it and everything I've seen and everything my customers have sent me is that they got a fine from day one at that first false alarm because they weren't registered.

**LEG. BROWNING:**
But you're aware that my bill now says that if --

**MR. BERTUCCIO:**
You changed it now.

**LEG. BROWNING:**
-- you get a -- your first false alarm you're not registered, you have 30-days to --

**MR. BERTUCCIO:**
I haven't seen any of that.

**LEG. BROWNING:**
It's in the bill.

**MR. BERTUCCIO:**
Well, in the new bill.
LEG. BROWNING:
You have thirty -- yes.

MR. BERTUCCIO:
Okay.  Yeah, that would be great.  That's great, I didn't see that and I'm sorry.

LEG. BROWNING:
You have 30 days to register and the fine is waived if you register.

MR. BERTUCCIO:
That's great.  Thank you for doing that; that helps out a lot.

LEG. BROWNING:
Okay.  I just want to make sure that you're, you know, completely understanding everything that's in the bill.

MR. BERTUCCIO:
No problem.  Thank you.

LEG. BROWNING:
And I'm sure that when this is done, if it passes, there'll be possibly more changes.

MR. BERTUCCIO:
Okay.  Thank you.

LEG. BROWNING:
Thank you.

P.O. GREGORY:
Okay, thank you.  All right.  Anyone else that has not spoken?  Okay.  Legislator Browning?

LEG. BROWNING:
I'll make a motion to close.

P.O. GREGORY:
Motion to close.  I will second on IR 1493.  All in favor?  Opposed?  Abstentions?

MS. ELLIS:
Seventeen (Not Present: Legislator Fleming).

P.O. GREGORY:
( Public Hearing on ) IR 1503-16 - Adopting Local Law No. -2016, A Charter Law to improve the County's budget approval and amendment process to increase transparency and accountability ( "Taxpayer Awareness Act" ) (Cilmi).  I don't have any cards on this public hearing.  Is there anyone that would like to speak on it?  Please come forward.  Seeing none, Legislator Cilmi?  Where is Cilmi?

LEG. CILMI:
I'm sorry.

P.O. GREGORY:
Your bill, taxpayer awareness.
LEG. CILMI:
Motion to recess, please.

P.O. GREGORY:
Motion to recess IR 1503 by Legislator Cilmi. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Seventeen (Not Present: Legislator Fleming).

P.O. GREGORY:
(Public Hearing on) IR 1560-16 - Calling for a public hearing for the purpose of increasing and improving facilities for Suffolk County Sewer District No. 7 – Medford Woodside Facility (CP 8194)(County Executive). I don't have any cards for this public hearing. Is there anyone that would like to speak? Okay. Seeing none, I make a motion to close.

D.P.O. CALARCO:
Second.

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

MS. ELLIS:
Seventeen (Not Present: Legislator Fleming).

P.O. GREGORY:
(Public Hearing on) IR 1598-16 - Adopting Local Law No. -2016, A Local Law to register retailers of liquid nicotine in Suffolk County (Cilmi). I don't have any cards for this public hearing. Anyone like to speak on it? Please come forward. Okay. Legislator Cilmi?

LEG. CILMI:
Motion to recess, please.

P.O. GREGORY:
Motion to recess by Legislator Cilmi. Second by Legislator Calarco. IR -- excuse me. All approved? Opposed? Abstentions?

MS. ELLIS:
Seventeen (Not Present: Legislator Fleming).

P.O. GREGORY:
(Public Hearing on) IR 1620-16 - Adopting Local Law No. -2016, A Charter Law to increase sewer funding and protect water quality in Suffolk County (Trotta). I do have one card, that is Michael Rosato.

MR. ROSATO:
Hi. I'm Michael Rosato, former President of the Kings Park Civic Association, founder of the Nissequogue River State Park Foundation and a Suffolk County Parks Trustee. I'm fortunate to live within one of the few sewer districts in the Town of Smithtown, only because a developer in my Kinds Park neighborhood of several hundred homes was able to hook into a sewage treatment facility serving the former Kings Park State Hospital. The rest of the town -- approximately 32,000 homes and 1,000 businesses, except for a few small pockets in the Hauppauge Industrial Area -- have no sewers. Considering we rely on the Island's aquifers beneath our feet for our drinking water, this situation is extremely alarming.
According to the New York DEC, the aquifers underlying Long Island are among the most prolific in the country. Almost all of Long Island’s drinking water is from our groundwater. According to the USGS estimated use of water in the United States in 2000, Nassau and Suffolk Counties utilize more than 375 million gallons of groundwater per day for public, domestic, industrial and irrigation uses, yet we collectively have done a horrible job protecting it. Instead we make excuses in a responsible way to fund that was set aside by public referendum for sewer infrastructure that pay Police salaries and other County expenses. Huntington Town Supervisor Petrone was quoted as saying, "All too often, governments borrow for personnel and personnel cost; that's a big no-no, he says. That's an operating expense. Yet this County continues to borrow money to pay salaries it can't afford. The County is headed down the same path as Nassau County because no one has the courage to address the fiscal issues that are preventing us from vesting in infrastructure that will grow our economy and protect our environment.

At this time, the Legislature should propose legislation that creates a separate sewer and open space authority whose soul purpose is to protect Long Island’s ground and surface water. The legislation should stipulate that the money raised through the Quarter Percent Sales Tax can only be used for open space protection and to sewer high priority areas. It can no longer be transferred to the General Fund under any circumstances. All money that's been raided from the current fund shall be repaid to restore public confidence. But Peter Scully or someone in charge of the authority and require him to report to the Legislature periodically with a progress report. Comptroller Kennedy and County Executive Bellone should call everyone together to address the County fiscal issues. We need leadership, not a kick the can down the road approach. The problem is simple; the County is taking in less money than they spend. It’s paralyzing the County and causing everything else to suffer, especially our economy and the environment. Although difficult, I would first recommend that the police be asked to cut their overly generous annual salary increase in half which would still be higher than the annual cost of living adjustment and higher than our current senior citizens receive annually.

(Timer Sounded)

P.O. GREGORY:
Mr. Rosato, your time is wrapped up, but I'm sure Mr. Trotta has a question for you. Or I see Leslie Kennedy -- excuse me, Legislator Kennedy has a question.

LEG. KENNEDY:
Thank you for coming out and speaking on this. While I agree with 99% of what you said --

MR. ROSATO:
Uh-huh.

LEG. KENNEDY:
-- there are some positions that I feel is paid for out of the Quarter Percent that are relevant, such as the well drillers for the examination, the engineers that work on testing. So I think we have to refine it just a little bit more. There are other positions that I do not feel have any relevance, but that is just an opinion. I think we need to refine. There are either 60 to 80 positions --

MR. ROSATO:
No. Actually, this County has raided the Sewer Stabilization Fund.

LEG. KENNEDY:
Correct.
MR. ROSATO: Something that the people of this County did not anticipate when they voted for the referendum. That's money that should be repaid.

LEG. KENNEDY: Correct.

MR. ROSATO: And we should actually set up -- what I'm proposing is we set up a separate entity that oversees sewer stabilization, sewer infrastructure, sewer development and open space preservation to help protect our ground and surface waters. And if you had allowed me to finish, I would have gotten into that.

LEG. TROTTA: I have a quick question. Like myself, I guess you were unaware that 25 million of this Quarter Cent Sales Tax goes directly into the General Fund. Because I was not aware of that --

MR. ROSATO: Right.

LEG. TROTTA: -- before I got elected, and I think most of the general public isn't aware of that. Were you aware of that?

MR. ROSATO: No, I was not.

LEG. TROTTA: Thank you.

MR. ROSATO: No, I had absolutely no idea. That's $25 million a year every year for the next eight years, totaling $200 million that we're giving to the police instead of investing into our infrastructure for sewers and environmental protection.

P.O. GREGORY: Okay. Legislator Muratore has a question for you.

LEG. MURATORE: I know you were cut short, but what else did you have to say? You have more, you were saying there?

MR. ROSATO: Yeah.

LEG. MURATORE: So can I ask you in a question, what else do you have to say?

MR. ROSATO: I was going to say Comptroller Kennedy and County Executive Bellone should call everyone together to address the County's fiscal issues. We need leadership, not the kick the can down the road approach. The problem is simple; the County is taking in less money than they spend. It's paralyzing the County and causing everyone else to suffer -- everything else to suffer, especially our
economy and the environment. Although difficult, I would first recommend that the police be asked to cut their overly generous annual salary increase in half. This would give the County 25 million per year which would help reduce the deficit and help reimburse the Sewer Stabilization Fund. The County then has to begin relying less on unpredictable tax revenue and more on guaranteed revenue. The tax increase is the last resort. But if you're unwilling to do what is right you have no choice --

P.O. GREGORY:
Please wrap up.

MR. ROSATO:
The alternative is bankruptcy.

LEG. MURATORE:
Can I get a copy of your notes there?

MR. ROSATO:
Sure, I'll e-mail you a copy.

LEG. MURATORE:
Great. Thank you.

P.O. GREGORY:
I think Legislator Calarco has a question for you as well.

D.P.O. CALARCO:
I do, because -- so you very correctly pointed out we have some financial issues that we need to deal with, that we need to continue working on getting our budget right-sized and revenues matching expenditures, right?

MR. ROSATO:
Uh-huh.

D.P.O. CALARCO:
So do you feel that it's easier to do that when you take $25 million out of the revenue side?

MR. ROSATO:
From --

D.P.O. CALARCO:
So like we need to balance our revenues and our expenditures; is it easier to balance it once you take another $25 million out of the revenues?

MR. ROSATO:
Revenue side from where specifically?

D.P.O. CALARCO:
For the budget. So this proposal --

MR. ROSATO:
What I'm saying --
D.P.O. CALARCO:
This proposal --

MR. ROSATO:
-- is the County doesn't have $25 million. You're borrowing money to pay personnel cost.

D.P.O. CALARCO:
No, no. So you're here to support this proposal, right?

MR. ROSATO:
I am.

D.P.O. CALARCO:
Okay. So the proposal is saying that the 32% of the Quarter Percent money that goes towards Tax Stabilization and the General Fund, as prescribed by the voters on several different occasions, should no longer be put to that particular use and should be instead diverted to sewer infrastructure.

MR. ROSATO:
Yes.

D.P.O. CALARCO:
And I happen to very strongly also agree that sewer infrastructure needs to be done in Suffolk County. But that would directly result in that 30% not going to the General Fund; correct?

MR. ROSATO:
Right. But by law --

D.P.O. CALARCO:
So that's about -- as Legislator --

MR. ROSATO:
By law it should not be going to it.

D.P.O. CALARCO:
Actually, by law it should. The law, as it's been approved by the voters I think on three, maybe four different occasions, has continually said that about 30% -- that number has fluctuated over the years, but it's always been around 30% goes towards stabilization. About 30%, I could be wrong, goes to open space; and then the remainder of the money goes to water quality projects and sewers, infrastructure.

MR. ROSATO:
No, I fully understand, but you're misunderstanding me.

D.P.O. CALARCO:
So that's the referendum that's been approved by the voters on three, I think maybe four different occasions.

MR. ROSATO:
Right.

D.P.O. CALARCO:
This resolution is proposing a new referendum that would take the 30% Tax Stabilization and no longer allow the money to go to the General Fund and instead direct that money to a sewer
infrastructure.

**MR. ROSATO:**
Right.

**D.P.O. CALARCO:**
And you support that.

**MR. ROSATO:**
I do.

**D.P.O. CALARCO:**
Okay. But you’ve also pointed out that the County has financial difficulties, that our revenues are not meeting our expenditures, and in doing this referendum, if it was passed by us and approved by the voters, it would take the 25 million that Legislator Trotta says is going in to whatever year, move it to the sewer infrastructure fund only to be used for sewer infrastructure -- which I agree, we need to invest in -- but take that away from the General Fund. So would that make balancing our budget easier or harder? That was the original question.

**MR. ROSATO:**
It would force this Legislature to be more responsible and find a responsible way of balancing the budget.

**D.P.O. CALARCO:**
So responsible --

**MR. ROSATO:**
(Inaudible).

**D.P.O. CALARCO:**
Responsible budgeting is reducing revenues.

**MR. ROSATO:**
No, responsible budgeting is finding the revenues or reducing expenses to balance the budget.

**D.P.O. CALARCO:**
No, this is proposing to take revenues away.

**MR. ROSATO:**
But that would force the County --

**D.P.O. CALARCO:**
To cut more spending?

**MR. ROSATO:**
To either cut expenses.

**D.P.O. CALARCO:**
We already have a lot of spending to cut

**MR. ROSATO:**
Cut expenses --
D.P.O. CALARCO:
So we should --

MR. ROSATO:
-- or responsibly generate the revenue in order to pay their personnel costs.

D.P.O. CALARCO:
But this is a three, four-time approved voter source of revenue. The voters approved this.

LEG. TROTTA:
I think the point of the matter is that the voters aren't here.

D.P.O. CALARCO:
I have a question for Mr. Rosato, but I think the question's been answered. Thank you very much.

P.O. GREGORY:
Okay, Legislator Trotta.

LEG. TROTTA:
One quick question. I mean, I think -- my point of this is that if we had this $25 million and we were to redo Kings Park and then next year do Smithtown and next year do Oakdale, sales tax revenue, with that infrastructure investment, would produce way more money than the $25 million that we're now not doing it with, that we're paying things that we shouldn't be with. And that's poor management is the point of this entire referendum. That if this was happening and we were doing this all along for the past 20 years, we wouldn't have to be borrowing the money. We're investing money, $400 million; is that your point? Is your thinking on my realm of thinking, that this investment would pay dividends and we would have more sales tax money?

MR. ROSATO:
I think that's obvious. I think if we're investing in our infrastructure --

LEG. TROTTA:
Thank you.

MR. ROSATO:
-- in turn, that will help our economy and help protect our environment.

P.O. GREGORY:
Okay? All right. Anyone else? All right, thank you, Mr. Rosato.

MR. ROSATO:
Thank you.

P.O. GREGORY:
All right. That's all the cards I have. Is there anyone else that would like to speak? Please come forward. Okay, Mr. Trotta?

LEG. TROTTA:
Motion to close.

P.O. GREGORY:
Motion to close by Legislator Trotta. I will second. All in favor? Opposed? Abstentions?
MS. ELLIS:
Sixteen (Not Present: Legislator Fleming & Browning).

P.O. GREGORY:
(Public Hearing on) IR 1622-16 - Adopting Local Law No. -2016, A Local Law to cap tax map verification fees (Lindsay). I have one card, Mark Schneider.

MR. SCHNEIDER:
Good afternoon. I'm here today to speak in support of IR 1622, to cap the filing fees for recording documents such as amendments to the governing documents of condominiums and homeowners associations.

My firm represents many community associations, condominiums and homeowner associations here in Suffolk County, and I believe the community associations are suffering an unintended consequence of Local Law 34-2015, in that the types of documents that these community associations are recording and being subjected to the increased fee on are not -- they're not the documents that are associated with the initial filing from the initial development of community associations, and I think that that is -- as a result, many of the community associations that I represent are being forced to pay significant fees which significantly impact their budget.

Let's talk about -- a little bit about what I'm speaking about. For example, in some communities the bylaws would provide that the notice of a meeting to homeowners can only be given on not less than five, no more than ten-days notice; extremely short notice. If the community association wants to give 30-days notice to their homeowners, they have to actually amend their bylaws to provide for same. When they amend it, they go out, they go out to a vote of the community pursuant to a meeting which is noticed and they get to vote. That's not the end of it, though, because the governing documents require that they record that amendment in the County Clerk. When they record that amendment in the County Clerk, if they have 200 homes, they have to spend $40,000 to do something as simple as that. I don't think that was the intended consequence.

Before Local Law 34-2015 was passed, there already existed a huge disparity between the cost of recording these documents in Nassau and Suffolk. It's interesting, I sat here listening to the discussion regarding the alarm fees, and if we want to compare ourselves to Nassau County, we are extremely much more expensive than Nassau County to record the same document. Now, with the imposition of Local Law 34-2015, there are actually hardships that are created on budgets of these communities, some of which are communities where people are living on a fixed income or senior communities. I have an amendment right now that we're waiting to record in a senior community; it's a budget impacting recording fee that they're going to have to pay if this is not passed. In fact, the cost is so large that we actually have to now have -- my firm has to actually have discussions with boards about the fee to record the amendment after they get the community to vote for it before they'll even consider putting it out to the community.

You see in Nassau County they charge by the block; in Suffolk County, you charge by the lot. So a community that has 200 homes in Nassau County will pay one block fee, and in Suffolk County that same community that has one block but has 200 homes, and most of those homes all have a separate lot number, will pay 200 times for that fee.

(Timer Sounded)

And let me give you an example.

P.O. GREGORY:
Please wrap up, Mr. Schneider.
MR. SCHNEIDER:
Sure, but I want to make the example so everybody understands the economics of it. Local Law 34-2015 took the lot fee from $60 to 200. In 2011, it was roughly $15, so the cost of an amendment of an 88-unit HOA in 2011 was $1400; in 2012, the same document, which is only several pages, $5,280, now it's $17,600, twelve times what it was five years ago.

One of the Suffolk County homeowner associations we represent recorded an amendment to their governing documents in 2015, before the fee went up to $200. They had 164 homes, they paid $9,840 for an amendment; now that same amendment would cost 32,800. In Nassau County, it would cost less than a thousand dollars. In fact, we recorded one in 2013 in Nassau that was $215; they charge by the block, not the lot. These numbers are budget breakers.

It is for the foregoing reasons that I implore the Legislature to pass this Local Law. And I would also like to suggest that, if possible, that effective date be moved up as soon as possible because this is impacting a lot of taxpayers and a lot of people. And again, I believe that it is an unintended consequence.

P.O. GREGORY:
Thank you.

MR. SCHNEIDER:
And I understand, I've sat here and listened to the budget arguments all along, but I bet you that none of the fees that you are getting or --

P.O. GREGORY:
Please wrap up.

MR. SCHNEIDER:
-- this is my last comment -- are fees from these community associations, I don't think anybody ever intended this consequence or thought about this when that bill was passed.

P.O. GREGORY:
Thank you.

MR. SCHNEIDER:
Thank you.

P.O. GREGORY:
All right.

LEG. MURATORE:
I have a question. I have a question.

P.O. GREGORY:
Legislator Muratore.

LEG. MURATORE:
Maybe I don't understand the bill, but maybe I can ask the sponsor; is there a cap on this?

LEG. LINDSAY:
There is; the cap would be $5,000 per recording or filing.
LEG. MURATORE:
So that's the most it's going to be; for all these blocks, it's only going to be -- or what you said, it's not going to be --

LEG. LINDSAY:
No, that's what I'm proposing, that there be a cap. There isn't currently a cap. It's per house, it's per lot.

LEG. MURATORE:
Right. So you're supporting this bill.

MR. SCHNEIDER:
Oh, absolutely.

LEG. MURATORE:
Okay. Yeah, you're spinning me around here. Okay, so you are supporting it.

MR. SCHNEIDER:
A hundred percent supporting it.

LEG. MURATORE:
Okay.

MR. SCHNEIDER:
I started out with that statement; yes, absolutely.

LEG. MURATORE:
Okay, I missed that part.

MR. SCHNEIDER:
And I thank Legislator Lindsay for his efforts to recognize the issue and put it forth.

LEG. MURATORE:
Okay, great. Okay, thanks.

P.O. GREGORY:
All right. Okay, thank you for coming down.

MR. SCHNEIDER:
Thank you.

P.O. GREGORY:
Okay. Would anyone else like to speak on IR 1622? Okay.

LEG. LINDSAY:
Motion to close.

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

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

MS. ELLIS:
Sixteen (Not Present: Legislators Fleming & McCaffrey).

P.O. GREGORY:
(Public Hearing on) IR 1649-16 - Adopting Local Law No. -2016, A Local Law to reduce the use of carryout bags in retail sales (Spencer).
I have one card but a hundred speakers.

(*Laughter*)

No, I'm only kidding. John Turner?

MR. TURNER:
Good afternoon. I'm only going to speak once. I have a testimony I could provide to each of the members of the Legislature. Good afternoon, Presiding Officer Gregory and Members of the Legislature. For the record, I'm John Turner, Conservation Policy Advocate for the Seatuck Environmental Association, and I'm here on behalf of that organization to express our support for IR 1649 which is a Local Law that would hopefully reduce the use of plastic bags through the establishment of a five cent fee.

I testified before this body and the committees on a number of occasions highlighting the adverse psychological impacts of plastic and plastic bags, and so we'll save any more comments about that. We've also expressed our support for the ban that had been previously been considered by the Legislature. And I know that there's now consideration of a fee in lieu of that ban as the preferred, I guess, policy for the Legislature. Given the fact that a five cent fee will likely reduce plastic bag use by anywhere from 60% to two-thirds, we'll take two-thirds of a loaf any time over nothing. This legislation was vetted through the Seatuck Board of Directors and they did have a couple of recommendations. One was to consider moving from a nickel charge per bag to a dime, that would get you closer to 75 to 80%, maybe even 90% reduction in bag use. So we throw that out for your consideration.

And then the other thing that I'll point out. Although I did go through the bill with the board very carefully, and you'll see there's some fairly technical comments about it that I'd be happy to chat with perhaps the sponsor or staff after the fact. But the other thing that they did catch, which I actually forgot to point out early in discussions about the draft, is the effective date which is, I believe, January 1, 2018 now. I think there was a thought by the board that that is 17 months from now, and that while effective dates are often sometimes well into the future because of various reasons, to develop regulations and so forth, that 17 months for this is just an inordinately long period of time and the board thought that January 1st, 2017 effective date would be good; or at worst, perhaps July 1st. Because during that time, tens of millions of bags will still be utilized, and so the sooner that -- if the board does feel that this is legislation that has merit, which we strongly think it does, that the sooner it's implemented the better. And that's really my comments. I did it in two minutes and 30 seconds, wow.

P.O. GREGORY:
Okay. Thank you, Mr. Turner.

MR. TURNER:
So thank you. And I just want to, again, thank the Legislator sponsor, Legislator spencer and the Legislature for considering this very important measure.
P.O. GREGORY:
Legislator Barraga has a question for you.

LEG. BARRAGA:
Let me ask you a question. When you were discussing this with your members, was there any talk or discussion with reference to the nickel? That's a lot of nickels. And right now, the way this bill is designed, I believe that nickel is retained by the retailer.

MR. TURNER:
Correct.

LEG. BARRAGA:
A smart retailer, he's buying bags and plastics, he probably will try to build the cost factor of those bags into his product line on the shelves. So I can see in some cases this is a complete windfall to the retailer. Was there any discussion about splitting the nickel; maybe two-and-a-half cents to the retailer, maybe two-and-a-half cents to an environmental fund, the General Fund, money that comes back to the County at some point. Right now these retailers, it's a complete windfall. Because I'm sure, you know, these are smart people, I was in private sector for many years; if I can build it into my product line before they even get to register their food products through the cash register, you're going to pay for it already. It's sort of like -- remember the five cent deposit, the nickel deposit on bottles?

MR. TURNER:
Yeah, sure.

LEG. BARRAGA:
That was a scenario where when it was finally put into law, they knew that for every 20 cans that were sold and you paid an extra five cents, only 10 or 12 were going to come back. So there was a float there that, in this case I think the manufacturers were making a lot of money. Those were nickels, you know, it was pure profit because they were charging the retailers, the retail was charging the consumer, but the cans didn't come back. This sort of reminds me of the same thing; we're charging a nickel and a nickel for plastic and then the brown bags, why not think about that and maybe split it? Because right now it's just all -- all that money is going one way, and it's not coming this way.

MR. TURNER:
Fair point. I know that this was an issue that we raised with the Legislative sponsor and I'll defer to the Legislative sponsor to talk more about. But I think the thought was if that was to happen, you needed State legislation to consider that and I think the desire was to move forward at the County level, that you couldn't partition or take part of that nickel and use it for other purposes.

LEG. BARRAGA:
Who said that?

MR. TURNER:
That's my understanding from conversation I had with the Legislator sponsor about this.

LEG. SPENCER:
I did.

LEG. BARRAGA:
Well --
MR. TURNER:  
I will say that -- I can also address the windfall should go --

LEG. HAHN:  
George can weigh in.

LEG. BARRAGA:  
Anybody legitimately, was there any legal decision on that question?

MR. NOLAN:  
Legislator Barraga?

MR. TURNER:  
I would defer to Counsel.

MR. NOLAN:  
Yeah. You know, the reason we didn't take part of the money or all the money is we run into the question of an unauthorized tax.

MR. TURNER:  
Right.

MR. NOLAN:  
And that would be a legal vulnerability for the bill that we wanted to avoid.

LEG. SPENCER:  
That's why I said it (laughter).

LEG. BARRAGA:  
And George, is this -- you know, with all due respect to you; is this the decision you've made?

MR. NOLAN:  
That was my advice to Legislator Spencer, yes.

LEG. BARRAGA:  
That was your advice. But, I mean, have we approached the State on this to get a legal opinion?

MR. NOLAN:  
No.

MR. TURNER:  
But yes, we did discuss it.

LEG. SPENCER:  
I wasn't just saying it (laughter).

MR. TURNER:  
Okay, thank you.

P.O. GREGORY:  
Legislator Krupski.
LEG. KRUPSKI:
John, on the question.

MR. TURNER:
Hi there.

LEG. KRUPSKI:
So you did mention the original bill which called for an outright ban?

MR. TURNER:
Yes.

LEG. KRUPSKI:
And a ten cent charge on paper.

MR. TURNER:
Yes.

LEG. KRUPSKI:
How -- and I know that had a lot of support in a lot of different areas, certainly. How do you think that would be effective in reducing or getting people to -- rather, how would you -- do you think -- more effective that would be in getting people to use reusable bags than the five cent fee? And do you think the five cent fee is going to result in people just paying the five cents and not really -- not really just caring? Because they go to the store, they get a couple of bags, it's an extra ten cents over the cost of their shopping, they're not going to matter.

MR. TURNER:
The second part first; yeah. Certain people of means will accept that as the cost of doing business when they go get food. However, I think what we need to look at is the experience in many other municipalities or political entities, subdivisions that have implemented either similar legislation or identical legislation. And everything I've seen suggest -- and I've spoken with some experts about this that deal with this issue on a day-to-day basis, that really do expect about -- anywhere from a 60% to about two-thirds reduction in plastic bag use by the implementation of a five cent fee. That people are getting it free now, they don't give it any thought, but if it is particularly itemized -- again, as the legislation requires it to be on the receipt -- that people will become aware through time about the fee and that there's an easy behavioral change they can make to avoid laying out some extra money, that that's what will happen. In fact, that is what has happened, apparently, in other places where it has been implemented.

P.O. GREGORY:
Legislator Kennedy.

LEG. KENNEDY:

MR. TURNER:
(Laughter) this is a body of voices. Good afternoon.

LEG. KENNEDY:
There is -- first of all, I want to thank you on another issue that will come out soon.

MR. TURNER:
Great.
LEG. KENNEDY:
When the fee was ten cents, I requested that people tell me how they feel. At ten cents, my seniors and my young families, who are overwhelmed, over 3,000 responded to me. Adrienne's group, I got close to 2,000 in the opposite direction, so that shows that this issue in and of itself is extremely important to a lot of people. You had said that your organization would offer bags also?

MR. TURNER:
Yes.

LEG. KENNEDY:
Okay. Is that still on the table?

MR. TURNER:
That's still on the table, yes.

LEG. KENNEDY:
Okay. Adrienne offered some bags, five cents. We have to make difficult decisions here (laughter). Thanks.

P.O. GREGORY:
Okay. All right, thank you, Mr. Turner.

MR. TURNER:
Okay, thank you.

P.O. GREGORY:
Anyone else that would like to speak? Yeah, I figured that.

MS. ESPOSITO:
You can be a little more enthusiastic when you say that.

P.O. GREGORY:
No, I meant no offense.

MS. ESPOSITO:
Good afternoon, once again, Legislators. Adrienne Esposito, Citizens Campaign for the Environment. I just wanted to provide clarity. Some of you called my office to ask if we did support this version of the bill; the answer is yes, we do. You may recall the last time we testified we, of course, love the ban. We think the ban is more effective, to answer Legislator Krupski's comment. However, our philosophy always has been if you can feed half the starving village, that's what you do. You don't wait until, you know, everyone dies and then work on principle. Will this be effective? Yes, we believe it will be effective. Is it as effective as a ban? No. Breaks my heart you guys won't do a ban; we'll get to that another day, but this would be a wonderful first step. This would mean less pollution, less, you know, water pollution, and we agree with that. So we're hoping that you can support it.

The nickel fee is being done literally all across the nation and it just would put you, you know, on par with so many other municipalities and cities. As you probably read in the paper, I was at Long Beach City the other day, they're writing their bill to do a nickel fee, and pretty soon -- and I can't tell you, but I have been in negotiations with other municipalities across the Island to do the same thing. So you will be doing, frankly, what everyone else is also doing. So thank you very much.

LEG. CILMI:
I have question.
P.O. GREGORY:
Legislator Cilmi has a question.

LEG. CILMI:
Hi, Adrienne. Just this thought occurred to me as you were talking about other municipalities doing a nickel fee program. So if the County institutes this law and another jurisdiction within the County creates a similar law, does one overlap the other or are there two nickels that get collected, or how does that exactly work?

MS. ESPOSITO:
Well, our experiences know that it's usually -- usually -- I've never seen the incident -- and we have studied this not only nationally but internationally -- where a smaller municipality will pass the same law that the other municipality has, whether it be nickels or anything else. We have seen, and we still hope to see, like Village of Patchogue, they already passed their ban on the plastic ones. There might be other towns and other villages that do a ban and not a nickel fee, in which case it won't matter what the fee is because the product's banned. Does that make sense? So in other words, let's just say --

LEG. CILMI:
Right, but --

MS. ESPOSITO:
-- the Village of the Branch does a ban; not that I've talked to them about that, we haven't.

LEG. KENNEDY:
It's okay, it's okay.

MS. ESPOSITO:
But if they did, then they would just ban plastics, so the fee would become irrelevant.

LEG. CILMI:
Right. And so it wouldn't make sense for a municipality like a town or a village within Suffolk County at this point, if this bill passes, it wouldn't make sense for them to pass a bill that sort of mirrors this bill.

MS. ESPOSITO:
It wouldn't make sense for them to pass the exact same bill, but they could do a different version. They could do a ten cent fee, they could do a fifteen cent fee.

LEG. CILMI:
Right.

MS. ESPOSITO:
They couldn't do a ban.

LEG. CILMI:
But they can't do a three cent fee or no fee. They can't --

MS. ESPOSITO:
Oh, I see.

LEG. CILMI:
That's my question.
MS. ESPOSITO:
No, my understanding is that the stronger rule prevails -- law prevails.

LEG. CILMI:
Right, right. Okay, thank you.

MS. ESPOSITO:
Yes, I see what you're saying.

P.O. GREGORY:
Legislator Stern.

LEG. STERN:
Yeah, thank you. So, Adrienne, you're very familiar with other jurisdictions, how it goes and how it works, both here locally and other places. So let me give you a scenario. Last night we get a food delivery to the Stern house, it's a big, weekly delivery. There are a lot of --

MS. ESPOSITO:
A little Peapod action?

LEG. STERN:
Exactly, so there are a lot of plastic bags. They deliver one small box of Pop Tarts, it's triple-bagged.

MS. ESPOSITO:
Well, we don't want those Pop Tarts to break.

LEG. STERN:
(Laughter) Right, they're very fragile. So in other municipalities, in other jurisdictions, I can't fathom a situation where someone is going to have to pay five cents a bag. Here it's about changing --

MS. ESPOSITO:
Behavior.

LEG. STERN:
-- and taking responsibility, or having at least the option to take responsibility for a cost if we're going to the supermarket. If I have a home delivery, if I'm homebound, if I don't even have the option of going out and taking my reusable bags with me, how am I going to be at the mercy of the grocer where they're triple bagging a single item over and over and over again and how might other municipalities -- I'm sure, in your experience, that you've seen this issue dealt with in a positive way.

MS. ESPOSITO:
Well, I don't want to answer for municipalities. I can just tell you what we've seen in other areas is that instead of delivering in the plastic bags, they've switched to delivering in the unused cartons. You know, they always -- as someone who worked in a grocery store for six years when I was in college, there were a multitude of boxes that are opened and then they usually broke down, slashed and then compressed. And what was happening in some cases across the nation is they would just open those boxes, save them for the Pea Pod deliveries so that the person would get their groceries in a box instead of in a bag.
LEG. STERN:
Do you see that as something that the grocers would do voluntarily as a customer service, or is that something that we might need to require the grocers so that they don't even have the option of flooding a home with plastic bags subject to the fee?

MS. ESPOSITO:
You know, again, I can't speak to the behavior of grocery stores. I think some -- you know, King Kullen has been so great and responsive as a local store, I know Stop & Shop suddenly decided they're going to support a fee instead of oppose it. So I think that they're changing because the nation is changing. So I don't know the answer to your question and I'm not going to make one up, but I would hope that they would start to figure out different ways for their Pea Pod programs to work without plastic and to change, you know, what they use. There's so many things they could do.

LEG. STERN:
Thank you.

P.O. GREGORY:
Okay. All right.

MS. ESPOSITO:
Thank you.

P.O. GREGORY:
Thank you, Adrienne. All right, that's all the cards that I have. Anyone else?

LEG. SPENCER:
Motion to close.

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

D.P.O. CALARCO:
Second.

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

MS. ELLIS:
Sixteen (Not Present: Legislators Fleming & Anker).

/Public Hearing on) IR 1656-16 - Adopting Local Law No. -2016, A Charter Law to ensure revenue replacement (County Executive). I don't have any cards on this public hearing. Is there anyone that would like to speak on it? Please come forward. Okay. I make a motion to close.

LEG. MURATORE:
(Raised hand).

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

MS. ELLIS:
Sixteen. Seventeen (Not Present: Legislator Fleming).
P.O. GREGORY:
Okay, I'd like to -- I'll make a motion setting the date for the following public hearings, September 7th, 2016, 6:30 P.M., Maxine Postal Auditorium, Riverhead, New York:

   IR 1322, a Local Law to further incentivize the creation of affordable housing and to clarify residential developments connecting to a sewer district; and IR 1752, a Local Law to amend Chapter 353 of the Suffolk County Code to authorize the County Department of Audit & Control to register non-profit veterans organizations.

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

MS. ELLIS:
Sixteen.

P.O. GREGORY:
Okay, we'll get back to --

MS. ELLIS:
Fifteen (Not Present: Legislators Fleming, Anker & Spencer).

P.O. GREGORY:
Okay. We'll get back to Dr. Tomarken and IR 1640. I had a list, Legislator Cilmi was up next.

LEG. CILMI:
I promised the Chair that I would be uncharacteristically brief and I shall, and simply say that, Doctor, you know that we have some policy disagreements. However, as many of my colleagues here have said, you personally and your office, almost without exception, has been very responsive to my office in answering questions and providing information when I've asked. And I certainly can't expect that we would agree on everything and I recognize, to some degree, that, you know, you do work for, you know, somebody who you have to answer to whose policies you are necessarily responsible to support, at least to some degree. So with that said, I'm very happy to join in approving your reconfirmation.

COMMISSIONER TOMARKEN:
Thank you.

LEG. CILMI:
Thanks for the great work that you do.

COMMISSIONER TOMARKEN:
Thank you.

P.O. GREGORY:
All right, Legislator Trotta.

LEG. TROTTA:
No.

P.O. GREGORY:
Okay, Legislator Hahn.
LEG. HAHN:
I agree with what Legislator Cilmi said. Thank you for all your hard work, Dr. Tomarken.

I would, though, as we take the time to vote and to reappoint you, want to just bring up a few items and know, as your vision moving forward for the next -- how many years is it? Six years, six years, that's a nice, long term. And as Commissioner of the Department of Health, we've gone through lot of changes since I was elected, very constraining fiscal circumstances that we've faced; you know, dire fiscal circumstances that have resulted in us making some very tough decisions, unfortunately, scaling back in many, many areas.

We have made some choices to get out of the direct service delivery system, as you are well aware. And however, we do continue to operate a Health Department that does many, many, many things and we've been told that as we move away from some of our direct service delivery, we can focus on public health, public health protection. And all of the areas -- and just for the folks listening at home, water quality, you know, water testing, aquifer protection, beach monitoring, restaurant inspections, infectious disease control and preventative medicine, tobacco control, mental hygiene, mental health clinics. We have an extraordinarily tough drug epidemic and we operate Methadone Maintenance Programs, and even our EMS and tick-borne diseases and all these many, many, many, many, other things that you do. And I'm hoping that maybe you can sum up for us your vision as we move forward, what still needs to be done in the department and how you can see us making sure we're protecting the health of our residents as you move forward, and we went you to. We thank you for all your service.

COMMISSIONER TOMARKEN:
I think, first of all, what's happening in public health in general is moving away from direct service to partnering, consulting, education, and I think that's the new paradigm going forward. All those areas that you mentioned are going to increase and not decrease from my perspective in terms of demands and requirements and testing and evaluation, etcetera. So I think what the department is going to do -- and this would be part of our accreditation program once we decide -- once we know what our final staffing will be going forward, we're all be part of a new strategic plan as to what areas that we focus on. And I think as you said, we know direct care is not going to be our biggest issue, but it will still -- we'll still have some. But I think it's prevention and early intervention which is part of where the Affordable Care Act is going, where DSRIP is going, where SHIP is going, and we participate in all those programs and I expect that we will continue. Because one of the things that public health does better than anybody else is be involved in the communities, and that's where we bring our strength to the table.

So I would see us expanding, hopefully, those areas of prevention and early intervention, whether it be with a Long Island Health Collaborative and our walking programs and exercise and nutrition, working with agencies. We're actually going to the business community tomorrow morning to update them on the Long Island Health Collaborative and what they can do in their businesses to help improve the health of people. We want people to take more responsibility for their own health. So I think we're going to be more partnering, more working with other agencies and focusing more on prevention than secondary and tertiary care.

LEG. HAHN:
When it comes to inspections, and there are such, you know, multiple types that we do conduct. A particular interest to myself as Chair of the Environment Committee is water inspection, inspections of dry cleaners, inspections of print shops and gas stations, etcetera. Also very important as a mother, as a person who eats out, restaurant inspections, you know, monitoring. The things that the Health Department does to monitor both our environment, obviously our water supply, but also food, etcetera, to keep folks -- keep their health safe and their lives safe. I need insurance, and I believe we all here would want insurances that we're not going to let those numbers slide, because
as the population does continue to grow, we need to be keeping up with all those things that we monitor.

**COMMISSIONER TOMARKEN:**
One of the things we're doing with inspections is going to a much more efficient on-line program so that we can do them immediately on-site, people can know the results. I expect that that will expand, as you say, there's more restaurants coming and we need to -- and we prioritize which ones need to be evaluated. But I see that as crucial to the department and I can't -- will not tolerate a decrease in that kind of activity.

**LEG. HAHN:**
I know Scott Mastellone, we spoke during his discussion in committee about his reappoint -- or his appointment, you know, about technology and the increase in technology, improving technology, and to make things like inspection visits more efficient and better track where we've been, where we need to go, making sure we get back in a timely manner, tracking all of that. Do you feel like we're in a good place technology-wise or we're heading to a better place for all of our inspections and monitoring?

**COMMISSIONER TOMARKEN:**
We have this new system, it's just coming on-line, where people will go out, our staff will go out with tablets and actually record the inspection in real time. And yes, I think that will help a lot, because that means that they don't have to go back to the office and sit at a desk and write it up. So we should see an improvement in the number of inspections they do per person. Also, we've also been involved in cross-training people so that when go to a certain geographic area they can inspect a restaurant, they might inspect a nuisance site, a swimming pool, whatever is in that geographic area. So we want people to be multiple -- have multiple skills and be able to use them most efficiently in whatever geographical area they're assigned to.

**LEG. HAHN:**
Excellent. When do you think we'll see, you know, the benefits of that -- of those efficiencies, the full benefits?

**COMMISSIONER TOMARKEN:**
The electronic system is just being implemented right now, so I would say the first of the year.

**LEG. HAHN:**
Excellent. When it comes to mental hygiene and our response to the drug epidemic that we're seeing in our communities, can you talk a little bit about where you'd like to see the department go on that and how a County should be --

**COMMISSIONER TOMARKEN:**
Yeah.

**LEG. HAHN:**
You know, are we -- what do we need to properly respond going forward? I mean, I know that's a tough question, but --

**COMMISSIONER TOMARKEN:**
Well, let me tell you what we're doing and that will give you an idea.

**LEG. HAHN:**
Thank you. I'm not on the Health Committee.
COMMISSIONER TOMARKEN:
Right, so I'll give you an idea of the focus. We've obviously -- we've trained over 5,000 people for Narcan. We have all eleven hospitals agreeing to dispense Narcan through their emergency department and any inpatient individual that they think is at risk, and they want to give that kit, so all eleven are on board.

We have sent letters to all the Suboxone providers and about 6,000 primary care doctors in the County advising them that -- Suboxone is supposed to be given with counseling, some sort of behavioral treatment. Many don't have access to it, don't know how to access to it, so we've given them information about how to add to their medication assisted treatment with behavioral counseling and support services.

We have our own mental health clinics, we also have our Methadone clinic. The waiting list is now about 25 with half of those being second callbacks, so our waiting list is almost to zero. It will always be there because people come and go, but we treat over a thousand Methadone patients right now.

More services are needed, but we are generally beyond the County. We don't have that ability to initiate treatment services, but we are looking at programs, for instance, the VIBS Program. I was talking to Jeff Reynolds the other day, we're trying to put together a model where VIBS-type people, people with that model, would be available for emergency departments so that a patient who overdosed and wanted to leave and was discharged, instead of having them fall through the cracks, one of these VIBS people would work with them and try to get them into our 24-hour hotline referral service.

So we're looking at partnering in as many ways as possible to get not only Narcan but, more importantly, long-term treatment. Follow-up treatment is needed, support groups, so we're looking at every option we can think of. But again, as a County, we can't start up another new clinic without State approval, etcetera. And it really is a matter of partnering with the private sector.

I testified at the Governor's Task Force. My point, and I think they took up something similar, was Managed Care has to be more responsive to treatment availability for people, they have to be more involved in the long-term discharge of patients into outpatient treatment once they leave an in-patient setting, and they need to be more accountable for how they make their decisions. So there's multiple things going forward. I think restricting the prescriptions to seven days immediately on an acute illness is a good start. I think we need to reeducate providers in terms of how to prescribe pain medication in general as well as Opiates. So I think there's a lot. We work with the Suffolk County Medical Society, we've done forums with them and I think we should be doing more as we go forward.

LEG. HAHN:
Excellent. Are you on top of the statistics from -- we passed legislation for the Health Department and/or its contract agencies to follow-up with those who were saved using Narcan. Do you have -- you know, know how those referrals are going?

COMMISSIONER TOMARKEN:
If you're referring to the LICAD 24-hour, yes, we submit to the Health Committee on a monthly basis the number of people, number of calls, referrals, drug of choice, whether or not they got into treatment or wanted treatment and got in, etcetera. So that's a monthly report that goes to the Health Committee.
LEG. HAHN:
Excellent, excellent. Okay, thank you. Thank you for everything. And I, you know, echo what Legislator Cilmi said and others said earlier; your department's very responsive. Oh, maybe just one more thing. I know the permit portal, there's been a lot of work that your department has taken on to try to improve the processing of Health Department permits. We're still seeing some very significant delays there and, you know, we just need to continue to work on that.

COMMISSIONER TOMARKEN:
I'd like to work with the building association and somehow come up with a method that doesn't allow applications to fall into sort of Never Neverland so that there is some accountability. Somebody's providing oversight, whether it be us, them or somehow together, so that after an application is submitted and then it's returned because there's a deficiency or a problem, that somebody is responsible to make sure that it comes back to us within a reasonable period of time and that the right people are submitting the information. And we're going to have to work on some sort of formula, some sort of team work to be able to make sure that the applicant doesn't forget or doesn't think that, Oh, one of my contractors will submit it and the contractor is waiting for the applicant to resubmit it; those kinds of situations which account for a great deal amount of time for which applications are not being progressed.

LEG. HAHN:
So it sounds like something, one more thing that Scott and his team in IT can help work on, some sort of alert system.

COMMISSIONER TOMARKEN:
I was just going to say, it could be as simple as an alert system and making sure that somebody sees it and they've acknowledged seeing it.

LEG. HAHN:
Right. And then some sort of reminder that just goes to them every five days or something, yeah.

COMMISSIONER TOMARKEN:
Right.

LEG. HAHN:
No, good, because that continues to be a problem. Business, we've heard a lot today from speakers about businesses, small businesses in Suffolk County and anything that's slows, you know, either start up or expansion we really have to have a handle on. And unfortunately, you know, I've been here, I guess this is my fifth year and we're still struggling to get that right. But, you know, I have faith that we can fix it and thank you for you and your staffs' efforts thus far for that. Thank you.

P.O. GREGORY:
Legislator Anker.

LEG. ANKER:
I also want to thank you for your commitment to public health. I remember going in front of Suffolk County’s Health Department probably about ten years ago and I was impressed, talking from the podium to the departments and to Legislators, about how proactive our Suffolk County Health Department was and it still is.

This is in regards to the high, elevated cancer rates in my district. And I've seen it -- you know, I've seen it continue through the years with Lawrence Aviation, Suffolk County was the agency that went to work to try to address the TCE spill and try to remediate that site. We're seeing it today with Westhampton, again, being proactive. The DEC or the Federal Government really should, as far as
I'm concerned, be more proactive. But, you know, the County, we're doing what we can and I appreciate that as far as doing above and beyond I think than what the County is expected to do. Did you want to comment on that?

COMMISSIONER TOMARKEN:
I just wanted to tell you that the DEC is out there today mapping out six wells and doing -- beginning some sampling, so they're on the job.

LEG. ANKER:
Wonderful. As far as the health permit process, when I was elected into office in 2011, I was going to put forth legislation to expedite the health permit process when I found out it took seven years for a Dunkin Donuts to get an expansion, and that's when the County implemented the computer program where you can follow where the paperwork is. So basically, there's no -- so how can we -- and I guess that's a conversation we can elaborate on later. But -- so what is it, the applicant is not following where those documents are to expedite this process?

COMMISSIONER TOMARKEN:
And obviously it varies from applicant to applicant, but what we find is that there's a lot of time where the application is sitting on someone's desk, not in the department but out at the contractor, the lawyer, the engineer, whoever has to bring us back new information. And they're not known as sort of knocking on their door and saying, Hey, get it back to us quickly so we can -- because we know that these people have made investment, they may be paying a mortgage and they're not generating any revenue while this process is going on. So what I'm trying to look at is how do we bridge that gap? How do we make sure that somebody who comes to the right person's attention that they need to resubmit it in a timely manner so we can get this process going.

LEG. ANKER:
Right. Time is money for everybody.

COMMISSIONER TOMARKEN:
Right.

LEG. ANKER:
So I appreciate -- if you could, you know, look further into that, that would be helpful. Because I have also heard of stories pertaining to trying to make the process more efficient and expedite that.

I wanted to comment, too, on the Cancer Prevention Task Force. I'm working with Amy Juchatz and I think that you guys are doing a wonderful job, and also the Bullying Awareness website that you've helped with, the drug addiction, Solution for Solutions website that you've helped with, the drug addiction, Solution for Solutions website that you've helped with, and I think that's really what -- how we're able to communicate, understand and then act on it and resolve some of these problems. And I do compliment you and hope you will continue to do that. And if you do need help, we're here for you. We have 18, 19 counting the County Exec, and the other elected officials, we're here because I think the top priorities for Suffolk County, not only public safety, but public health. So thank you.

COMMISSIONER TOMARKEN:
Thank you.

P.O. GREGORY:
Commissioner, I obviously support your appointment. I think you've done a tremendous job. Your office is very responsive and I think we're -- we've seen that where there is work that needs to be done, you're willing to work with Legislators and my colleagues, and even the Administration to
make things happen and that's certainly -- that's all that we can -- I certainly expect from you.
So you've done a great job and I will certainly be supporting your renomination or reappointment.

**LEG. TROTTA:**
Motion to approve.

**P.O. GREGORY:**
We have a motion, right, from earlier?

**MR. RICHBERG:**
Yes, a motion and a second.

**P.O. GREGORY:**
A motion and a second. All in favor? We've got a little delay, we're trying to get everyone in the room.

(*Brief Pause*)

Okay. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**
Seventeen (Not Present: Legislator Fleming).

**P.O. GREGORY:**
All right, thank you.

*Applause*

**COMMISSIONER TOMARKEN:**
Thank you.

**P.O. GREGORY:**
All right. Okay. Poor Ms. Nolan has been sitting there for so long. IR -- I'm going to make a motion to take IR 1646, Amending Resolution No. 1114 -2015, in connection with a new Patchogue Health Center (CP 4087) (County Executive), out of order. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**
Sixteen.

**LEG. D'AMARO:**
Just please note my recusal on the record.

**P.O. GREGORY:**
Yes, I apologize. I'm sorry.

Motion to approve by Legislator Calarco. I'll second.

**LEG. CILMI:**
Second.

**P.O. GREGORY:**
Uh, no, Legislator Cilmi seconds. On the motion, I see people pulling their -- Legislator McCaffrey.
LEG. McCAFFREY:
Yes. Can somebody just tell me a little bit about this in terms of the -- I understand that this is that the -- HHR is going to purchase this building and the purpose of this is for the renovations to that building; is that correct? Is that fair?

MR. LIPP:
Yes.

LEG. McCAFFREY:
Yes. Can we have somebody? Thank you.

MS. CULP:
Hi. Good afternoon. Jen Culp from the Health Department. Yes, this is for the internal renovation for a new Patchogue Health Center.

LEG. McCAFFREY:
All right. Now, explain to me, I understood that when we contracted with HHR that they were going to run our health centers, and I assumed that they were going to pay for the rent at these locations. Does it vary by location, or is this situation, this location different than others, and is it written specifically in the contract that it varies by location?

MS. CULP:
With each transition, HRHCare, going back to Coram which was the first health center that transitioned back in 2012, HRH has maintained operation of the health center and the County has maintained responsibility for those sites. So whether it’s a County-owned site, there is a sublease, or if the County leases the building there’s also a sublease in which the County is responsible for the rent.

LEG. McCAFFREY:
So in all cases and all these locations, the County is responsible for the rent?

MS. CULP:
With the exception of Southampton, that is the only one where there was a new location. But with all seven health centers, the County is responsible.

LEG. McCAFFREY:
But why was Southampton different; because it was a new location?

MS. CULP:
Yes, it was a new location and the County had provided, through HEAL grants, renovation funds.

LEG. McCAFFREY:
But HHR pays the rent there going forward?

D.P.O. CALARCO:
HRH.

LEG. McCAFFREY:
HRH, I'm sorry. HRH. Do I have it right, HRH?

P.O. GREGORY:
HRH.
LEG. McCAFFREY:
Okay.

MR. SINKOFF:
Jim Sinkhoff from Hudson River Health Care. The Southampton transaction already had a lease agreement between the County and Southampton Hospital. We became the lessee in that transaction.

LEG. McCAFFREY:
Okay. So in that case, you assumed the cost of the rent at that facility; correct? Is that right?

MS. CULP:
We never had a lease for that.

MR. SINKHOFF:
So what happened was we consolidated two health centers, one was on the campus of Southampton, the other was on the east -- in the east part of the south end; those became one health center in the building owned by Southampton Hospital. The HEAL dollars and dollars provided by HRHCare were used to renovate the entire space of Southampton Hospital space and a lease agreement then became in effect between HRHCare and Southampton Hospital.

LEG. McCAFFREY:
All right. So yeah, so you are paying the rent at that location.

MR. SINKHOFF:
Yes.

LEG. McCAFFREY:
But you are not paying the rent at any of the other locations.

MR. SINKHOFF:
Correct.

LEG. McCAFFREY:
And when we -- so each one of these agreements with HRH and the County are standalone agreements for each location?

MR. SINKHOFF:
Correct.

LEG. McCAFFREY:
Okay. And I guess you're not the person to ask why we agreed to allow you to pay the rent at one location and the others we're paying the rent at, right?

MR. SINKHOFF:
Correct.

LEG. McCAFFREY:
Okay.

MR. STRAUSS:
I love it.
LEG. McCAFFREY:
Is there anybody from the County that could answer the question why they’re paying the rent in one location and the other locations we are?

MS. SEIDMAN:
Phyllis Seidman from the County Attorney’s Office. The Southampton transaction was a little bit different. Southampton Hospital wanted the facility on its campus and there was a broader deal whereby Stony Brook, I believe, had a residency program that they wanted to pursue, so it took on a different life because there were two other entities involved with the facility. So with the other facilities, it was really just HRH and the County that were operating together. So because it was already a facility owned by Southampton, we were able in that deal to remove ourselves from the equation. It was more of a three-party deal with Stony Brook, Southampton and HRH.

LEG. McCAFFREY:
So there was an offset by Southampton in that deal? Meaning they were assuming part of that.

MS. SEIDMAN:
Oh, yes, for renovation, yes.

LEG. McCAFFREY:
Okay. Should we expect at any of those locations that they would include the County to continue to maintain either the payments for the facility in the form of rent or improvements or -- is that what it is, or it’s still negotiable at each location?

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

MS. SEIDMAN:
Oh, for the other locations where we are --

LEG. MCCAFFREY:
Right.

MS. SEIDMAN:
-- providing a facility? At this point, for as long as our agreements specify, we are -- you know, we are paying for HRH, or they’re operating out of a County facility.

LEG. MCCAFFREY:
And what is the length of those agreements?

MS. SEIDMAN:
They vary. If you wait one second, I can let you know.

MS. CULP:
Varies by health center. Coram is -- was a 23-year lease, because the County has a 30-year lease with the landlord. Tri-Community is a 12-year sublease.

LEG. MCCAFFREY:
I’m talking about --

MS. CULP:
It currently is 15, so it depends.
LEG. MC CAFFREY:
Not the lease, but, I mean, our contracts with HRH, they coincide with the length of the leases?

MS. CULP:
Yes, the subleases with HRH coincide with the length of the leases with a private landlord and the County.

LEG. MC CAFFREY:
So our contract with HRH at each one of those specific locations is tied into the length the lease?

MS. SEIDMAN:
Our subleases are tied into the length of the lease, which --

LEG. MC CAFFREY:
No. But I meant our contract with HRH to provide those services to the County.

MS. SEIDMAN:
Right. No, those are -- that contractor is not tied in. Each of those contracts is for a five-year term.

LEG. MC CAFFREY:
Okay. So in five years we could renegotiate those terms of the --

MS. SEIDMAN:
We could look at those contracts again, yes.

LEG. MC CAFFREY:
Okay. And, in this case, from what I understand, is that if we agree to the -- and are we tied with -- have we signed a contract for that location, for the Patchogue location with HRH?

MS. SEIDMAN:
No. We are waiting for the Legislature to enable us to sign any agreements with HRH with regard to Patchogue.

LEG. MC CAFFREY:
Okay. And that's tied into the approval that you're looking for today?

MS. SEIDMAN:
That's correct.

LEG. MC CAFFREY:
And I assume that it's with the understanding that the County is going to be paying the rent at that location as well?

MS. SEIDMAN:
No. That location is going to be acquired by HRH.

LEG. MC CAFFREY:
Right, I understand, but --

MS. SEIDMAN:
So the County is not paying any of the acquisition fee.
LEG. MC CAFFREY:
We're paying the renovation fees?

MS. SEIDMAN:
Right. Our matching funds for the grant would be for planning and construction or renovation.

LEG. MC CAFFREY:
And the justification for the County paying a portion of that is the fact that we'd be saving money if we were to -- would be saving more money than if we were to continue to pay the rent that we're paying now?

MS. SEIDMAN:
That's correct.

LEG. MC CAFFREY:
But if we negotiate a contract where we didn't have to pay the lease, then we would be paying less money if we didn't agree to that?

MS. SEIDMAN:
I'm sorry. Can you explain your question?

LEG. MC CAFFREY:
If -- with the justification that if we continue with HRH, was to -- was to assume the course of the rent and we weren't, we'd be paying less money in the overall deal; is that correct? Let me try it again. Legislator Trotta is whispering in my ear as I'm trying to talk here.

MS. SEIDMAN:
We're paying -- we're paying for the lease of a Patchogue Health Center currently --

LEG. MC CAFFREY:
Right.

MS. SEIDMAN:
-- which will end in 2018. And at that point, HRH, depending on the actions here, will acquire another facility, since we cannot stay in the current facility, and our matching funds would be our contribution to the facility.

LEG. CILMI:
What would happen if we didn't approve it?

LEG. MC CAFFREY:
Right. So if we didn't approve it, what would happen then?

MS. SEIDMAN:
Well, HRH would not get its $8 million grant from the State, I would presume, and there probably would be no Patchogue Health Center.

LEG. MC CAFFREY:
Okay.

MS. SEIDMAN:
Since we've looked for a site for years unsuccessfully until this point.
LEG. MC CAFFREY:
Okay. Thank you.

P.O. GREGORY:
Legislator Kennedy.

LEG. KENNEDY:
I don’t know. Probably Jennifer I’m asking. DSRIP, the grants for purchase are two times a year they’re offered, or how often are they offered, this grant that was written?

MR. SINKOFF:
So the way DSRIP works is there’s a very large, large pot of money for health care transformation, and then the Governor’s Office put a billion dollars in capital funding. It’s one-time funding. Whether or not the State of New York and the Governor decide to do subsequent rounds of major capital funding, nobody really, really knows. So all the awards have been made throughout the State of New York. Of note is that HRH care was the single largest recipient of DSRIP awards that will go to benefit Suffolk County, and our provider sponsor in all of this is Stony Brook University Medical Center. That is the PPS in Suffolk County.

LEG. KENNEDY:
And will you be having interns and residents?

MR. SINKOFF:
Yes. So we already, as you may know, have residents at the Southampton Hospital, which is now --

LEG. KENNEDY:
Right.

MR. SINKOFF:
-- going to fully affiliate with Stony Brook. And we have a dental program at Elsie Owens Health Center. We have residents at our Brentwood Health Center and at our Martin Luther King Health Center, in collaboration with Good Samaritan Hospital at MLK, and Northwell Southside Hospital at Brentwood.

LEG. KENNEDY:
So you have none presently in Patchogue?

MR. SINKOFF:
None present yet in Patchogue.

LEG. KENNEDY:
And why is that?

MR. SINKOFF:
So the Legacy Program at Patchogue was through Brookhaven Hospital. It really was not a full ACGME residency program, it was really just a rotation. They repurposed those slots, so there was no real program specific site under the ACGME rules for a site for a residency program. So it just -- it just stood down. It wasn’t a robust program to begin with, it was very, very, very small.

LEG. KENNEDY:
Has Stony Brook inferred that should you open this new building that they would provide a program?
MR. SINKOFF:
So there's been no discussion specifically about residency training at the Patchogue Health Center. For Stony Brook, Stony Brook is really looking to its Southampton campus, and has moved a lot of its graduate medical education slots to the Southampton campus. So I don't know what their overall residency approach is in terms of residency training for family medicine, so I couldn't say.

LEG. KENNEDY:
Okay. I'm getting mixed messages between the committee meeting, a letter we received --

MR. SINKOFF:
Sure.

LEG. KENNEDY:
-- and what was said today on an issue. So if we do not bond out for $7.5 million, you're closing Patchogue; is that correct?

MR. SINKOFF:
So I'll say it in very direct terms. We do not have an alternative. We have looked, at least HRH Care has looked over the last two-and-a-half years for an alternative site. We have worked very hard with Legislator Calarco in finding an alternative, and we will be without a site to render services.

LEG. KENNEDY:
What is the lease, current lease duration on the building you're in right now?

MR. SINKOFF:
So the current lease is -- it was a three-year extension. As I understand, we're a sublessee, so, you know, the County can certainly speak to the overlease. It terminates in June of 2018.

LEG. KENNEDY:
And you could not --

MR. SINKOFF:
And then it would go into holdover at 150% of base.

LEG. KENNEDY:
Okay. And what is that amount?

MR. SINKOFF:
I'm going to have to turn to the County, total cost. It's in excess of $500,000. We're a sublessee, and it's part of the Community Benefit Grant. So --

LEG. KENNEDY:
You don't know.

MR. SINKOFF:
-- I didn't see those financials.

LEG. KENNEDY:
Okay. So maybe somebody from the County can answer this.

MS. CORSO:
Connie Corso, Budget Director. So it will go from a lease of 572,000 to 835,000 a year.
LEG. KENNEDY:
Okay. So now I have to do some math.

MS. HORST:
That's not including taxes.

MS. CORSO:
Oh, that's not -- yeah. That's not including the taxes. The taxes are another 105.

LEG. KENNEDY:
Why are we paying the taxes on someone else's building?

MS. CORSO:
It's part of the lease.

MS. SEIDMAN:
It's a privately owned facility, so the owner would have no tax exemption. It's a commercial property.

LEG. KENNEDY:
Correct. But when you rent from someone, they pay the taxes. They -- it is covered under your rent.

MS. SEIDMAN:
It's in our lease, it's built in. I mean, they're not going to pay the taxes for us to be there. It's built into the lease, which is very common in commercial leases.

LEG. KENNEDY:
Well, all right. Thank you.

P.O. GREGORY:
All right. Thank you. All right. So we have a motion and a second to approve. All in favor? Opposed?

LEG. TROTTA:
Opposed.

P.O. GREGORY:
Abstentions?

LEG. D'AMARO:
Recuse.

MR. RICHBERG:
Fifteen. (Not Present: Legislator Fleming)

P.O. GREGORY:
All right. Oh, I'm sorry. I.R. 1646A, bond resolution, same motion same second. Roll call.

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

D.P.O. CALARCO:
Yes.
LEG. CILMI:
Yes.

LEG. KRUPSKI:
Yes.

LEG. FLEMING:
(Not Present)

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Pass.

LEG. TROTTA:
No.

LEG. MC CAFFREY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Recused.

LEG. SPENCER:
Yes.

P.O. GREGORY:
Yes.

LEG. KENNEDY:
Yes.
D.P.O. CALARCO:
Thank you.

MR. RICHBERG:
Sixteen. (Not Present: Legislator Fleming)

P.O. GREGORY:
All right. All right. So we have several more requests to take out of order -- I see --

LEG. CILMI:
Did he say sixteen?

MR. NOLAN:
Should be Fifteen.

LEG. CILMI:
It should be 14, I believe 14.

MR. RICHBERG:
Sorry, 15. (Not Present: Legislator Fleming)

LEG. CILMI:
Fourteen. Oh, Leslie passed and then she said yes.

P.O. GREGORY:
All right. I.R. 1571, it's in EPA, authorizing the Suffolk County Department of Health Services to amend policy and authorizing -- I'm sorry. I told Legislator Kennedy we'll get him up. So what we're going to do, I.R. 1599, Budget and Finance, approving the 2016 Funding for a contract agency (Suffolk County Historical Society)(Sponsor: Al Krupski).

LEG. KRUPSKI:
So moved.

P.O. GREGORY:
Motion by Legislator Krupski to take out of order.

LEG. KRUPSKI:
Yes.

LEG. MURATORE:
Second.

LEG. CILMI:
Second.

P.O. GREGORY:
Second by Legislator Cilmi to take out of order. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Seventeen. (Not Present: Legislator Fleming)

P.O. GREGORY:
Okay. It's before us.
LEG. KRUPSKI:
Motion to approve.

P.O. GREGORY:
Motion to approve.

LEG. CILMI:
Second.

P.O. GREGORY:
Second by Legislator Cilmi. I'll ask the -- well, I guess, does anyone have any questions?

LEG. TROTTA:
I have a quick question for --

P.O. GREGORY:
Legislator Trotta.

LEG. TROTTA:
For whoever is from the foundation, or the Comptroller.

LEG. KRUPSKI:
Mr. Presiding Officer, would it be -- would it be more appropriate if we got the Budget Director also here? And we also have the Historical Society present. Maybe they could all be present here to answer --

LEG. TROTTA:
Sure.

LEG. KRUPSKI:
Answer the Legislators' questions.

LEG. TROTTA:
Actually, it's a very straightforward question. I mean, this has been going on for years. Is this something new they've just brought -- been brought into? I mean, because, apparently, years ago they weren't subject to this rule, now they are.

COMPTROLLER KENNEDY:
Again, from where we were this morning -- good afternoon, everybody, and I have my staff here. I cannot articulate to you what, in fact, may or may not have occurred with a Comptroller's Office financial review prior to January 1st of 2015.

LEG. TROTTA:
So it would be safe to say --

COMPTROLLER KENNEDY:
That's when I became the Comptroller.

LEG. TROTTA:
Okay. So it would be safe to say when you came in there was a different policy. Now you looked at this and said, "Oh, hey, wait, they're out of whack," and you tried to bring them in whack; is that fair --
COMPTROLLER KENNEDY:
Just as we did with most of other elements of operation in the office, we are implementing what this Legislative body has adopted. We are implementing and following the law.

LEG. TROTTA:
Okay.

COMPTROLLER KENNEDY:
The law says that all contract agencies file a contract agency disclosure form. At any given time, this body can elect to either abandon the requirement, modify the requirement, or exempt.

LEG. TROTTA:
Were they doing this prior to you getting in office?

COMPTROLLER KENNEDY:
To the best of my knowledge, no.

LEG. TROTTA:
Okay. So when you get in, you say, "Hey, where is this?" They send it in, it's way over the limit, you advised them it's over the limit, and that's where we are today?

COMPTROLLER KENNEDY:
Yes.

LEG. TROTTA:
Looking for a thing. So the question is whether it was their fault, or our fault, or the prior Comptroller's fault. It's up to us to determine. So they fit in now.

COMPTROLLER KENNEDY:
As I said --

LEG. TROTTA:
So you really can't blame them.

COMPTROLLER KENNEDY:
-- I own from January 1, '15 on.

LEG. TROTTA:
To the person now in charge, can you come up here? When did you start working for this place?

MS. BERGER:
We took office in February.

LEG. TROTTA:
All right. So you have nothing to do with what happened before, you're just getting knocked over the head with this. What about the guy who is back there, has he been here?

MR. ANRIG:
Robert Anrig.

LEG. TROTTA:
Could you explain why you didn't -- you thought you didn't have to do this in prior years or --
MR. ANRIG:
We had not been advised of the law in prior years. I had no knowledge that it was out there. Our accountants had no knowledge that it was out there, and no knowledge that it applied to us whatsoever.

LEG. TROTTA:
Okay. So now you know this, and I guess you're going to in the future take steps to rectify it.

MR. ANRIG:
Yes.

LEG. TROTTA:
So it's our individual decision whether or not you get it or not.

MR. ANRIG:
Right. You know, we have done some preliminary research and we feel that we could comply with the current legislation and meet the 20% rule with our 2015 audit.

LEG. TROTTA:
Okay. So you don't -- you're not now, but you're going to try for next year, whatever.

MR. ANRIG:
Well, we actually think we are in compliance now. I mean, we have our own rough numbers, but they --

LEG. TROTTA:
Okay. Well, whatever. Whatever the Comptroller tells us is what we go by. So now it's our individual responsibility to decide whether or not you get the exception, so let's vote.

P.O. GREGORY:
I wish it were that easy.

(*Laughter*)

Anyone else? Anyone else have any questions?

LEG. MC CAFFREY:
(Raised hand).

P.O. GREGORY:
Legislator McCaffrey.

LEG. MC CAFFREY:
So earlier, I believe, and I think Comptroller Kennedy was not here, but the Executive -- the new Executive Director, or I think maybe the Treasurer said that the -- your status was changed from one classification to another; is that correct? Can you just --

MS. BERGER:
We believed that that was a possibility, yes. We -- let me pull my notes. In the past, we found evidence that we were classified as a 4770. This year we are being identified as a 4980 contract agency. And what I found in the 2015 Comptroller's analysis was that we came up on Schedule 1, which is a little bit different than -- Schedule 2 are contracted agencies that are out of compliance. Schedule 3 are contracted agencies that are within compliance. We appear on a Schedule 1, which
is classified as agencies not justified. We are classified as a miscellaneous department agency. No other entity fits into that miscellaneous category, other than the Walt Whitman Birthplace.

LEG. MC CAFFREY:
And the 47 -- and maybe I can ask the Comptroller. Are you familiar with these designations, the 4770 and the 4980? Is there any history to that?

COMPTROLLER KENNEDY:
The 4980 and a 4770 refer to two different objects or budget codes. Through the Chair, and to you, Legislator McCaffrey, the question I pose to Counsel is that the reso -- the State legislation authorizing Hotel/Motel names two specific entities, I believe, for direct funding, if my recollection serves me; is that correct?

MR. NOLAN:
Right. The Hotel/Motel law that was passed by the State basically directs the County to give money to the Vanderbilt Museum and the Walt Whitman House. And based on -- we had a conversation --

COMPTROLLER KENNEDY:
Yes.

MR. NOLAN:
-- where we agreed that because the State Law directed us to give money to those two groups, we couldn't really deny the funding to them because they were over the 20%. I think, you know, all with the budget codes and everything, I think maybe that's just confusing everything. I think the law does -- the 20% administrative expense law does apply to this agency. The law does state that the Legislature has the authority, notwithstanding that fact, by a two-thirds vote to allow the funding to go to the group, and the Legislature has to make the determination whether or not we should make that exception in this particular case. We do it probably a couple of times a year. This is not a unique circumstance, we've done it before. We don't do it a lot, but we've done it at least once every year since we passed this law back in 2006 or 2007.

LEG. MC CAFFREY:
And generally, when we do that, though, it's with the understanding that the group will come into compliance with the 20%.

MR. NOLAN:
A lot of times they find a way to come into compliance. Sometimes they can't. They get as close as they can, and then there usually is a representation that next year they are going to do that. They're going to try to get under the 20 -- they're going to get under the 20%.

LEG. MC CAFFREY:
Okay. And when I heard the Comptroller this morning and his staff talk about what the results were of their audit, they indicated or gave us the impression that there's no way that this group would be able to come into compliance with the 20%.

MR. NOLAN:
Not right -- I think that was talking about more as of right now.

LEG. MC CAFFREY:
That was with the -- was that with the filing that they -- based on the filing that they made?
COMPTROLLER KENNEDY:
What I would encourage you to recall, Legislator McCaffrey, and, yes, we did speak about what the administrative expenditures have been. Again, I'll remind the body, what the contract agencies on September 15th of this year will be filing with our office is the 2015 certified financial report. We've spoken with Mr. Anrig. I believe that the 2015 -- and I do not want to speak for them. As a matter of fact, it's for the agency to share with you. Perhaps with the way that they've operated, and with the way that their financial professionals prepare the certified financial report, as he had indicated, they may be able to achieve compliance with 20%.

LEG. MC CAFFREY:
Okay. And then later on, when you came up and spoke, you gave assurances that you will be able to comply with that 20% requirement.

MS. BERGER:
Yes. We've -- we are not using a professional grant writer, we're doing inhouse grant writing, so we've minimized that expense. We've eliminated a mobile museum, a portion of our operation that was not cost effective, so that is gone. And the museum is under new direction. I tend to be more conservative.

LEG. MC CAFFREY:
Okay, very good. That's all I have. Thank you.

P.O. GREGORY:
Okay. Legislator Calarco.

D.P.O. CALARCO:
Thank you. My questions are kind of more towards what is the program and what isn't the program at this particular vendor. They're a museum, in essence, right?

COMPTROLLER KENNEDY:
Yes.

D.P.O. CALARCO:
So their programmatic expenses are -- or the program they're offering to the public of Suffolk County is their displays, the ability to go to their facility, walk in the door and see what they have, the display of historical significance to Suffolk County, right?

COMPTROLLER KENNEDY:
Yes.

D.P.O. CALARCO:
So then you would say that the cost of carrying the location that they offer those displays at, covering employee expenses to make sure somebody can open the door so people can come in, all those things are programmatic?

COMPTROLLER KENNEDY:
As far as --

D.P.O. CALARCO:
I mean, you don't have a program of a museum without having a building with the doors open.
COMPTROLLER KENNEDY:
It depends upon what particular function a particular staff person is doing. As you said, if we have individuals that are coming, they're opening up the building, perhaps they're directing people into different exhibits, things along those lines, perhaps maybe that they're helping with preserving some of the displays, the artifacts, all of those types of things are germane to programmatic expense. The bookkeeper, the bookkeeper is an administrative expense, that's not a program expense.

D.P.O. CALARCO:
Sure. The bookkeeper, part of maybe the Executive Director's salary is not going to necessarily be -- would be administrative, even potentially part of carrying the building that -- where their offices are held. But I would imagine the bulk of the expense of carrying the building, since the bulk of the building is open to the public as a museum, is programmatic. Having somebody who opens the door to let people into the building, if you don't have somebody to open the door, you don't have a program.

COMPTROLLER KENNEDY:
No doubt, there's no dispute there. And, again, it is in the way that their financial professionals characterize their financial reporting to us. And, presumably, they have a CPA firm, and, presumably, that firm will allocate a portion of the electric, a portion of the liability insurance, a portion of the maintenance personnel, a portion of the plumbing upkeep, a portion of all the other things --

D.P.O. CALARCO:
Sure.

COMPTROLLER KENNEDY:
-- for an 80-year old building.

D.P.O. CALARCO:
I would imagine some percentage of carrying that building is going to be a programmatic expense, and I would imagine it's the larger proportion of the carrying costs of the building. I mean, unless the bulk of the building is now available to the public to -- with displays. But my understanding was just a year ago or two years ago, they asked for and we gave them extra money so they can expand the display capacity.

COMPTROLLER KENNEDY:
The chandelier. Yes.

D.P.O. CALARCO:
Yeah.

COMPTROLLER KENNEDY:
Yes.

D.P.O. CALARCO:
So I guess the question I have is, is I don't understand, if the bulk of what their costs are -- is keeping that building open so people, the public, can come to a museum, then how come their numbers are so far off? I mean, how many employ -- how many employees do you have?

MS. BERGER:
We have 11.
D.P.O. CALARCO:
Eleven employees.

MS. BERGER:
And myself, 12.

D.P.O. CALARCO:
Yourself, including ourself, so you have 12 employees. So you're a full-time employee?

MS. BERGER:
I'm the only full-time employee.

D.P.O. CALARCO:
You're the only full-time employee. What do the other 11 employees do?

MS. BERGER:
We have curator collection management, which they do the preservation on the collection.

D.P.O. CALARCO:
Okay.

MS. BERGER:
We have our library, two librarians that are -- they provide service. They are research librarians to aid guests and members of the community with their historic research. Then we have -- we have our gift shop personnel, she manages our gift shop. We have a book shop of historic books that are sold onsite and she does --

D.P.O. CALARCO:
You have one person who does the gift shop?

MS. BERGER:
Yes, one person.

D.P.O. CALARCO:
I'd probably chalk that person in administration. The other people so far sounded like they're program.

MS. BERGER:
Program, yes. The majority of our staff are program. We do have a maintenance man and a portion. We now know he should be allocated for programming, because he does some custodial work, assisting with painting the exhibit rooms and aiding with the installation of exhibits.

D.P.O. CALARCO:
Okay. So now one of the other issues that was brought up earlier today had to do with your fundraising, and that you expended a substantial portion of money to do fundraising, but you weren't exactly bringing in a lot of money.

MS. BERGER:
Yes. That was I think -- I think it -- I don't want to say it was a columning error, but in the audit there is a column that says "fundraising" and it does identify, I think, 15- or $1700. That does not include all of the grants that we've received in 2014. They show up in the audit under another column, and I don't think they were looked at. There was a mention of the Robert David Gardiner -- Lion Gardiner Foundation.
D.P.O. CALARCO:
So you received -- how much did you receive in grants that year?

MS. BERGER:
In grants?

D.P.O. CALARCO:
Other than the County funding.

MS. BERGER:
In 2014, we received $67,000 in grants.

D.P.O. CALARCO:
Okay. And the bulk of that cost that you had the expenditure for fundraising activities, you are carrying a professional grant writer?

MS. BERGER:
We had a professional grant writer.

D.P.O. CALARCO:
And so that person probably was -- shouldn't that have been categorized as someone who was an expense for fundraising if their grants are counted as fundraising?

MR. ANRIG:
I stated before, the grant writer wrote not only grants for 2014, but also 2015 and later, and we received approval of a grant in 2015 of $400,000.

D.P.O. CALARCO:
Sure. But I guess what I'm getting at is if that person's salary isn't -- if the revenue that person helped generate isn't booked as fundraising, then that person's salary should not be booked as a fundraising expense.

MR. ANRIG:
But she was booked as fundraising in 2014. The money came in as fundraising in 2015.

D.P.O. CALARCO:
No, no, no.

MR. ANRIG:
So there's a lapse of a year there.

D.P.O. CALARCO:
The revenues aren't booked as fundraising revenues, right? Those grant revenues are booked into another line as revenues, not fundraising revenues?

MS. BERGER:
Yes.

D.P.O. CALARCO:
So you shouldn't -- you can't -- the person being paid to bring in grants, you shouldn't put their expense into a fundraising line if what they're bringing in in revenues isn't considered fundraising, because that's not fundraising that they're doing, they're writing grants. So that salary should be booked into another line that accounts for it being a grant writer.
MS. BERGER:
Yes.

D.P.O. CALARCO:
It still sounds like it's probably a program -- not programmatic, it's an administrative expense, but that way the revenue they're generating correlates with the -- with the job that they're performing. Otherwise, it creates the questions that the Comptroller rightfully brings up.

MS. BERGER:
Right. I think a lot of our columns were initially laid incorrectly, because we had never been -- this had never been brought to our attention.

D.P.O. CALARCO:
Okay, yeah. I don't understand how you were never made aware of this requirement. I've had agencies in my district that are very small, no employee agencies, that have been complying with this for years, and they usually call because they usually run into some difficulty filling out the paperwork and we have helped them out, but, you know, they've all been complying. I don't understand the disconnect that happened here, but it sounds like we should be able to get this rectified.

Okay. To the Comptroller's Office, I guess the question is can -- is it reasonable to expect that they should be able to bring their numbers into balance and in compliance with the County's law, if they start properly categorizing what's programmatic in terms of the expense of carrying a museum and providing that service to the public? Should they be able to, you know, fix the numbers?

COMPTROLLER KENNEDY:
Look, any -- Legislator, any agency, and you just pointed it out very well, from small chambers to soup kitchens to multi-million dollar agencies like Family Service League and some of the others, there's components that are identified for administration, and there's expenses that are allocated towards program. Back in 2007 and 2008, when some of these requirements first went on the books, when I sat on that side of the horseshoe, we had agencies that had one Executive Director being paid out of three agencies simultaneously, and all of the body realized that was a problem. So the reporting has increased and been perfected, thanks in large part to the work that you folks continue to do.

Any agency can achieve compliance in electing to have 20% of what they are provided with committed towards administration and the balance of it committed towards program. So do I think it's possible they can achieve it? Absolutely. But it's up to this Board and this entity to decide that. We're not -- we're not the deciders, we're just the reviewers. As I said, again, we're like a filing entity.

D.P.O. CALARCO:
I guess the question was more along the lines of are they -- do they have a number of miscategorized lines on their accounting here, namely the grant writer who was not properly being booked as a grant writer and was being booked as a fundraiser? Or, you know, that's -- I don't think that necessary changes the bottom line, but the amount that they're carrying, the building, all these things, I mean, their program is keeping their building open to the public.

COMPTROLLER KENNEDY:
Absolutely. We've reviewed the 2014 financials. They have started out, as I said, at 73% admin. And, as a matter of fact, this agency realized a significant benefit in our office's efforts to recharacterize administration against not just program, against all operations. They're still at 37%. I don't know if they're going to achieve 20% in their next set of filings. They make choices as far as
the employees they hire, the hours they commit them to, the time periods that they hold the facility open, the expenses that they invest in the operations. Those are all decisions made at the agency level, of which I don't know what they're going to decide.

D.P.O. CALARCO:
No, I understand that. I appreciate that. Okay. Thank you.

P.O. GREGORY:
Okay. Legislator Krupski.

LEG. KRUPSKI:
Thank you. So when this first came to our attention, we did visit the Historical Society, and we visited the Comptroller and met with his staff of professionals, and then we also visited the County's Budget Director, and I -- we haven't heard from her. And I would like to ask you, Connie, if you could give us, you know, your insight into the Historical Society.

MS. CORSO:
Okay. So when this first came to my attention in my office, we did try to work it out. When we couldn't, I sent a letter from myself to the Historical Society saying that we couldn't fund them based on the Comptroller's recommended -- you know, his decision. However, in looking at it, if you look at Hotel/Motel and you look at the three agencies that we fund, Vanderbilt, the Suffolk County Historical Society, our chosen Historical Society, and the Walt Whitman House, the difference between the three of them is that the Vanderbilt Museum and the Walt Whitman House are specifically named in State Law. And I spoke to George and I spoke to Dennis and there really isn't a way around that specifically being named. But to be fair, the Walt Whitman House also got a letter from the Comptroller that says that their admin was at 80%, but because they were specifically named in the State Law, they're exempt. So it's the same funding stream, 192, Hotel/Motel County funds, but because they're in the State Law, they could -- their admin costs remains at the 80%. And I just think it's, you know, a little bit unfair to apply this standard.

So let me ask you. The question would be what does a museum do? It's not the same as Family Service League, where they provide counseling service and all sorts of things. There is no direct human care, they're administering a museum, so wouldn't you expect the major cost to be administration?

D.P.O. CALARCO:
But we have several agencies, many, I think probably 30, 40, 50, different chambers, museums, organizations that provide historical and cultural programs through the Hotel/Motel money that are not State mandated to get money, and every single one of those programs have to comply with the law. I don't see why this agency would be any different than those. They are an agency that the County Legislature decided to fund, just like we decided to find the Hallockville Museum, just like we decided to fund the Patchogue Historical Society, just like we decided to fund a whole host of organizations. Why are they going to be held to a different standard?

MS. CORSO:
They're not held to a different standard.

D.P.O. CALARCO:
Exactly.

MS. CORSO:
What we're trying to do here is the remedy. The remedy is to come before the Legislature and get the exemption, just like we have done for some of the other contract agencies.
LEG. KRUPSKI:
Thank you. Mr. Presiding Officer, I would like to -- because they've been operating -- the Suffolk County Historical Society, because they function, a very important function, and we do value our history in Suffolk County, and because they've been operating the same way they've been operating for so many years, they are trying to come into compliance with the 20%. On the other hand, the point that the Budget Director makes is that their function as a museum is different than someone who offers a service, and maybe when we look at reauthorizing the Hotel/Motel Tax, they should be added to that list of other two museums in Suffolk County, that they could be looked at differently because of their function. And -- but I would advocate for passing this resolution and letting them keep working on -- with the Comptroller's Office to come into compliance also, as this is something that they have been trying to do, well, since January.

P.O. GREGORY:
I don't know if I agree with that. Out of the cultural -- actually, you know, the cultural monies, I fund Lauder Museum. It's in my home community. They have to comply with the 20%. So I don't think we should start working as a way around it by, you know, putting all the museums in the, you know, State legislation, which I don't think, you know -- I think when you go to the State, things just get precarious, so there's no guarantee in that. So I'd rather them to be in compliance as all other contract agencies are, as certainly mine are, and I assume everyone else's, or -- you know, the list comes out every August, whatever it is.

All right. So I have a long list. Legislator Lindsay?

LEG. LINDSAY:
Comptroller Kennedy, the uniqueness of this particular situation, is that -- do you think that contributes to the fact that they're -- it's much more difficult for them to be into -- in compliance than some of the other agencies that we deal with?

COMPTROLLER KENNEDY:
Well, I -- look, the Budget Director raises a very cogent point. But I will also talk about back when I was a Legislator, and now Legislator Kennedy and Trotta fund the Smithtown Historical Society. Every one of you fund historical societies whose primary efforts are associated with providing some display, the Yaphank Historical Society, historical buildings. You have them over in Holbrook. Everybody has them. And the lion's share of what they do was making structures and dwellings open for the public to come see about what we were like 200 years ago, maybe put on displays, maybe do some instructional stuff. Primarily, that's the sum and substance over a good 20, 30, maybe 40 historical and cultural arts societies throughout the County.

So the uniqueness may lie in the fact that this is termed the Suffolk County Historical Society, but the statute is clear, and that's why I went to George in the first instance. I have no ability to assess hardship or meritoriousness of a particular allocation. It's real simple on my side. It's what the statute says that's it.

LEG. LINDSAY:
No, that's our function in this process and that's why --

COMPTROLLER KENNEDY:
Absolutely.

LEG. LINDSAY:
-- we have this trigger that doesn't just shut them off completely. There's a process where they can come before us, like we're doing right now.
COMPTROLLER KENNEDY:
Sure.

LEG. LINDSAY:
And it makes sense. And I don't know that I would advocate for changing the State Law, because I think this process is healthy and it's transparent, and, you know, there's nothing wrong with bringing these agencies in and asking them to explain themselves.

COMPTROLLER KENNEDY:
I think every agency, when you look at the 60-plus million that is pushed through to agencies, I think every one of them ought to undergo a pretty vigorous review of what it is they do and how they spend County money that is dear, absolutely.

LEG. LINDSAY:
It's funny that you say that. We're in the process of doing an effort on that right now with all of them.

COMPTROLLER KENNEDY:
Excellent.

LEG. LINDSAY:
Thank you.

COMPTROLLER KENNEDY:
If I have to do it, think about my staff, all right?

(*Laughter*)

P.O. GREGORY:
All right. Legislator Cilmi.

LEG. CILMI:
Yes, thank you. So I tend to agree with Legislator Lindsay, Presiding Officer Gregory, with respect to the fact that -- and with our Comptroller with respect to the fact that the Suffolk County Historical Society is, in fact, legally a contract agency. While some of us may view them in a different light than the other historical societies and similar agencies in the County, the fact remains is that they're not identified in that -- in State Law as one of those exclusive type agencies.

But I think that discussion sort of is afield of the question before us today and why we should or shouldn't support this. I'm supporting it, not because I think they should be classified one way or should be classified another way, but, rather, because the agency believed in 2014, when they accounted for their expenses, or in 2000 -- early 2015, when they accounted for their expenses, they believed that they were classified in such a way as to there was no requirement to be within 20% of -- within this 20% rule. They had never done that before. No one ever told them, apparently, that they had to do that before.

The previous Comptroller's report made reference to, or something makes reference to there needing to be some sort of a County agency that makes some sort of a recommendation or communicates with the agency and with the Comptroller's Office. That apparently never happened, or I shouldn't say never, but it hasn't recently happened at least. And so if I'm the agency and I'm -- and I'm unaware of and never been told of a County law, and I filed my audits the same way every single year, and here we are in 2016 and we're asking them to comply with a County law that they had never been asked to comply with, apparently, before, and we're asking them to comply
with that law, not for 2016, not for 2015, for which they have yet to submit their audited statements, but for 2014. To me, when you take that in tandem with the fact that the agency has stated that they believe that the audited statements that they provide to the Comptroller for 2015 will indicate compliance with the 20% law, to me, this is a simple decision.

Had they known about it in advance, as they now know about it, there seems to be a willingness. And according to them, and it's not for us to really predict into the future, we're talking about 2014 here, according to them, they will be able to comply in the future. We should take them at their word that they will be able to comply. And, you know what, if nobody does anything different and they remain classified as the Comptroller has classified them and they don't comply, then they're going to be in trouble, and that's the way it goes. So be forewarned. And I see no reason not to -- not to support this bill. It seems -- and every reason to support it.

**COMPTROLLER KENNEDY:**
Mr. Chair, could I just make one point to that? Legislator Cilmi, and thank you, but I need to come back again and remind everybody here, the classification for contract agencies comes from the Local Law that this body passed. I'm then directed to implement what this body passed.

**LEG. CILMI:**
I only reference you, Mr. Comptroller --

**COMPTROLLER KENNEDY:**
Okay.

**LEG. CILMI:**
-- as the instrument of communication.

**COMPTROLLER KENNEDY:**
Absolutely.

**LEG. CILMI:**
That's all.

**COMPTROLLER KENNEDY:**
Okay.

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

**LEG. STERN:**
Yeah, thank you. The -- our Counsel is correct, of course, that this is not new. We have been here before. We have had this conversation on many occasions over the years, and we've been faced with the same determination, but here's my concern. As I recall, and maybe, Mr. Comptroller, you or your staff, and I thank you all again for being here today, perhaps you recall a situation that I am not, but these conversations that we've had in -- have had in the past have always had a couple of characteristics that have been very similar. There has been an ongoing dialogue. There has been a give and take and a back and forth.

**COMPTROLLER KENNEDY:**
Yes.
LEG. STERN:
There has been at least some kind of informal suggestion made along the way as to how an agency might be able to comply with our requirement. And, for the most part, those considerations have been one of -- you know, one of the sheets. It's been a -- it's been a P&L, it's been a report, it's been a report filed with, you know, charitable -- you know, whether it's on their 990 or others, you know, they have been a reclassification of the numbers and doing their best to comply with the requirement.

And what we're hearing today is, in my opinion, something different that I have not heard before in making this kind of determination, and this is -- yes, we can talk about whether or not they're going to be able to come into compliance with their 2014 numbers. Mr. Comptroller, your report seems to indicate that that is not likely, that that is just a reshifting of the numbers and that's not going to work. So we're looking forward to the 2015 numbers. And, really, many of those decisions that need to be made about whether or not the 2015 numbers are going to comply is really setting the stage for how the agency is going to conduct its business going forward into 2016 and beyond.

So here we're not just talking about the numbers and the classification of those numbers, but what I've been hearing during the course of the conversation is whether or not the organization is going to do its business a little bit differently, and I don't know. And, again, Mr. Comptroller, maybe you can remind me of the situation where that's been the case, where we have expected, I think had a reasonable expectation that there was an agency that was going to be able to come back to us and tell us not only have they done their best to at least come closer to complying with the numbers, but they've actually changed a little bit of their business model as well. And I don't know if that's something that you or your excellent staff is willing to opine on or be along for the ride on.

COMPTROLLER KENNEDY:
Legislator Stern, and I will defer to Mr. Pecorella briefly, but you do pose a good question. And, yes, I can recall agencies in the 12th Legislative District that we had initially included for funding in the Operating Budget that, candidly, I looked at that Schedule 1 every time it came out and very quickly initiated contact. And in one case, one in particular, Smithtown Arts Council was very candid. They said, "There's nothing that we can do as far as our Operating Budget and the way we deliver service to achieve 20%. We're at 45%. Thank you very much for making the 5,000 or $10,000 authorization to appropriate, but we'll respectfully decline, because we will not" -- "there is no way that we are going to be able to achieve hitting the 20%.

In other cases, agencies had to curtail hours, or they let go staff, or maybe there was something associated with a benefits package that had to be tailored back or abandoned. It's the whole gamut of how an entity elects to deliver a service that brings it to the point where it's going to achieve. But this body determined that it was critical that only 20% of the expenditure go to admin and 80% be marked very clearly for the service that was being delivered, and thus it has stood. So I -- I don't know. I don't know where or what may be the turn or the difference here, that's for the agency.

LEG. STERN:
So that being the case, let me just -- for the record, let me just, I guess, reiterate what my colleague, Legislator Cilmi, has said here on the record today, and that is that if this passes, that it would be very important for the agency to come back next year, taking another look at the numbers to see not just something going from column A to column B in an effort to comply with the 20% requirement, but that there be substantive change to -- that would be acceptable to be able to back that up.

COMPTROLLER KENNEDY:
Legislator Stern, just one other important point to add to that. The 2015 financials, certified financials are due into our office to Mr. Pecorella and the rest of my staff in approximately 40 days,
September 15th, and that will be the determination for the funding for the '17 Operating Budget.

LEG. STERN:
Thank you.

P.O. GREGORY:
Okay. Legislator Hahn.

LEG. HAHN:
Most of my -- my questions have been answered. Thank you.

COMPTROLLER KENNEDY:
Okay.

P.O. GREGORY:
Legislator Kennedy.

LEG. KENNEDY:
The Comptroller just brought up the fact that I was going to bring up, so nothing.

P.O. GREGORY:
All right. Legislator Anker.

LEG. ANKER:
So I'll ask the members of the Historical Society, do you think you can meet those requirements that are now in place for the upcoming -- upcoming year?

MS. BERGER:
Yes. Yes, we are very confident that we'll be in the 20% for 2015.

LEG. ANKER:
And, again, I haven't seen the exact spread sheet, but it seems like the basic issue is that you raised $400,000 in grants, which is phenomenal, which is -- you know, it's almost unheard of, especially locally. But that was probably placed in the wrong category, perhaps?

MS. BERGER:
That -- the $400,000 grants came in in 2015. They were written and paid for through a professional service for 2014, but the grant, $200,000 came in in 2015, and the balance will come in in 2017.

LEG. ANKER:
Okay. I have -- most of us, I think, we visited the museum. It's a beautiful place. It's full of historical value. Have you been in touch with our Long Island Tourism Bureau? Because we were talking about the recent -- there's a recent show, it's called Turn, and it was about the Culper Spy Ring, and also with the fascination with Hamilton, you know, the Broadway show. My 15-year-old daughter is obsessed with it, and it's national. Any coordination or partnership with the Long Island Tourism to maybe accentuate those historical exhibits?

MS. BERGER:
I just made contact with them in April, I believe it was. And then, quite honestly, this kind of got consuming and derailed it, but it's definitely on my agenda. It's a hot topic right now, so we definitely want to pursue it.
LEG. ANKER:
Well, again, welcome aboard. Sorry it's rough waters right now, but we do appreciate your attention to this matter. Thank you.

P.O. GREGORY:
Yes. Legislator Martinez.

LEG. MARTINEZ:
Hi. Thank you for all of you being here; Comptroller, for your due diligence and your staff. I know that's something that you pride yourself in doing, so I do appreciate that, and for the Suffolk County Historical Society, you being here as well. As an historian myself, I take pride in especially the history of Suffolk County. But my question to you really is what will happen to the Historical Society if you do not get your funding?

MR. ANRIG:
That's a great question. We're at the end of July, so that's the seventh month of 2016, and we haven't received any of our 2016 funding yet. And we also had a couple of calamities around the Historical Society, as most old buildings do. We had to replace two of the four air conditioning units, one of which was -- is used to serve the Suffolk County collection of papers and artifacts and documents that we do for you at no additional charge, so we had to spend a total of $50,000 on two air conditioners. So we're getting tight. We have a little bit of a reserve left. I'm the Treasurer, I'm concerned, so I'm not comfortable at all, and I'd love to have this funding in place, it's very critical to us.

LEG. MARTINEZ:
Will you be able to remain open? What's your reserve?

MR. ANRIG:
Well, we have some commitments. We have a construction project that we're planning on doing, and that's part of what the $400,000 is for. So we probably have an uncommitted reserve of maybe a year's revenue, something like that, and 4- to $500,000, in that range. But beyond that, it's very troublesome.

LEG. MARTINEZ:
So we're really looking, if you do not get the funding, about a year for you to remain open?

MR. ANRIG:
Yes.

LEG. MARTINEZ:
And that means servicing the entire County. And I'm assuming that you also get schools that come in, and the children learn of the history of the County, and what it has to offer, and what they should be proud of and such.

MR. ANRIG:
We're storing tens of thousands of documents and items that actually belong to the County, so we would have to return all of those. You'd have to find a new home for them, so that would probably cost you a couple of hundred thousand dollars a year.

LEG. MARTINEZ:
I like the home it's at now. So, hopefully, we support this legislation to keep you open.
MR. ANRIG:
Thank you.

P.O. GREGORY:
Legislator Anker.

LEG. ANKER:
Comptroller Kennedy, the -- it seems like the building is the largest amount of overhead. Is the building, upkeeping the building, is that part of the administrative costs?

COMPTROLLER KENNEDY:
I'm going to defer to Mr. Pecorella, Legislator Anker.

MR. PECORELLA:
Thank you. Good evening. So you're asking a specific category for the building, the building expense?

LEG. ANKER:
I'm asking if the building expense, keeping it up, maintaining it, if you have to pay a mortgage, is that part -- is that considered administrative?

MR. PECORELLA:
According to the 2014 financial statements, most of the administrative expenses pertain to salaries, part of the Executive Director's salary, there's a couple of administrative assistant positions, a bookkeeper, a custodian. That's a good part of the management and general expenses for 2014. There's also professional fees, which is the accounting firm, or legal fees, that's an administrative expense. It was allocated 50% program, 50% administrative. There's investment fees that are administrative. A small amount for depreciation expense. There's only about $167,000 in administrative expenses for 2014, but there's only $229,000 of program expenses.

LEG. ANKER:
Right. I just wanted to clarify, because there's so many beautiful historical homes, and those historical societies are fairly small, and the biggest liability that they have is owning their historical structure. But -- so these historical structures are not considered part of the administrative costs?

MR. PECORELLA:
There's no real expenses in their financial statements, I don't believe, pertaining to that. And I guess to go back, the fundraising expenses, those are really excluded from the calculation. They don't really come into play as far as the administrative percentage for the agency. It's strictly administrative expense total divided by total agency expenses.

LEG. ANKER:
Thank you.

COMPTROLLER KENNEDY:
The society took title to the building in 1950, so I doubt -- I don't think -- there's no mortgage that's being carried on the building at this point, correct?

MR. ANRIG:
No. The building was built in the 1930s, it's owned free and clear.

COMPTROLLER KENNEDY:
So it would be maintenance, upkeep, utilities, liability insurance, things like that.
MR. ANRIG:
We allocate the costs of the building partially between program and partially between administrative, depending upon the percentage of the building that is used for each.

LEG. ANKER:
My concern is that, not necessarily your organization, but just in general, these beautiful old historical structures, the houses, there's a lot of upkeep, there's a lot of maintenance, there's a lot of liability insurance. Is that going to be considered administrative? And if it -- I think you're saying it does.

COMPTROLLER KENNEDY:
Well, typically, what happens, Legislator, is there is a formula that's utilized to allocate between square footage associated with admin and with programmatic area. So if you have a small office area within the Homan House or the Swezey Home, or something along those lines, the agency can properly allocate 300, 400, 500 square foot to admin balanced to programmatic. That's typically how it's done.

LEG. ANKER:
So the rest, the larger portion would be considered a place where there's programs held, educational programs, and that would not be considered administrative?

COMPTROLLER KENNEDY:
No -- well, again, it goes back to how the financial professionals prepare the reporting, but, typically, in the industry that's how it's done.

LEG. ANKER:
Thank you.

COMPTROLLER KENNEDY:
Okay? Have we beat this horse enough, Mr. Chair, or should we, you know, start taking the --

P.O. GREGORY:
Pretty huge stick.

LEG. MC CAFFREY:
When he says we beat it enough, then we know it's time.

P.O. GREGORY:
You know, I will support this. Legislator Krupski asked me to support it, I'm going to support it. I certainly would want the organization to come into compliance. I will give them the benefit of the doubt that they didn't understand that they should have met this criteria. But, certainly, as Legislator Cilmi said, they are forewarned and we're hopeful. I mean, it's -- you know, they've done a wonderful job. We've -- I've been in budget working groups where we've, you know, talked about funding them and increasing their funding, so it's -- you know, it would be a travesty to see them have to shutter their doors based on a discrepancy, let's put it that way. So I certainly will support it. If I can have all the Legislators to the horseshoe, if everyone's here.

COMPTROLLER KENNEDY:
Discussion is done, I would imagine, right?

P.O. GREGORY:
Yeah.
COMPTROLLER KENNEDY:  
Okay. Outstanding. Thank you so much.

P.O. GREGORY:  
All right. So we have a motion and a second.

LEG. D'AMARO:  
DuWayne.

P.O. GREGORY:  
Oh, I'm sorry, Legislator D'Amaro.

LEG. D'AMARO:  
Yeah. I've listened to the -- I don't have a question for you, John. It's okay.

(*Laughter*)

But I just want to thank you, though. I want to thank you for doing it.

P.O. GREGORY:  
Yes.

LEG. D'AMARO:  
Your office always does a great job.

COMPTROLLER KENNEDY:  
Thank you.

LEG. D'AMARO:  
And I know there's many, many contract agencies. It's an awful lot of work, it's very labor intensive. And I appreciate that you came down here today to, you know, give us that side of the picture.

As I stated in the morning session, normally, when this comes before the committee, you or your office, someone from your office are present. So we have that dialogue there and it doesn't take up the time of the Legislature. But, again, I thank you very much. And I agree with you, it's ultimately our decision after hearing what your report concludes, and I think that you're right on the money. However, I agree with the Presiding Officer, and I think that the contract agency has come to the realization, after having gone through this through committee, as well as today, that it is most important that you comply with this particular law. You're now on notice. You need -- you know you need to do that, and going forward, I look forward to you doing that next year, okay? So I'm going to support this as well.

COMPTROLLER KENNEDY:  
Thank you. Thank you, Mr. Chairman.

P.O. GREGORY:  
Okay. All right. Just to remind everybody, because of the vote, we need 12 to pass. So we have a -- we have a motion and a second, and I'm going to ask for a roll call.

(Roll Call by Mr. Richberg, Clerk of the Legislature)
LEG. KRUPSKI:
Yes.

LEG. CILMI:
Yes.

LEG. FLEMING:
(Not Present)

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Yes.

LEG. TROTTA:
Pass.

LEG. MC CAFFREY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. SPENCER:
Yes.

D.P.O. CALARCO:
Yes.

P.O. GREGORY:
Yes.
LEG. TROTTA:
No.

MR. RICHBERG:
Fifteen. (Not Present: Legislator Fleming)

P.O. GREGORY:
Okay. Next, he's been waiting a long time, and this is part of the hazing process for new Commissioners. I'm going to make a motion to take I.R. 1619 out of order, confirming the appointment of Scott -- excuse me -- Suffolk County Commissioner of Information Technology (Scott Mastellon)(Co. Exec.).

D.P.O. CALARCO:
Second.

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

MR. RICHBERG:
Sixteen. (Vote Amended to 17/Not Present: Legislator Fleming)

P.O. GREGORY:
Okay.

LEG. TROTTA:
Motion to approve.

D.P.O. CALARCO:
Second.

P.O. GREGORY:
Motion to approve by Legislator Trotta, second by Legislator Calarco on the approval, any questions?

LEG. TROTTA:
No.

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

MR. RICHBERG:
Seventeen. (Not Present: Legislator Fleming)

P.O. GREGORY:
They all want new computers, don't let him be fooled by you. Congratulations.

All right. We have another gentleman, we want to get him out of here. CN, if you want to look at your CN packets, I.R. 1686. It is the last one. Oh, no it's not. I.R. 1686 - Authorizing an energy improvement charge line on real property tax bills (Presiding Officer). I'll make a motion to take out of order, second by Legislator Calarco. All in favor? Opposed? Abstentions, to take out of order?

MR. RICHBERG:
Seventeen. (Not Present: Legislator Fleming)
P.O. GREGORY:
Okay. Motion to approve by Legislator Calarco, I'll second.

LEG. TROTTA:
Wait a minute.

P.O. GREGORY:
Legislator Trotta.

LEG. TROTTA:
I just have one quick 30-second question, if someone could -- it's about -- this is only for people who borrow the money. How many people does this affect?

MS. HORST:
Currently, in -- this is the PACE Program? I'm sorry. Okay. I believe they have five applications for 2016. This would only affect those five properties.

LEG. TROTTA:
So this is -- only goes on five people's tax bill who borrowed money from this program in order to pay it back?

MS. HORST:
Correct.

LEG. TROTTA:
Thank you.

P.O. GREGORY:
Okay. All right. So we have a motion and a second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Seventeen. (Not Present: Legislator Fleming)

P.O. GREGORY:
Okay. All right. Let's get to the agenda.

**BUDGET AND FINANCE**

*Budget and Finance: 1586 - Approving County funding for a contract agency (Bayport-Blue Point Chamber of Commerce)(Calarco).*

D.P.O. CALARCO:
Motion.

P.O. GREGORY:
Motion by Legislator Calarco. Second by -- who was that? Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Seventeen.

P.O. GREGORY:
Oh, I'm sorry. Okay, I apologize.
MR. RICHBERG:
Sixteen. (Not Present: Legislators Cilmi and Fleming)

P.O. GREGORY:
I skipped Tabled Resolutions trying to get ahead of myself. Did you call it?

MR. RICHBERG:
Sixteen.

P.O. GREGORY:
Okay. Tabled Resolutions. Excuse me. I.R. 1242 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Andreas Dambakakis and Giovanna Dambakakis (SCTM No. 0800-115.00-01.00-039.000) (Kennedy).

LEG. KENNEDY:
Motion to table.

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

MR. RICHBERG:
Seventeen. (Not Present: Legislator Fleming)

P.O. GREGORY:
I.R. 1257 - Appropriating funds in connection with the new Enhanced Suffolk County Water Quality Protection Program - 2014 Referendum - Sewer Improvement Projects (CP 8734.310).

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

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

MR. RICHBERG:
Seventeen. (Not Present: Legislator Fleming).

P.O. GREGORY:
I.R. 1476 - Establishing a County policy to hire former County employees on preferred lists (Browning).

LEG. BROWNING:
I will make a motion to table. The Administration has been working with me and things are going very well.

P.O. GREGORY:
All right. Motion to table; I will second. All in favor? Opposed?

LEG. HAHN:
You got to repeat that.


P.O. GREGORY:
Abstentions?

LEG. HAHN:
You got to repeat that, I couldn't hear you.

(Laughter)

MR. RICHBERG:
Seventeen. (Not Present: Legislator Fleming).

**ECONOMIC DEVELOPMENT**

P.O. GREGORY:
All right. *I.R. 1647 - Economic Development - Authorizing the filing of a grant application to develop a Suffolk County Blueway Trail System (Hahn).*

LEG. HAHN:
Motion.

P.O. GREGORY:
Motion by Legislator Hahn, second by Legislator Muratore. All in favor? I'm sorry. Economic Development, 1647, Page 6. Okay. We have a -- so we had a motion and second.

MR. RICHBERG:
Yes, we do.

P.O. GREGORY:
All right. And you were about to call the vote. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Seventeen. (Not Present: Legislator Fleming).

P.O. GREGORY:
All right. Okay. *I.R. 1650 - To establish the Suffolk County Next Generation Advisory Council (Pres. Off.).* I make a motion to approve. Do I have a second?

LEG. MURATORE:
(Raised hand).

LEG. LINDSAY:
Second.

LEG. HAHN:
Second.

P.O. GREGORY:
Second by Legislator Lindsay, third by Legislator Hahn.

(Laughter)

All in favor? Opposed? Abstentions?
MR. RICHBERG:
Seventeen. (Not Present: Legislator Fleming)

ENVIRONMENT, PLANNING & AGRICULTURE

P.O. GREGORY:
Okay. EPA: *I.R. 1490 - Appointing member to the Council on Environmental Quality (Robert N. Carpenter, Jr.) (Krupski).*

LEG. KRUPSKI:
Motion.

P.O. GREGORY:
Motion by Legislator Krupski.

LEG. BROWNING:
Second.

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

MR. RICHBERG:
Seventeen. (Not Present: Leg. Fleming)

P.O. GREGORY:
I.R. 1505 we did, right?

MR. NOLAN:
Right.

P.O. GREGORY:
We did it earlier. *1517 - Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - Home Rescue Solutions Limited (SCTM No. 1000-059.00-10.00-002.000) (Co. Exec.).*

LEG. KRUPSKI:
(Raised hand).

P.O. GREGORY:
Motion by Legislator Krupski, I'll second. Anyone on the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:
Seventeen. (Not Present: Leg. Fleming)

P.O. GREGORY:
*I.R. 1518 - Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - Threshold Blue Inc. (SCTM No. 1000-063.00-02.00-006.002) (Co. Exec.).*

LEG. KRUPSKI:
Motion.
P.O. GREGORY:
Motion by Legislator Krupski, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Seventeen. (Not Present: Leg. Fleming)

P.O. GREGORY:
I.R. 1519 - Authorizing the disapproval of a new parcel for inclusion into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - Kurt and Susan Meyer (SCTM No. 0802-010.00-04.00-008.000) (Co. Exec.).

LEG. KRUPSKI:
Motion.

P.O. GREGORY:
I.R. 1520 - Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - South Country Farms, LLC (SCTM No. 0200-976.10-03.00-027.002) (Co. Exec.).

LEG. BROWNING:
Motion.

LEG. MURATORE:
Motion.

P.O. GREGORY:
I.R. 1521 - Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - Agriturismo Sannino, LLC (SCTM No. 1000-101.00-01.00-014.006) (Co. Exec.).

LEG. KRUPSKI:
Motion.

P.O. GREGORY:
I.R. 1522 - Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - South Country Farms, LLC (SCTM No. 0200-976.10-03.00-027.002) (Co. Exec.).

LEG. KRUPSKI:
Motion.
P.O. GREGORY:
On the motion, Legislator Kennedy.

LEG. KENNEDY:
I just want to ask anyone, preferably Al, are all these parcels presently farmed or are we making them into farms?

LEG. KRUPSKI:
The general policy here of the Board that acts and reviews on these every year is that they be either farmed or else part of a farm, a real farm operation. Now this last -- this last one here we just acted on, Agriturismo Sannino, that is an adjacent parcel to an existing farm operation that they bought that would include that into their own -- their operation. They're in the process of clearing it and they'll be planting it next year, so it's part of their operation. The one before that, South Country Farms, is in, I guess, Bellport or Bayport. They were denied approval two years ago. They were told to establish an agricultural operation. They have done so to the satisfaction of the Board and they came back. They were reviewed, they came back, and they were -- we're suggesting that they be included in the ag district.

LEG. KENNEDY:
Okay. One more question. And if a piece of property is put into an agricultural district and the owner at some point decides that he wants to develop it?

LEG. KRUPSKI:
There is a -- yes, there is a, and I just read it, and maybe Lauretta or Sarah could answer that better, but there is individual included into agriculture so that -- with a local assessor, so they would not get any assessment. The assessment goes with the local authority, local towns, so they have to prove to the local assessors first before they would get any kind of ag assessment, and then they have to -- they have to comply, you know, every year to make sure with the local assessors that they get that assessment. So it's not automatic, just because if we pass this, Ag and Markets approves it, it's not automatic that they get an assessed benefit.

LEG. KENNEDY:
Gotcha. Thank you.

P.O. GREGORY:
Okay. All right. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Seventeen. (Not Present: Leg. Fleming)

P.O. GREGORY:
Okay. I.R. 1522 - Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - MF LK Holdings, LLC (SCTM No. 0600-021.00-01.00-003.000) (Co. Exec.). Motion by Legislator Muratore, I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

P.O. GREGORY:
I.R. 1523 - Authorizing the disapproval of a new parcel for inclusion into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - Timber Gardens, LLC (SCTM No. 0600-066.00-01.00-017.007) (Co. Exec.).
LEG. KRUPSKI:
Motion.

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

MR. RICHBERG:

P.O. GREGORY:
I.R. 1524 - Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - Laura McCarthy (SCTM No. 1001-007.00-03.00-019.003) (Co. Exec.).

LEG. ANKER:
Motion.

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

MR. RICHBERG:

P.O. GREGORY:
I.R. 1525 - Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk - 2016 - Meador Land Company, LLC (SCTM No. 1000-055.00-01.00-007.000) (Co. Exec.).

LEG. MURATORE:
(Raised hand).

LEG. ANKER:
Motion.

P.O. GREGORY:
Motion by Legislator Muratore, second by Legislator Anker. All in favor?

LEG. D'AMARO:
On the motion.

P.O. GREGORY:
On the motion, Legislator D'Amaro.

LEG. D'AMARO:
Yeah. Wasn't there an issue with respect to this particular inclusion about whether or not part of the property was being used for commercial purposes, if I recall, that we had some testimony once at a public hearing, I believe. And I have a letter here as well that indicates that, in fact, it's -- part of this is a commercial operation or a wine tasting operation, something like that.

LEG. KRUPSKI:
Yes. Could I answer that, Mr. Presiding Officer?
P.O. GREGORY:
Yup.

LEG. KRUPSKI:
Sure. This is a -- this is a small parcel that was a -- in a residential home, and it was not part of the farm, you know, at the moment. It might have been historically, but it wasn’t at the moment. It's a completely separate tax map number. They -- the people who bought the preserved farmland, because it’s preserved under a town easement, they cannot do processing, they cannot do retail, they cannot have parking for retail on the preserved farmland. So all those functions that they can't do on the preserved farmland they need to have a reserved area, in this case would be their residential lot.

So they have -- they have had a long history for over a year working very unsuccessfully with the Town to develop a business model that would fit into their -- the business model that would work for them that would fit into these parcels. During that time, they've merged the two parcels, the residential parcel with the preserved parcel, to make it -- to make it one parcel, to try to -- well, it was a long story and it didn’t work out well. But they still want to put this in the ag district, because this is where they conduct their business, store their equipment, and, you know, if the Town allows it someday, retail, but that's a local land use decision. Still, they still run their business out of the residential parcel, which it's legally connected to, but it's not preserved land.

LEG. D'AMARO:
What did you say?

(*Laughter*)

I seem to recall that -- so this is a one-acre parcel, correct?

LEG. KRUPSKI:
Yes.

LEG. D'AMARO:
That's developed. It has a barn on it or a home?

LEG. KRUPSKI:
Yes, a small barn and a home they restored.

LEG. D'AMARO:
Right.

LEG. KRUPSKI:
The parcel of preserved land, when it was preserved by the Town, there was a two-acre reserve area that was -- that was like a cutout. That parcel was subdivided off by the previous owner and sold separately. So this farmland parcel did not have any kind of area where you could do -- you know, you couldn't have a residence, you couldn't do retail and you couldn't do processing. So that's why they bought this other parcel and merged it with the preserved area, so they could do those uses. Eventually, whatever they work out with the Town is -- they're going to work out with the Town.

LEG. D'AMARO:
Right. But wasn't that use denied by the Town?
LEG. KRUPSKI:
Some of the uses were denied by the Town, not the residential use. I don't think the tasting room had any success. I'm not sure about the -- you know, the processing part.

LEG. D'AMARO:
Right. And this is -- this is now proposed to go out -- to become part of the Agricultural District?

LEG. KRUPSKI:
Yeah.

LEG. D'AMARO:
And the advantage, if I recall, is -- one of the advantages is that the parcel would then not be subject to local zoning.

LEG. KRUPSKI:
No, that's not true, no, no.

LEG. D'AMARO:
I believe the person that testified here at the public hearing, did we -- we must have had a public hearing on this.

LEG. KRUPSKI:
Yeah, we did.

LEG. D'AMARO:
Stated that the Town had opposed that use, and this was a way to circumvent the Town's denial of the use they were looking for.

LEG. KRUPSKI:
The Towns have a long history of trying to reconcile certain things with New York State Ag and Markets, but the Town's in no way are giving up their local zoning and land use powers to Ag and Markets.

LEG. D'AMARO:
So is that -- are you sure about that? I thought that --

MR. NOLAN:
Legislator D'Amaro.

LEG. D'AMARO:
I thought it circumvents local --

MR. NOLAN:
Because this issue has come up, it came up with the Northport property, and while the State Law says, you know, local zoning is still in place, the Ag and Market Law does give the owner of the farmland a mechanism to go to the State and say that the zoning restriction is unreasonable and too limiting. And, you know, if the State says that is the case, then, you know, the local zoning may have to give way if the restriction is deemed unreasonable.

LEG. D'AMARO:
Right.
MR. NOLAN:
So while local zoning is in place, it does give the owner of the agricultural land another avenue to pursue a use that, you know, the Town or the Village may deem improper.

LEG. D'AMARO:
I just don't -- I don't have any specific recollection other than the notes I have in front of me, where someone was very strenuously objecting to this particular inclusion because of those reasons. And, you know, if that is the case, if there is a -- if there is a way, a path to supersede the zoning decisions of the Town, then I think it's incumbent upon us to listen to what are the particular uses. Through the Chair, Legislator Krupski, do you know what the use is for this parcel, what's proposed?

LEG. KRUPSKI:
I haven't followed it that closely. I thought during the whole process that it would have been resolved between the landowner and the Town. So it was resolved, but I don't think it was resolved with -- to everyone's satisfaction. I have to -- I have to think that it's -- the uses proposed on the site, the Town probably felt that the size of the site would not support all the uses that were proposed. I mean, you do have a residence there. So then if you're going to -- again, you can't -- because it's a Town easement, you can't do processing or retail or even parking for retail. You can park on preserved land for your farming operation. If your farm worker comes to work, they can park there, but you can't have a retail -- parking for a retail operation. So the size of the site is constrained.

LEG. D'AMARO:
Yeah, I do have some notes here. Legislator Fleming had asked what the use of the barn was going to be, and the applicant themselves said they're exploring a tasting room or a farm stand. Right now, the barn is used for farm storage. "But we have hope that it can be used for something to build revenue back into the business."

And then the applicant, when Legislator Fleming asked if they would work with the Town, the applicant said, "I am not hopeful about that because it's been difficult." So there has been a clash at the local level with respect to how the -- whether or not the proposed use is complying with the character of the surrounding neighborhood, and there was objections from neighbors who -- or a neighbor who came here and said, "I object to this, because I went to my Town level, I did it the right way, and the Town said no," but now there's a pathway around that. I think that was the problem here.

LEG. KRUPSKI:
But I don't believe -- and, George, if you could give us an opinion on this. I don't believe that this is a pathway around the Town's land use policies. I don't think you could -- New York State Ag and Markets could get past a local municipality's either Planning or a Zoning Board of Appeals.

MR. NOLAN:
If the State Ag and Markets said that the local zoning was improper, overturning that determination in court is really difficult. The State Ag and Markets gets a lot of deference from the courts, and it's been pretty literally construed in terms of what is a farm operation. For example, in an Upstate case, the farm wanted to build housing for its workers, and the Town or the Village said, "No, that doesn't fit with local zoning." Ultimately State Ag and Markets said it was part of the farm operation, and a court upheld that, and so local zoning was overridden in that particular case.

LEG. D'AMARO:
George, do you know --
**MR. NOLAN:**
I just think the Legislature should be aware, when we put something into an ag district, because we had the situation in Northport where now there's a big fight ongoing where they're trying to overcome the Town's objections to a tasting room, basically a similar situation. And so it's just I think the Legislature should be aware of that.

**LEG. D'AMARO:**
Right, I tend to agree with that. I think that -- do you know, George, was -- there was a similar case. There was a case where -- that you just cited that basically Ag and Markets said, "Despite local zoning, we're going to" -- "we would permit this use, therefore" --

**MR. NOLAN:**
They basically said the local zoning restriction was unreasonable.

**LEG. D'AMARO:**
Do you know of a case? Has Ag and Markets ever ruled on a tasting room, do you know? Does that fit within the ag district?

**MR. NOLAN:**
I can't remember. Just hold on one second. Yeah, I think there -- I think there was a case. I actually have a memo floating around somewhere in my office where we actually looked at this issue, particularly that -- the zoning issue and what the effect of going into an agricultural district does in terms of local zoning. So the reason I'm just raising it is that when we did Northport, people said, you know, no local zoning controls, and that's true up to a point. Local zoning is still there, but it does give a landowner in this particular situation just another -- another way to get a use on the property that maybe the Town doesn't want.

**LEG. KRUPSKI:**
Legislator D'Amaro, I appreciate your questioning, I really do, because you're going from Ag and Markets, looking at ag production, you know, you're making dust, you're making noise, your irrigation motor is running late at night, to you've got a tasting room. Are you going to have 200 people there? Are you going to be hosting weddings? Are you going to have events every weekend? So this is -- this is where Ag and Markets is looking at things other than production. They're looking at ag operations as part of the -- you know, beyond -- beyond the field production.

**LEG. D'AMARO:**
Right. So if -- in effect, if we approve this, we are permitting a more expansive use or a particular use that -- or a number of uses that could be put in place that neighbors could object to. Then I think at our level, it's incumbent upon us to know precisely what the applicant intends to do with this one-acre parcel and hold them to it.

**LEG. KRUPSKI:**
You're absolutely right.

**LEG. D'AMARO:**
Because what -- because there's no -- otherwise there's really no community input into the use. I mean, ultimately, maybe it is approved, but people are going to feel like, you know, we had absolutely no say because of this, you know, this agricultural district that comes out of left field and just circumvents our ability to weigh in. And so I think when we consider a bill like this, it should be more of, you know, the applicant should be here and people should be on notice that this is -- this could be close to being like your zoning approval, in effect, by putting it in this district. And so I would like to know a little bit more from the applicant precisely what they're going to do with this parcel, because it is going to impact the surrounding folks.
LEG. KRUPSKI:
You should have asked him nine hours ago, he was sitting here.

LEG. D'AMARO:
Oh, really? So, you know, we did -- in the face of objections from a neighbor who came down and submitted written testimony and some backup, you know, I think that I would be more comfortable if I knew exactly what was proposed for the one-acre site.

LEG. KRUPSKI:
Just to be clear, if we don't pass it today, the schedule will not allow for inclusion for this year. But the applicant can apply, like the other -- all the other applicants that were disapproved, they could apply for inclusion next year. So it's not like if you disapprove it tonight, they can't ever come back in the door. It's a one-year review process.

LEG. D'AMARO:
This motion -- this resolution is to approve, though.

LEG. KRUPSKI:
Yes.

LEG. D'AMARO:
Yeah, yeah. I think that -- I think the applicant needs to be here and explain the property, what the intention is. So I'm not going to vote for this today, I'm just not going to support this. I'd rather give the surrounding neighbors an opportunity to know what's happening in their yard before I approve this. Okay. Thank you.

P.O. GREGORY:
Okay. Anyone else? Okay. We have a motion and a second on I.R. 1525. All in favor? Opposed? Abstentions?

LEG. D'AMARO:
Opposed.

MR. RICHBERG:
Sixteen. (Not Present: Leg. Fleming)

P.O. GREGORY:
Okay. I.R. 1526 - Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk 2016 - Sagaponack Realty, LLC (SCTM No. 0908-010.00-03.00-001.000) (Co. Exec.).

LEG. KRUPSKI:
Motion.

P.O. GREGORY:
Motion by Legislator Krupski, second by Legislator Muratore. On the motion, anyone?

LEG. D'AMARO:
Just on the motion. I believe that we had previously denied this particular property.

MR. NOLAN:
It was denied last year, yes. The board that reviews the applications I believe disapproved it.
LEG. HAHN:
Right. The Farmland Committee disapproved it last year, and now they have an approval, I believe.

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

LEG. KRUPSKI:
So at the -- at last year's 2015 Agricultural Farmland Protection Board, the applicant was disapproved because there was no agricultural operation currently on the site. The applicant's representative -- who's approaching the microphone, almost -- stated that they were in the process of establishing an agriculture operation. This is -- this parcel is subject to an easement held by Peconic Land Trust that limits the activities there; in other words, there's only -- it can only be used for agriculture except for the parcel by the ocean. The conservation easement protects that from other residential development or subdivision. Now that -- the applicant stated he was going to start an agricultural operation and to the staff -- the staff's here, you can ask Lauretta Fisher, she provided us with the information at the board meeting in the Spring. To her satisfaction, the staff report recommended inclusion into the Ag District because an agricultural operation had been established there. I'm not that familiar with the area, I did go over to take a look at it.

LEG. D'AMARO:
But the Farmland Committee approved it.

LEG. KRUPSKI:
Yes. The Farmland Protection Board, yes.

LEG. D'AMARO:
Right.

LEG. KRUPSKI:
And the County staff recommended inclusion, the Farmland Protection Board agreed with it.

LEG. D'AMARO:
Could I ask a question of Counsel? Just refresh my memory; going into this district, does that -- does that limit your use of the property to farming related uses as defined under State law?

MR. NOLAN:
To get into the district it has to be used for farming purposes or predominantly used for that purpose.

LEG. D'AMARO:
Right.

MR. NOLAN:
The question did come up at committee because there's been discussion that at some point the person that owns this property is going to seek to develop the southern portion and build three homes. There's no subdivision application pending or anything like that. So the question came up and Legislator Fleming posed it; if that happened, would they still get the agricultural assessment for that portion of the property. And I sent a memo around today that was prepared by the County Attorney's Office which basically said no, that every year they have to go to the Assessor to get the agricultural assessment and if they convert a part of the property to non-farm use, they don't get that assessment.
And also, the second question that came up is if part of the property is not used for farm use, can that be removed from the Agricultural District. And every, you know, eight years these Agricultural Districts are supposed to be reviewed by the County and we can modify the district; like in that situation, if they're using part of the property for residential, we could remove it from the Agricultural District.

**LEG. D'AMARO:**
If it's in that district, how can you even develop it as a residential?

**MR. NOLAN:**
Well, I think it's predominantly -- it has to be predominantly used for agriculture. I think the question came up why did that portion of the property go in as the application, or would the County consider that, but they have to consider the whole parcel.

**LEG. KRUPSKI:**
I would like to -- if we could ask the applicant, he's here. We could ask him if there is -- is the entire parcel, including the ocean-front parcel, to be included in the Ag District? And there's no subdivision today, but if the people you represent tomorrow decide to go in for a subdivision to subdivide those ocean-front lots, at what point, in your opinion, would they be taken out of the Ag District?

**MR. SNEAD:**
First off, my name's Lee Snead, I represent the applicant, Sagaponack Ventures and Sagaponack Realty. To your question, it's a 43-acre parcel now and 27 acres of it is within a conservation area and a conservation easement with the Peconic Land Trust. That -- quite frankly, that area will never be anything other than farm. There may be one residential home on it, but that's all that's allowed there.

**LEG. D'AMARO:**
Can I just you a question, sir?

**MR. SNEAD:**
Sure.

**LEG. D'AMARO:**
Just to clarify; is that the part of the parcel that's closest to Daniel?

**MR. SNEAD:**
It's the northern portion.

**LEG. D'AMARO:**
The northern portion?

**MR. SNEAD:**
The northern portion. The 15 acres or the three supposed areas that were supposed to be developed into homes, it's on the south side on the ocean side.

**LEG. D'AMARO:**
I see, okay.

**MR. SNEAD:**
That's -- it would all be included within the Agricultural District because technically it's all one parcel right now, there's never been a subdivision. But if there were a subdivision in the future, the lot
owner at that time would have to notify the Assessor if that piece of property were a part of an agricultural assessment. It’s not. The only portion of this property that would be subject to agricultural assessment is the northern portion because that’s the only place that there’s any farming going on and that farming will go on into the future.

With regard to whether somebody else bought the property in the future, if it fell within the eight-year period that the County wasn’t reviewing it, they could ask to be pulled out. Because you’re entitled to go back to the County and say, Look, that Agricultural District designation was issued for a lot, that lot has changed and this particular lot is not part of that district or wasn’t brought in so I’d like to come out. And I don’t know why anybody wouldn’t because, quite frankly, if that area ever gets subdivided as residences, there’s going to be no farming going on on that. So, does that answer your question?

LEG. KRUPSKI:
Yes, thank you. And that also -- does it stand to reason that this particular 43-acre parcel has a tax map number?

MR. SNEAD:
Correct.

LEG. KRUPSKI:
And if subdivided, it would still have the same tax map number, it would just be a smaller lot?

MR. SNEAD:
Well --

LEG. KRUPSKI:
And then --

MR. SNEAD:
When they subdivide a piece of property, let’s say your number is lot 027; if they subdivide that into four properties, you will have lot 027-001, 002, 003 and 004. They all are then separate tax lots, and so at that point, if the property that was subdivided was part of an agricultural assessment, they would have to notify the local assessor and the local assessor would then either grant or deny an assessment based on that.

LEG. KRUPSKI:
Thank you.

LEG. STERN:
I have a question.

P.O. GREGORY:
Legislator Stern. Oh, I’m sorry, Legislator D’Amaro.

MR. SNEAD:
And one other point, just so we’re clear. If you get an assessment change and you’re farming and then you come back and try to turn it into residential property or something that’s not exempt, you have to pay a five-year penalty. You have to pay it back, not only everything you got as a benefit over that period of five years, but you have to pay an interest compounded through five years ago. So there’s actually a real break on anybody trying to, you know, get around a tax issue by putting this into a farm situation.
In this particular case, that's not a worry because, like I said, there's already a conservation easement on it in favor of Peconic Land Trust and that's not going to be changed. Peconic Land Trust would have to agree to change that.

**LEG. D’AMARO:**
So the primary benefit is the tax advantage of being --

**MR. SNEAD:**
No. No, not here, because you can get a tax advantage on any property. You can get an agricultural assessment. If we hadn't gone through this process -- in fact, we're not in the Agricultural District right now.

**LEG. D’AMARO:**
Right.

**MR. SNEAD:**
We could seek an agricultural assessment for that area that we're presently farming, which, in fact, we did and which, in fact, has been given.

**LEG. D’AMARO:**
Okay.

**MR. SNEAD:**
Just on that 25 acres.

**LEG. D’AMARO:**
Why do you want to include this parcel?

**MR. SNEAD:**
It protects you from having nuisance lawsuits in the future. It protects you from -- it establishes the way for the assessment to occur, but that assessment is used also in the event that you're out of the district. And there is the zoning question, and since it's come up, if I could bring my small opinion on it. There are only about four cases in the entire State of New York where the agricultural and markets department has come in and talked to or brought an action against a municipality. It's not something they do often. I've actually been involved in a situation where there was a dispute between the Town of Brookhaven and a landowner and they weighed in and they mutually resolved it through a letter. Because at the same time, you know, -- I'll give you an example. In the situation that I believe you discussed where they put the housing up for the farm workers; had they put the housing up for the farm workers and a field for football with lights, and probably the zoning ordinance wouldn't have allowed it, but that's not something that's part of farming and so that would be upheld to the local zoning. Whereas, you've got to have workers on your property, so you have to have a place to put them. So --

**LEG. D’AMARO:**
Well, we were in the context of a wine tasting room. There's not no case on point --

**MR. SNEAD:**
Not that I'm aware of.

**LEG. D’AMARO:**
-- which way that comes down.
MR. SNEAD:
Not that I’m aware of.

LEG. D’AMARO:
And so you have concerned neighbors that come to us then and say, Look, you know, if it comes down that it isn’t a permissible use in an Ag District, you’re circumventing zoning and you’re circumventing my --

MR. SNEAD:
You’re not circumventing it because what you’re doing is -- they’re going to have to go to court, ultimately, to determine that, but that’s only after the Agricultural & Markets District, department and the local municipality have not been able to resolve it in that matter.

LEG. D’AMARO:
Right, but I’m not looking past the administrator --

MR. SNEAD:
No, I understand that.

LEG. D’AMARO:
-- or determination level. You know, you can always sue, you can always challenge.

MR. SNEAD:
Sure.

LEG. D’AMARO:
I’m just saying, in the first instance, when you have someone that’s objecting to a wine tasting room and goes to the town and says that to the town and then you go and apply to the County Legislature and you get the designation --

MR. SNEAD:
It's like anything, there's always a line that has to be pushed one way or the other.

LEG. D’AMARO:
I appreciate that.

MR. SNEAD:
But I do appreciate the opportunity to speak. If there are any other questions, I’d be happy to answer them.

P.O. GREGORY:
Legislator --

LEG. D’AMARO:
One more thing.

P.O. GREGORY:
Oh, sorry.

LEG. D’AMARO:
Just real quick. So then keeping on that point of zoning, is then the -- are you the owner or you represent the owner?
MR. SNEAD:  
I represent the owner.

LEG. D’AMARO:  
Okay. So does the owner intend to develop this parcel further than what's happening today, once it's in the district?

MR. SNEAD:  
It's possible that that will occur.

LEG. D’AMARO:  
I mean farming related.

MR. SNEAD:  
Oh, farming related? Yeah. The plan here, and it's in the packet, is that he ultimately wants to have a tomato farm growing vegetables and spices and turn it into a place where he could create a tomato sauce; that's his ultimate plan. Right now he's doing other thing to move his process forward. But beyond that, I mean, he's not planning to develop this farm in any way that's not farm related, so.

LEG. D’AMARO:  
All right, very good. Thank you.

P.O. GREGORY:  
Legislator Trotta.

LEG. TROTTA:  
Tell me again why it's necessary for him to get this in the Ag District, or they want it in the Ag District?

MR. SNEAD:  
Why it's necessary?

LEG. TROTTA:  
Why are you doing this?

MR. SNEAD:  
To gain the protections that the Ag gives, and that act -- the protections the Ag gives are related to nuisance lawsuits, related to zoning, some -- and related to agricultural protection. It's -- you know, it's why anybody does anything. There's a protection here and he would like to avail himself of it. I mean, look, we're out in Sagaponack, right next door is the Ira Rennert Estate. The last thing we want to be concerned --

LEG. TROTTA:  
What's his name?

MR. SNEAD:  
Ira Rennert. It's a gigantic mansion. I mean, it's probably on the order of 60 or 70 acres on the water. The last thing we want from any of the neighbors is a lawsuit saying, you know, you can’t go ahead and disk your property because the dirt, it's in the wind and it's coming onto my property and it's a nuisance for me. That's one of the main protections this act provides, it exempts you from the nuisance issues.
Because, look, farming and agriculture is not the same as residential. And just to be even more clear, this is in Agricultural District that's identified by the municipality itself. It's a former farm field that has always been harvested upon. Its within an area that has probably about a hundred acres north of it that's been protected, that it's been farmed upon. But, you know, we're there, we're moving forward, we would like the protections that the AML gives. Are there any other questions?

LEG. KRUPSKI:
Mr. Presiding Officer?

P.O. GREGORY:
Legislator Krupski.

LEG. KRUPSKI:
Thank you. So -- and you spoke very well about the protection it gives. And it really, I think the origin of this is that somebody is making dust or it becomes, you get a suburbanized type of development next to a farm and all of a sudden the complaints come in, you get an unsympathetic local municipality who's unsympathetic to agriculture and they're going to pass an ordinance saying you can't spray on Monday, you can't disk on Sunday, you can't harvest on Tuesday afternoons if it's cloudy; they could pass any kind of -- get political pressure to pass any kind of legislation and agriculture needs that kind of protection against that sort of thing.

P.O. GREGORY:
Okay. Anyone else? So we have a motion to approve --

MR. SNEAD:
Pleasure to appear.

P.O. GREGORY:
-- and a second. All in favor? Opposed? Abstentions? I have Trotta opposed.

MR. RICHBERG:

P.O. GREGORY:
1564 we did.

IR 1571-16 - Authorizing the Suffolk County Department of Health Services to amend policy and authorizing the Suffolk County Board of Health to amend the Suffolk County Sanitary Code to allow for the approval, registration and management of innovative and Alternative On-site Wastewater Treatment Systems (County Executive). Motion by Legislator Hahn. Second by Legislator Muratore. On the motion, the list grows.

LEG. CILMI:
On the motion.

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

LEG. CILMI:
On the motion, yes. Can I, through the Chair, ask Dr. Tomarken to -- or any staff that he might want to bring up with him.
Commissioner, hello again. I don't think I need to remind you, but I will remind you of our debate as it relates to unilateral authority of a department head to promulgate regulations, institute fees, raise fees, etcetera, and my belief that that sort of stuff should be in the purview of the Legislature to approve. The Health Department is, of course, the overseer of the Sanitary Code and this changes the Sanitary Code. My understanding is that in so doing, it gives you, as the Commissioner, or gives the department certain latitudes, and I'd like to just explore those latitudes if I could. I had previously asked these questions and I did receive some answers, but I needed to explore more thoroughly on the record.

So I understand that this resolution gives you the authority to promulgate some regulations and such, as it relates to sanitary -- septic systems.

**COMMISSIONER TOMARKEN:**
Correct.

**LEG. CILMI:**
Yeah. So, and let me just state for the record that I think the intent of this resolution is good and for the most part I think the resolution itself is good. But I really wanted to get your input as to how you view the authority that this resolution in particular will give you as it relates to regulatory authority and any authority that it may give you to institute fees.

**COMMISSIONER TOMARKEN:**
I view this as part of Article 3 of the Sanitary Code which gives the Commissioner the ability to set fees and fines. And this is just another one of those fees and fines, no different than any other, limited by a cost, and so it's just another additional fee and fine situation that would be added to our list.

**LEG. CILMI:**
So what do you anticipate, have you given any thought to what the fees associated with the registration of these new septic systems might be?

**COMMISSIONER TOMARKEN:**
I'll let Mr. Dawydiak address that.

**MR. DAWYDIAK:**
Thank you, Dr. Tomarken. Legislator Cilmi, Walter Dawydiak, Director of Environmental Quality. I'm joined by Justin Jobin, our Environmental Projects Coordinator and project manager for this initiative. I believe Sarah Lansdale is also in the room, she's been a leader setting up this program. As of now, we have not proposed any different or additional fee for any element of this program. We're very fortunate that the State Department of Environmental Conservation has provided us with the $4 million grant to not only upgrade our data systems and digitize our records, but also hire six new staff people for the start-up of this program. So the first systems that come in the door are going to have a planning and management staff as well as review, approval and inspection staff on hand. So as of now, we're looking at a single family residential application fee. There is no fee seat associated with the registration or reregistration of the systems either.

**LEG. CILMI:**
So you said something about a single family application fee.

**MR. DAWYDIAK:**
Correct.
LEG. CILMI:
Does that differ in any way from the fee that you're currently charging for an application for a septic system?

MR. DAWYDIAK:
No, currently somebody pays a standard fee for water and septic review.

LEG. CILMI:
Okay. And you don't expect that to change?

MR. DAWYDIAK:
As of now there's no proposal on the table to change that.

LEG. CILMI:
And you don't expect it to change.

MR. DAWYDIAK:
I can't speak for the Administration and the future of the program. What I can tell you is that during program start-up, during the pilot demo phase as well as the initial approval phase, we're not proposing an increase at this time.

LEG. CILMI:
You referenced in your initial remarks that we're receiving a grant of $4 million which will help fund a number of things including staff six staff members?

MR. DAWYDIAK:
Correct.

LEG. CILMI:
For how long would you expect that our these six staff members will be funded?

MR. DAWYDIAK:
The commitment in the grant was for a minimum of three years. There is a potential to extend that grant as well.

LEG. CILMI:
What happens if the grant goes away?

MR. DAWYDIAK:
The grant has been obligated and appropriated into our budget. I'm not aware of any situation where any de-obligation could occur.

LEG. CILMI:
I mean, you know, three years from now, let's say that they do away with the grant.

MR. DAWYDIAK:
Yeah, on an annual budget, on an annual basis and as part of the operating budget, it's prepared by the County Executive and reviewed by this Legislature. We look at expenditures and revenues and come up with any reasonable amendments to keep the operation going and in three years we'll reassess where we are in terms of how much these applications cost to review and approve, what our expenses are and what the fees are. Modification is possible in any annual cycle or at any time.
LEG. CILMI:
So would these be new positions or would they be existing positions that will be newly filled, or exactly what?

MR. DAWYDIAK:
These positions were created as part of a resolution that was approved by this Legislature a short time ago.

LEG. CILMI:
Okay. So the positions were already created. We have revenue coming from -- is it the State government?

MR. DAWYDIAK:
Correct.

LEG. CILMI:
To fund the positions, among some other things for this project. The department, I would imagine, would keep the application fee relatively stable to the extent that you’re able, and should the department decide to increase fees in the Sanitary Code again at some point in the future, I would imagine this would be among those fees that would be included in those increases. But would there be any reason for me to believe that an increase in this fee would be any different than, you know, the increases that we recently saw in the three to 10% range?

COMMISSIONER TOMARKEN:
I see no reason to view it any different than that.

LEG. CILMI:
Okay. And for the record, I'm opposed to those types of increases being done without Legislative approval. And I don't like that you would have the authority to do it in this case, but the fact remains is that you already have the authority to do it in this case. This is just setting another level of criteria which will make it easier for folks to get a new septic system, new technology, septic systems approved.

COMMISSIONER TOMARKEN:
Yeah, we want people to get involved.

LEG. CILMI:
Sure, as we all do.

COMMISSIONER TOMARKEN:
Yeah, and we don't want to make it any difficult for them.

LEG. CILMI:
Right. All right, you've given me a sufficient comfort level. Thank you.

P.O. GREGORY:
Okay. Legislator Krupski.

LEG. HAHN:
That's all you got?
LEG. KRUPSKI:
Thank you.

LEG. CILMI:
That's all I got. I'm easy, Kara.

LEG. KRUPSKI:
So there's been a couple of working groups. When we got the draft Article 19, a lot of concerns came up. And I want to thank Dr. Tomarken and Walter Dawydiak, Justin Jobin, Sarah Lansdale, all the people that you work with, because they were very responsive to concerns.

One of the big concerns with Article 19 is it would lead to more -- to increased density as of right, as it relates to Article 6 of the Health Code, and they were very inclusive of the towns. They brought in -- you know, local municipalities were invited to participate, they were sent a draft, they were sent the information. This is something -- this is really a response to really decades of, you know, many people asking for the Health Department to do different -- to do business differently. And they've been moving ahead really, I think, at a very good pace. They're using, I think, the appropriate amount of caution on permitting these new systems because, don't forget, once you permit these new systems and they're in the ground, their performance is going to be -- is really important.

So I appreciate the pace that you're going at, but I appreciate the way you're looking forward. The lottery today was another good example, I think, of looking at eight new systems that are coming in, plus we funded the vegetative wetland, three systems spread out throughout the County and I think that's important to look at those. And I know -- I don't know why, but we're not supposed to call it the layer cake system anymore, but the old -- the artist formerly known as the layer cake system I think is being tested and I think that's got -- seems to have a lot of possibilities.

So the next big questions that we'll have to answer is when do these systems get put in place, how are they -- where are they put in place, and who has the say over which system gets put where. And I think those are going to be -- those are the questions that really need to be answered. I appreciate your looking forward, taking us forward here with this and the ability to work -- to work well with others, to bring in the local municipalities who have a great deal of interest in this. So thank you.

COMMISSIONER TOMARKEN:
Thank you.

P.O. GREGORY:
Legislator Stern.

LEG. STERN:
Yeah, thank you. Doctor, I wanted to thank you for spending time with me and going through many of the provisions, and I just wanted to just very briefly address one of the concerns that had come up which was the density issue. You were kind enough to go through with me, there are a couple of provisions in the proposed article that specifically deal with that issue; I just wanted to point those out for the record.
The first one was in Section 1902.

MR. DAWYDIAK:
Thank you, Legislator Stern. I'm just going to read, if I could, Section 1908, which is also embodied in the definitions and the purpose. "Nothing in this article shall effect the operation of Article 6 of the Suffolk County Sanitary Code. These innovative and alternative on-site systems are considered
individual sewerage systems under Article 6 and shall not be considered sewering, community sewered systems or modified subsurface sewage disposal or denitrification systems by the department under Article 6."

I just wanted to thank you and all of the Legislators for working so closely with us. We've been through two stakeholder meetings, two Environment Committee meetings, three Boards of Health and two Legislative Work Groups refining this. This is one of the most significant changes that was made because it forced us to very carefully go back to the jargon in Article 6 and everywhere else in the code, and to make sure that it's painfully clear and unambiguous that this in no way, shape or form contravenes unsewered development densities that are otherwise required. These systems are to remove nitrogen, not result in additional pollution and growth. So just thanks to all Legislators; Hahn, Fleming, Krupski who were very instrumental on the committee, as well as a number of others, Doc Spencer is a pillar, as always, and the Board of Health in shaping this resolution and moving it forward.

LEG. STERN:
And just to be clear for the record, you had read from Section 1908 and then the other provision is the end of Section 1902; correct?

MR. DAWYDIAK:
Correct, Section 1902 is a Statement of Purpose. We had a much milder Statement of Purpose, it was suggested by multiple Legislators that this be made stronger and embodied in a substantive provision which is 1908. The purpose is sort of a general purpose of substance, gives it teeth. Sarah is reminding me that Legislators Kennedy and Muratore and others were also on the Work Group, so thanks to all.

LEG. STERN:
Thank you.

COMMISSIONER TOMARKEN:
I would just like to add to what Walter said. It was really a very positive experience working with the Legislature on this, and I hope to look forward to more cooperative agreements like this.

LEG. STERN:
Thank you.

P.O. GREGORY:
Okay. Just one quick question. So this is to allow the alternative systems, which we had the lottery for today and I guess last year, or however long ago that was. Do you contemplate -- well, obviously once you test, fully test this pilot program, do you contemplate making it a requirement that homeowners move to these type systems? Because that's some of the scuttlebutt I'm starting to hear.

COMMISSIONER TOMARKEN:
In my mind, that's a policy decision and that's a policy decision that the Legislature should deal with.

LEG. TROTTA:
Good answer.

P.O. GREGORY:
Okay.
COMMISSIONER TOMARKEN:
We can give recommendations, but I think that would -- if it were to occur, would come from this body.

P.O. GREGORY:
Okay. Because that's -- you know, I met with some of the industry folks just a week or so ago and that's kind of what they've been stating and there's going to be some onerous requirements, potentially.

MR. DAWYDIAK:
Legislator Gregory, if I could just expand on the timeline. This first round of code changes are going to result in making the system available as of right, no board of review, to small residential flows. And we expect that it in September, anybody that wants to use this system can use it for up to three residential dwelling units. By the end of the year, this should also be made available to commercial facilities as well as flows larger than a thousand gallons per day. The policy changes that Dr. Tomarken was speaking about are tied to the Sub-watersheds Wastewater Plan, and County Exec policy. These are outgrowths of the Comp Water Resources Management Plan. And just like this resolution, any changes proposed in 2017 would indeed come before this body.

P.O. GREGORY:
Okay. All right, Legislator Hahn.

LEG. HAHN:
I just want to finish up by thanking you all. Because I know that this is -- and I know I'm just kind of repeating what was already said, but I'm going to do it anyway. This was culmination of probably decades of work, because when I came -- first came in, I sat down with Walt to talk about the innovative systems and talked about all that had to get done with the comp plan and between taking the tour and all the work you guys did behind the scenes, it really has been an extraordinary journey to this point, and I know the real hard work is yet to come. But thank you for all your work on this.

COMMISSIONER TOMARKEN:
Thank you.

P.O. GREGORY:
All right, thank you. Anyone else? Okay. So we have a motion and a second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:
All right, thank you.

All right, **IR 1587-16 - Making a SEQRA determination in connection with the Proposed Replacement of Smith Point Bridge and Associated Roadways, Town of Brookhaven (Presiding Officer Gregory)**. No this is 1587 motion by Legislator Browning, second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).
P.O. GREGORY:
IR 1606-16 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component - for the Mennuti property – Forge River Watershed - Town of Brookhaven (SCTM No. 0200-825.00-03.00-025.000)(County Executive).

LEG. BROWNING:
Motion.

LEG. HAHN:
Second.

LEG. KRUPSKI:
Second.

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

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:
Okay, I have a request to take IR 1738(-16) out of order, it's a CN, it's in the red packet. It's accepting a donation of real property for open space purposes - a SCDHS Board of Review transfer of development rights (Ref. No. C06-16-0004)(County Executive). Do I have a second?

LEG. ANKER:
(Raised hand).

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

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:
Okay, IR 1738.

LEG. ANKER:
Motion to approve.

P.O. GREGORY:
Motion to approve; I'll second. It's before us. Can we get an explanation?

LEG. KRUPSKI:
Put me on the list, too.

P.O. GREGORY:
Okay.
MS. CULP:
Hi. How are you? Jen Culp, Department of Health. This is a resolution to accept land by the County. This is for a project on the East End in which in order to meet requirements of our Sanitary Code, an applicant was given the direction that they would have to remove 22,000 square feet of their existing storage space. However, they came to us with a proposal to sanitize seven acres of land and donate that to Suffolk County and that land would then offset their requirements. And they would be able to keep the 22,000 square feet of storage space which they will be leasing to Island Harvest for a dollar a year for storage needs on the East End, and this will help Island Harvest serve over -- I believe there's about 50 of their member agencies east of Riverhead. Right now their warehouse is only in Hauppauge.

P.O. GREGORY:
Is there any particular reason why it's a CN?

MS. CULP:
The applicant and Island Harvest are both looking for a determination and it was basically the Legislative calendar; without meetings next month, it would have to be put off and we were looking for a determination sooner rather than later.

P.O. GREGORY:
Legislator Krupski.

LEG. KRUPSKI:
Thank you. We did get some information today that was handed out to us. There were a number of questions raised by a member of the community. I thought a CN was a little -- I thought it was a little presumptuous here, really. I asked the question at the EPA Committee. There's a lot of -- I know there's a lot of applicants before the Health Department that would love to get a CN and they're not always that forthcoming, I don't think. But can you -- do you have the information that was provided to us this morning about the calculations? And I'll start with -- and these aren't my notes, by the way. This is what was given to us about -- because I did go to the Board of Review and I asked the question -- I asked the question about how these calculations were made. They were made based on the flow that was needed was based on the size of the building and the use, and I asked how the calculation came to take sewer credits off of vacant land and they said that's the standard calculation that they use to take flow off the vacant land, to take the sewer flow off and to sterilize it pretty much for all of the use.

So I wonder if you could answer some of these questions. It says, "The process water required to clean fermentation and storage tanks appears grossly understated, with conservatively shortfall estimated at 900 gallons per day." And the process water to clean fruit is not addressed at all and is -- I mean, that's something that I'm sure you could address, if it was or wasn't addressed; and if it wasn't addressed, why not? And then there's no provision for treating or disposing of the organic waste that after you crush the fruit it would generate.

MS. CULP:
What I can answer -- and I can turn it over to Mr. King, the applicant. But in terms of our staff, these plans -- well, first these plans are submitted by certified design professionals to our team. Our team of certified design professionals review these plans in accordance with our Sanitary Code, always, for every application that comes in. So, you know, we are working within the information we have on file, historically, the information that the design professionals give to us, and then with our own expertise and using the sanitary code and the Board of Review, which is also made up of design professionals in our department review everything carefully and make those determinations which they, you know, did approve unanimously.
LEG. KRUPSKI:
But to answer the specific question about how they calculated -- because I didn't see this. I would have asked the question, certainly, from the Health Department staff at the Board of Review had I known about these concerns, that the process -- the process water to clean the fruit, is there a provision made for that in their calculations? And also, the disposal of, you know, the resulting waste after a crushing process.

MR. KING:
If I may. I don't know whose questions those are that brought up the subject, because --

LEG. KRUPSKI:
They were submitted this morning by Larry Simms. He spoke this morning.

MR. KING:
He's also the gentleman that says I own 100,000 acres in Upstate, New York. So just in fairness, I don't know where the questions came from.

LEG. KRUPSKI:
Now you know, that's where they came from.

MR. KING:
Okay.

LEG. KRUPSKI:
He was here this morning.

MR. KING:
Okay. So now I'll give my answer. My design professionals designed this project to accommodate an apple cidery. It was submitted to the Board of Health. Just to clarify things, too, about -- what do you call it, Certificate of -- the quick reason. Okay, I have the approval to build a cidery today, okay, if I knock down the 22,000 square feet. So I have the approval. All I have to do is get the approval to knock the 22,000 square feet down. Okay? And that's where I was going. When I thought about I would have to ask Island Harvest, who has free space in my buildings now, to leave. So I said, Well, how about if I sterilize it, take the 22,000, I will give it to them for as many years as they want, okay, at a dollar a year, and that's only because it's a technical thing. Okay? It will stay on the tax rolls, so that's the reason why it became a quick can we do this, because I'm either going to knock it down and start planting apple trees, or I will go through this process today and answer anybody's questions. I have made myself available.

I don't know, quite frankly -- I have design professionals. I have the only cider maker on retainer for two years who used to do the cidery that was sold to Brotherhood. So it's all been designed, the tanks are on their way, everything has been designed to Board of Health Certification, to all of those kinds of other things. To be honest with you, I own a USDA food manufacturing facility and if you ask me about what we're doing there, I know we're making some great hamburgers and some great steaks, but I don't know how everything works. I have design professionals, very reputable design professionals which were approved by the County Board of Health to do all of that.

LEG. KRUPSKI:
I'm not disputing any of that except that, you know, I just wanted to know if the Health Department could answer those questions about -- that were raised this morning. And then the other question I had was, you know, Mr. King has that parcel that he wants to sterilize, and then we're going to take ownership of it. The access is very limited.
My question then to the Administration was why would we have to take ownership of it? If Mr. King wants to transfer those sewer credits to his facility off of his own property, why would we have to take ownership of it? Why couldn't he just retain ownership of that parcel? This is --

LEG. BARRAGA:
He is.

LEG. KRUPSKI:
We're trying to get rid of excess County parcels. It seems like every month we have a list of County parcels we're excessing, we're trying to shed. Why would we take ownership of this parcel? Why wouldn't -- if he wants to sterilize it and transfer the sewer credits, wouldn't he be allowed to do that and retain ownership of it?

MR. KING:
Respectfully, I believe the question was asked and answered at the last two meetings; that is the law that says for it to be done. Because I'm a business person, I'm used to doing things with covenants and restrictions and deeds and covenants. But the law says it has to be donated to a not-for-profit agency, and that's why we did this.

LEG. KRUPSKI:
Actually, the way I saw it written, it said it was a Board of Review policy. So I was wondering if I could get clarification on that; why Mr. King couldn't, if he wanted to transfer the credits, retain ownership of the parcel also.

MS. CULP:
You're correct, it's a long-standing Board of Review policy, we believe probably going back to the 1980s or 1990s that a municipality or a recognized not-for-profit needs to accept the land or the Board of Review would not sterilize it. You know, it's a long-standing policy that was in response to properties that stayed in the same ownership and then once they were sterilized, they were prone to be abandoned and then it became a nuisance and community hardship and community risk. So this is a long standing policy that they're a receiving parcel.

LEG. KRUPSKI:
But it's a policy, so why couldn't -- I mean, in this case it's a separate parcel from Mr. King's commercial operation on Sound Avenue. Why couldn't he sell that parcel? I mean, why would the County have to take ownership. The adjacent neighbors would preserve farmland, I mean, there's got to be some value to it besides -- after the sewage credits are removed.

MS. FISCHER:
My understanding -- Lauretta Fischer. My understanding is the Health Department requires the sterilization of that parcel, and in doing so it has to be left in its natural state in perpetuity. And to assure that, the policy was to either transfer it to a municipality or a not-for-profit in perpetuity to be left in its natural state. So the most acceptable position for this property was to send it to -- to donate it to the County for that purpose. So it will be transferred to Parks to be left in its natural state. There will be no use of the property other than possibly passive recreation. We do have a permanent right-of-way easement to the property and that's how it was proposed and approved by the Board of Health.

LEG. KRUPSKI:
Thank you.

MS. FISCHER:
You're welcome.
LEG. ANKER:
Knowing Mr. King and having met with him regarding -- we were trying to get our local produce into our schools. Unfortunately -- and I appreciate the time that you had spent. Unfortunately there's a State law saying that the school districts have to buy the cheapest food. Some of that food comes from China which was just, you know, for me unacceptable.

But I do appreciate your interest and your concern with the local farming community. I personally think it's going to be a great asset for the area out there. You know, the local apple orchards are just phenomenal and, you know, again, I know it sounds like this has been a long process. I know it has been a long day for you. You've been here for the past, what, 10 hours or longer, 12 hours? So I am in support of this resolution.

LEG. TROTTA:
Just -- I'm slightly confused here. You're going to grow apples on this. Can't we just -- wouldn't you like to grow apples on that seven? If you just transfer the development rights and never development it and keep it?

MR. KING:
I could if I want to knock down the 22,000 square feet.

LEG. TROTTA:
No, I'm missing the point here. Because if you were going to grow apples on it and you transferred the development rights so it could never be built on, wouldn't that be good enough for the County to just let you keep the other building? That question is to the County, not to you. I mean, it just seems odd that you're giving up this land you could be growing apples on.

MR. KING:
I have to tell you, I've have been dealing for three years trying to get all of this done.

LEG. TROTTA:
Maybe Sarah could answer this question?

LEG. McCAFFREY:
Because I think he's at wit's end.

LEG. TROTTA:
You just want to give it away.

MR. KING:
I'm willing to knock down 20,000 square feet just to get this thing done. The building is a beautiful building in a great spot and it'll be perfect for what we want to get accomplished. However, there's nobody who wants more traffic out there. There's nobody that wants anything. I offered to sell it back to the town. If they would like to knock it down and make it a park, make it a park. I'm fine with it.

LEG. TROTTA:
How much property is this total that you own there?
MR. KING:
I own, I believe, 7.11 acres on the front and 6.9 in the back, ballpark.

LEG. TROTTA:
I'm missing something here.

MR. KING:
No, you're not, sir. If it was connected I wouldn't have to ask anybody, but there's 1800 feet between it.

LEG. KENNEDY:
Right.

MR. KING:
And you know what? It's not contiguous. And I've learned all of these things not in a truck and not talking to a restaurant owner. I've talked to a lot of lawyers and it's like, Well, don't fight City Hall. So everything is approved, I am ready to build this thing tomorrow. I just thought it would be something good. And I did mention to some of the people here, I own a building on Nicolls Road and the PAL fields are there, for some of the folks who know. The PAL fields, I have a 50-year lease with the Town of Islip. There was a parcel in between three acres that everybody parks; you probably took your kids there for lacrosse games. Everybody parks. I wanted to add on to my building, I didn't have enough room. So I bought from the Town of Islip, who owned the property and leased it to the PAL, I bought it for $240,000 ten years ago. Because I didn't have enough Board of Health rights, so I bought it for $240,000, I gave the money to the PAL and I gave the PAL a lease for 50 years for a dollar a year and the kids are still playing ball and parking there and I'm paying $21,000 in taxes for the property in the Town of Islip and it worked for everybody. And that's kind of what I had -- that was the inspiration to call Island Harvest; they're there right now. When things -- nobody knows. When Hurricane Sandy hit, or what is it called, Superstorm Sandy? There were 14 trailers of food that were brought in there that were given out to all of those food banks east of Riverhead.

LEG. TROTTA:
My question is more to Sarah. Why -- can't we just take the development rights, then he promises not to develop them and then he could grow apples on them?

MR. KING:
I wouldn't grow apples there anyway. There's a lot of farmers there that can grow better than me.

LEG. TROTTA:
Okay.

MS. LANSDALE:
Right. So in order to transfer sanitary flow, you need to sterilize the property and not allow any agricultural activities. The property needs to be sterilized for open space. We don't transfer --

LEG. TROTTA:
It's not to his benefit to stay in his ownership because why would he pay taxes on it? So he can't do anything. Okay, that's all I need to know.

MS. LANSDALE:
That's right.
P.O. GREGORY: Okay. Anyone else? Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. KRUPSKI: Opposed.


P.O. GREGORY: Okay. All right, congratulations.

MR. KING: Thank you.

P.O. GREGORY: All right, back to the agenda. Page seven, Government Ops (Personnel, Information Technology & Housing):

IR 1439-16 - To develop and maintain an online affordable housing guide in Suffolk County (Cilmi).

LEG. CILMI: Motion.

P.O. GREGORY: Motion by Legislator Cilmi.

LEG. BARRAGA: Second.

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


P.O. GREGORY: Okay, 1619 we did.

1651-16 - Updating standard work day and reporting for Elected Officials - 2016 (Presiding Officer Gregory). I'll make a motion to approve.

LEG. SPENCER: Second.

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

**Health**

**P.O. GREGORY:**
IR 1592-16 - Declaring the month of November as “Complex Regional Pain Syndrome Awareness Month” in Suffolk County (Hahn). Motion by Legislator Hahn.

**LEG. SPENCER:**
Second.

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

**MR. RICHBERG:**
Fifteen (Not Present: Legislators Fleming, D’Amaro & Lindsay).

1593-16 - Establishing a public information campaign on the dangers of Conversion Therapy (Spencer). Motion by Legislator Spencer. I'll second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**
Fifteen (Not Present: Legislators Fleming, D’Amaro & Lindsay).

**P.O. GREGORY:**
IR 1621-16 - Designating the month of June as “Posttraumatic Stress Disorder Awareness Month” in Suffolk County (Presiding Officer Gregory). I make a motion to approve.

**LEG. SPENCER:**
Second.

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

**MR. RICHBERG:**
Fifteen (Not Present: Legislators Fleming, D’Amaro & Lindsay).

**P.O. GREGORY:**
IR 1630-16 - Accepting and appropriating 75% State grant funds from the New York State Department of Environmental Conservation in the amount of $1,000,000 in connection with the Sewer Infrastructure Program to provide funding for a Mobile Home Park Wastewater Treatment Demonstration Program administered by the Suffolk County Department of Health Services, Division of Environmental Quality and to execute grant related agreements (County Executive).

**LEG. SPENCER:**
Motion.

**LEG. KRUPSKI:**
Motion.

**P.O. GREGORY:**
Motion by Legislator Krupski. Second by Legislator Spencer. All in favor? Opposed? Abstentions?
MR. RICHBERG:  
Fifteen (Not Present: Legislators Fleming, D’Amaro & Lindsay).

P.O. GREGORY:  
IR 1632-16 - Appropriating funds for the purchase of equipment for the Environmental Health Laboratory (CP 4079)(County Executive).

LEG. BROWNING:  
Motion.

P.O. GREGORY:  
Who was that? Oh, motion by Legislator Browning.

LEG. HAHN:  
(Raised hand).

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

MR. RICHBERG:  
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:  
IR 1632A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $270,000 in Bonds to finance the acquisition of equipment for the environmental health laboratory (CP 4079.527); same motion, same second. Roll call.

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

LEG. BROWNING:  
Yes.

LEG. HAHN:  
Yes.

LEG. KRUPSKI:  
Yes.

LEG. MURATORE:  
Pass right now.

LEG. FLEMING:  
(Not Present).

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:
(Not Present).

LEG. SPENCER:
Yes.

D.P.O. CALARCO:
Yes.

P.O. GREGORY:
Yes.

LEG. MURATORE:
Yes.

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D'Amaro).

P.O. GREGORY:
Okay, IR 1640 and 46 we did earlier.

IR 1657-16 - Appoint member to the Wellness Program for County Employees (Becky Wiseman)(Lindsay).

LEG. SPENCER:
Motion.

P.O. GREGORY:
Motion by Legislator Lindsay.

LEG. SPENCER:
Second.

P.O. GREGORY:
Second by Legislator Spencer. All in favor? Opposed? Abstentions?
MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

Parks & Recreation

P.O. GREGORY:
IR 1588-16 - Appointing Terrence Pearsall as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 1)(Presiding Officer Gregory).

LEG. McCAFFREY:
Motion.

LEG. CILMI:
Second.

P.O. GREGORY:
All right, hold on.  Who was that?

LEG. McCAFFREY:
I made the motion.

P.O. GREGORY:
All right, Legislator McCaffrey.  Second by Legislator Cilmi.

LEG. SPENCER:
Cosponsor.

P.O. GREGORY:
All in favor?  Opposed?  Abstentions?  List me as a cosponsor.

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

MR. NOLAN:
You are the sponsor.

P.O. GREGORY:
Well, yeah, never mind.  I’m already the sponsor.

IR 1590-16 - Reappointing Anthony Guarnaschelli as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 10)(Presiding Officer Gregory).

LEG. SPENCER:
Motion.

P.O. GREGORY:
Motion by Legislator Spencer.  Second by Legislator Stern.  All in favor?  Opposed?  Abstentions?

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).
P.O. GREGORY:
IR 1591-16 - Appointing James P. Kelly as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 15) (Spencer). Motion by Legislator Spencer. Second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:
IR 1612-16 - Authorizing use of Montauk County Park by Neo-Political Cowgirls for its ANDROMEDA Dance Theater Performance Fundraiser. (County Executive).

P.O. GREGORY:
Oh, boy. Who’s sponsoring? Oh, the County Exec.

MR. NOLAN:
You need a motion.

P.O. GREGORY:
I'll make a motion.

LEG. KRUPSKI:
Second.

P.O. GREGORY:
Second, Legislator Krupski. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:
IR 1644-16 - Amending the 2016 Capital Budget and appropriating funds in connection with improvements to Normandy Manor at Suffolk County Vanderbilt Museum (CP 7430) (Spencer).

LEG. HAHN:
Motion.

P.O. GREGORY:
Motion by Legislator Hahn, oooh.

LEG. SPENCER:
Second.

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

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).
P.O. GREGORY:
IR 1644A Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $80,000 Bonds to finance the improvements to Normandy Manor at Suffolk County Vanderbilt Museum (CP 7430.112, .312); same motion, same second. Roll call.

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

LEG. HAHN:
Yes.

LEG. SPENCER:
Yes.

LEG. KRUPSKI:
Yes.

LEG. FLEMING:
(Not Present).

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. ANKER:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. TROTTO:
No.

LEG. McCAFFREY:
Yes.

LEG. STERN:
Yes.
LEG. D'AMARO:
(Not Present).

D.P.O. CALARCO:
Yes.

P.O. GREGORY:
Yes.

LEG. MURATORE:
No.

MR. RICHBERG:

Public Safety

P.O. GREGORY:
Okay, IR 1180-16 - Adopting Local Law No. -2016, A Local Law to prohibit the sale of Kratom in Suffolk County (Stern).

LEG. STERN:
Motion to table.

P.O. GREGORY:
Motion to table by Legislator Stern.

LEG. CILMI:
Second.

LEG. KRUPSKI:
Second.

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

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:
IR 1624-16 - Appropriating funds in connection with Suffolk County Fire Rescue Main Building Renovations and Improvements (CP 3418)(County Executive).

LEG. HAHN:
Motion.

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

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).
P.O. GREGORY: IR 1624A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $250,000 Bonds to finance the cost of the planning Suffolk County fire rescue main buildings renovations and improvements. (CP 3418.110); same motion, same second. Roll call.

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

LEG. BROWNING: Yes.

P.O. GREGORY: Yes.

LEG. KRUPSKI: Yes.

LEG. FLEMING: (Not Present).

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. TROTTOA: No.

LEG. McCAFFREY: Yes.

LEG. STERN: Yes.
LEG. D'AMARO:
(Not Present).

LEG. SPENCER:
Yes.

D.P.O. CALARCO:
Yes.

MR. RICHBERG:

P.O. GREGORY:
Okay, IR 1631-16 - Accepting and appropriating a grant in the amount of $10,000 from the New York State Division of Criminal Justice Services (DCJS) provided through the appropriation of FY2015 Byrne/Jag funding in the 2016-2017 State Budget for the Livescan Equipment Program. The Sheriff’s Office will utilize the grant funding to replace and update obsolete Sheriff’s Office Livescan Equipment with 50% support (County Executive).

LEG. BROWNING:
Motion.

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

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:
IR 1635-16 - Accepting and appropriating federal pass-through from the State of New York Department of Taxation and Finance for the Suffolk County Police Department’s participation in the Cigarette Strike Force (County Executive).

LEG. TROTTA:
Motion to approve.

P.O. GREGORY:
Motion to approve by Legislator Trotta. Second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:
Okay, 1659 we did earlier. 1662 we did earlier.

All right. Public Works.

IR 1581-16 - Adopting Local Law No. -2016, A Local Law to amend the County’s purchasing and contract eligibility --
LEG. HAHN:
No, we didn't do 1662.

P.O. GREGORY:
Oh, we didn't? I thought we did.

MR. NOLAN:
We did somebody else.

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

LEG. HAHN:
We did the first one, 1659.

P.O. GREGORY:
All right. **IR 1662-16 - Appointing Leslie M. Quinn to the Suffolk County Child Fatality Review Team (County Executive).**

LEG. HAHN:
Motion.

P.O. GREGORY:
Motion by Legislator Hahn.

LEG. KENNEDY:
Second.

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

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

**Public Works, Transportation & Energy**

P.O. GREGORY:
Now **IR 1581-16 - Adopting Local Law No. -2016, A Local Law to amend the County’s purchasing and contract eligibility requirements (County Executive).**

LEG. STERN:
Motion.

P.O. GREGORY:
Motion by Legislator Stern. Second by Legislator Spencer. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

D.P.O. CALARCO:
Oh, on the motion.
P.O. GREGORY:
Oh, on the motion. Sorry.

LEG. BARRAGA:
To the sponsor. This is predicated on an Executive Order signed by the Governor, right?

LEG. STERN:
That's right.

LEG. BARRAGA:
The way I understand the bill, there are companies or entities that are on that particular list for the State who would also be prohibited from dealing with any business with Suffolk County.

LEG. STERN:
This resolution establishes the policy of Suffolk County, but the specific companies that might be the subject of it are going to be based on a list compiled by the State; that's right.

LEG. BARRAGA:
And it's my understanding that the Executive Order was signed in June of this year.

LEG. STERN:
June 5th.

LEG. BARRAGA:
And the Commissioner of General Services has up to 180 days to develop the list.

LEG. STERN:
One hundred and eighty days.

LEG. BARRAGA:
Yeah, that's what I said.

LEG. STERN:
Yes.

LEG. BARRAGA:
And then anyone on the list has the opportunity, over a 90-day period, to dispute the findings of the Office of General Services if they feel they should not be on the list.

LEG. STERN:
That's right. There is a due process procedure that was included within the Executive Order.

LEG. BARRAGA:
Do you have any idea of the criteria that's going to be used to evaluate whether or not a company is specifically boycotting Israel by the State?

LEG. STERN:
The criteria would be based on the language within the Executive Order. Under Definitions, it defines which entities would be -- could be considered. I'm looking at Section 1, Definitions, Section B which states that BDS activity targeting Israel means to engage in any activity or promote others to engage in any activity that is intended to penalize, inflict economic harm on or otherwise limit commercial relations with Israel or persons doing business in Israel for purposes of coercing political action by or imposing policy positions on the government of Israel. And so there is a standard that
is defined within the Executive Order.

**LEG. BARRAGA:**
So it's up to the Commissioner of General Service to make that determination in line with this Executive Order.

**LEG. STERN:**
That's right.

**LEG. BARRAGA:**
What I found amazing was the number of companies, depending upon what website you look at, that are currently -- not only companies, but churches and universities, according to the website, but they may be pro-Palestinian-type websites, that are currently boycotting Israel for one reason or another. So obviously the Executive Order has merit and your legislation does as well.

**P.O. GREGORY:**
And I just want to make a comment, too. I was going so fast, too, I didn't realize this was the resolution. Obviously I support the bill. Certainly in some corners the BDS movement has been considered anti-simitic and against a two-state solution; I support a two-state solution. Obviously, Israel is a critical ally for the United States and the Middle East. But however, I do hear the concerns and grievances that have been stated as far as human rights, potential human rights violations, I think they have to be addressed. Whether that be a friend or a foe, it should not be tolerated.

And I think, you know, the U.S. has to do whatever it can to address those concerns, particularly in an instance, situation like this. It could cause further anti-U.S. sentiment and so I think we have to be proactive as a country to make sure that human rights violations aren't made. But I think this is an appropriate measure, I support it. I support the Governor's Executive Order as well. Okay? Anyone else? All right, so I have a motion, a second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**
Sixteen (Not Present: Legislators Fleming & D'Amaro).

**P.O. GREGORY:**
Okay. 1608-16 - Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 20 - William Floyd and 64 Ridge Road (BR-1665)(County Executive).

**LEG. HAHN:**
Motion.

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

**MR. RICHBERG:**
Sixteen (Not Present: Legislators Fleming & D'Amaro).

**P.O. GREGORY:**
IR 1610-16 - Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 – Southwest and LIE welcome center between exits 51 and 52 (HU-1430)(County Executive).
LEG. HAHN:
Motion.

P.O. GREGORY:
Motion by Legislator Hahn. I'll second.

LEG. TROTTA:
Sorry, what number is this?

P.O. GREGORY:
This is 1610.

MR. NOLAN:
The Welcome Center.

LEG. TROTTA:
On the motion.

P.O. GREGORY:
On the motion. This is your district; right, Steve?

LEG. TROTTA:
I'm trying to -- I voted no on this. Is there somebody who can answer --

LEG. SPENCER:
Why you voted no?

LEG. TROTTA:
-- why I voted no?

(*Laughter*)

LEG. SPENCER:
You vote no to everything.

D.P.O. CALARCO:
You made a mistake.

LEG. TROTTA:
I did make a mistake?

D.P.O. CALARCO:
You made a mistake; you meant to vote yes.

LEG. TROTTA:
Gil, what is this one again? Oh, I know what this was, giving them a break. Never mind, I got it.

COMMISSIONER ANDERSON:
Okay.

P.O. GREGORY:
All right. We have a motion, a second. All in favor? Opposed? Abstentions?
LEG. TROTTA:
Opposed.

P.O. GREGORY:
IR 1611-16 - Authorizing --

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D'Amaro).

P.O. GREGORY:
Okay.  IR 1611-16 - Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 – Southwest and B-I-M-B-O Bakeries USA (IS-0727)(County Executive).

(*Laughter*)

LEG. HAHN:
It's Bimbo.

P.O. GREGORY:
I know, Bimbo Bakeries USA.

LEG. McCAFFREY:
It is bimbo.  You thought they were setting you up?

D.P.O. CALARCO:
Motion.

P.O. GREGORY:
Motion by Legislator Calarco for Bimbo Bakeries.  I'll second.

LEG. McCAFFREY:
On the motion?

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

LEG. McCAFFREY:
Yeah, is there anybody from the Administration?  I thought maybe I saw the Commissioner here, just to the clarify something for me?

So Commissioner, I'm just trying to figure it out, I was trying to get some history of some people.  Supposedly, Ente -- and I'm familiar, you know, with the property and the change in use from the bakery to a distribution center.  Now, from what I understand, back in '83 Entenmann's applied for the connection to the Southwest Sewer District and the -- and they had had a high level of discharge, I think it's ten times as much as they are using now.  And apparently we waived the connection fee at that time for Entenmann's because of the economic, you know, benefits to the County; is that correct?

COMMISSIONER ANDERSON:
Correct.
LEG. McCaffrey:
And now that Bimbo is taking this over as the successor, they have to again request a waiver for the connection fee which occurred 30 years ago, 33 years ago; is that what we're being asked to do here?

Commissioner Anderson:
They also constructed a pump station, and so the cost of that pump station was taken as a deferment to the connection fees at the time. The bakeries come in, their flows are at around 42,000 gallons per day. They had reserved capacity -- I'm sorry, Entenmann's had reserved capacity for about 500,000 gallons per day, but they were only using 260,000 gallons per day. So we felt it appropriate to have the discussion with them, they came in, you know, about the connection fee, the revised use plan, everything else. We reached and agreed upon fee for -- well, let me just go back. Because of the connection fees that they had already paid in the past, we gave them up to 42,000 gallons per day, there would be no cost, so that's their current usage, and between the 42,887 gallons per day to 260,000 gallons per day, which is what Entenmann's used at their peak, they're at $4.71. And that took into account previous funds that are already paid, and then that frees up the remainder, from 260,000 to 500,000 reserve capacity that was never used, that was just out there.

LEG. McCaffrey:
So are we being asked -- I mean, were we going to require Bimbo, as the successor, to pay additional fees; is that what it is?

Commissioner Anderson:
If they bring in -- their proposal for the site is to bring other facilities into that site. It's not just the distribution center but hopefully, you know, some other uses. So yeah, they would -- they're looking to eventually bring other development into the two -- into the site. They have the capacity up to 260 gallons per day and they will at that point, between the 42,000, 43,000 and the 260,000 gallons per day, they will be charged 4.71 a gallon per day, which is much less than the connection fee.

LEG. McCaffrey:
All right. So that's what we're being asked to do, then, today?

Commissioner Anderson:
Yes.

LEG. McCaffrey:
All right, thank you.

Commissioner Anderson:
You're welcome.

P.O. Gregory:
Okay. All right, so we have a motion and a second. All in favor? Opposed? Abstentions?

Mr. Richberg:
Sixteen (Not Present: Legislators Fleming & D'Amaro).

P.O. Gregory:
IR 1625-16 - Appropriating funds in connection with modifications for compliance with Americans with Disabilities Act (ADA) (CP 1738) (County Executive).
D.P.O. CALARCO:
Motion.

P.O. GREGORY:
Motion by Legislator Calarco.

LEG. CILMI:
Second.

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

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:
IR 1625A, Bond Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $350, 000 Bonds to finance the cost of modifications for compliance with Americans with Disabilities Act (CP1738.112,.316); same motion, same second. Roll call.

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

D.P.O. CALARCO:
Yes.

LEG. CILMI:
Yes.

LEG. KRUPSKI:
Yes.

LEG. FLEMING:
(Not Present).

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. HAHN:
Yes.

LEG. LINDSAY:
Yes.

LEG. ANKER:
Yes.

LEG. MARTINEZ:
Yes.
LEG. BARRAGA: 
Yes.

LEG. KENNEDY: 
Yes.

LEG. TROTTA: 
Yes.

LEG. TROTTA: 
Yes.

LEG. McCAFFREY: 
Yes.

LEG. STERN: 
Yes.

LEG. D'AMARO: 
(Not Present).

LEG. SPENCER: 
Yes.

P.O. GREGORY: 
Yes.

MR. RICHBERG: 
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY: 
Okay, IR 1626-16 - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $350,000 Bonds to finance the cost of modifications for compliance with Americans with Disabilities Act (CP1738.112,.316)(County Executive). I'll make a motion. Second by Legislator Browning. All in favor?  Opposed?  Abstentions?

MR. RICHBERG: 
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY: 
IR 1626A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $150,000 Bonds to finance the renovations to Public Works Building, Yaphank (CP 5194.313); same motion, same second. Roll call.

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

P.O. GREGORY: 
Yes.

LEG. BROWNING: 
Yes.
LEG. KRUPSKI:
Yes.

LEG. FLEMING:
(Not Present).

LEG. MURATORE:
No.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yep.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. TROTTA:
No.

LEG. McCAFFREY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
(Not Present).

LEG. SPENCER:
Yes.

D.P.O. CALARCO:
Yes.

MR. RICHBERG:
P.O. GREGORY:
IR 1627-16 - Appropriating funds in connection with the alterations to Public Works Materials Testing Lab, Yaphank (CP 5197)(County Executive). Motion by Legislator Browning. Second by Legislator Krupski. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:
IR 1627A, Bond resolution (of the County of Suffolk, New York, authorizing the issuance of $100,000 Bonds to finance the planning for alterations to Public Works Materials Testing Lab, Yaphank. (CP 5197.110); same motion, same second. Roll call.

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

LEG. BROWNING:
Yes.

LEG. KRUPSKI:
Yes.

LEG. FLEMING:
(Not Present).

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. McCAFFREY:  
Yes.

LEG. STERN:  
Yes.

LEG. D'AMARO:  
(Not Present).

LEG. SPENCER:  
Yes.

D.P.O. CALARCO:  
Yes.

P.O. GREGORY:  
Yes.

MR. RICHBERG:  

P.O. GREGORY:  
IR 1628-16 - Appropriating funds in connection with improvements to the Vector Control Buildings (CP 5520)(County Executive). Motion by Legislator Browning. Second by Legislator Krupski. All in favor? Opposed? Abstentions?

MR. RICHBERG:  
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:  
IR 1628A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $250,000 Bonds to finance improvements to the vector control buildings construction (CP 5520.312); same motion, same second. Roll call.  
(*Roll Called by Mr. Richberg - Clerk of the Legislature*)

LEG. BROWNING:  
Yes.

LEG. KRUPSKI:  
Yes.

LEG. FLEMING:  
(Not Present).

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. McCAFFREY:
Yes.

LEG. STERN:
Yes.

LEG. D’AMARO:
(Not Present).

LEG. SPENCER:
Yes.

D.P.O. CALARCO:
Yes.

P.O. GREGORY:
Yes.

MR. RICHBERG:

P.O. GREGORY:
IR 1629-16 - Appropriating funds in connection with the purchase of Public Works Fleet Maintenance Equipment (CP 1769)(County Executive). Motion by Legislator Browning I'll second All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:
IR 1629A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $100, 000 Bonds to finance the cost of the purchase of Public Works Fleet Maintenance Equipment (CP 1769.517); same motion, same second. Roll call.
(*Roll Called by Mr. Richberg - Clerk of the Legislature*)

LEG. BROWNING:
Yes.

P.O. GREGORY:
Yes.

LEG. KRUPSKI:
Yes.

LEG. FLEMING:
(Not Present).

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. McCAFFREY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
(Not Present:

LEG. SPENCER:
Yes.
D.P.O. CALARCO:
Yes.

MR. RICHBERG:

P.O. GREGORY:
IR 1637-16 - Accepting FTA FFY 2014 Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant funds for the provision of SCAT Paratransit Service beyond the three-quarter mile corridor required by the Americans with Disabilities Act (County Executive).

D.P.O. CALARCO:
Motion.

P.O. GREGORY:
Motion by Legislator Calarco.

LEG. CILMI:
Second.

P.O. GREGORY:
Second by Legislator Cilmi.

LEG. KRUPSKI:
On the motion?

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

LEG. KRUPSKI:
To the Commissioner?

COMMISSIONER ANDERSON:
I apologize; what was the question?

LEG. KRUPSKI:
It's on the funds for the enhanced SCAT service beyond the three-quarter mile corridor.

COMMISSIONER ANDERSON:
Yes.

LEG. KRUPSKI:
Is that -- could you describe, you know, the impact of that? Is that on every line? You know, the physical impact, is it on every fixed route or is that for the entire County?

COMMISSIONER ANDERSON:
The -- this grant allows us to expand SCAT service to the entire County, with the exception of Shelter Island which is the only place we don't. But it gives us two years of 50% of the funding that would be needed to do that, and it would provide $2,519,576, which breaks down into 1,239,376 in 2016 and $1,280,200 in 2017.
LEG. KRUPSKI:
What happens in '18?

COMMISSIONER ANDERSON:
In '18 we have to make a decision whether we look to -- you know, there may be grant funding at that point, we're hoping that it can be expanded. But at that point, when we get to 2018, we're either going to have to continue service and make up the difference or suspend the service.

LEG. KRUPSKI:
Thank you.

COMMISSIONER ANDERSON:
You're welcome.

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

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

Ways & Means

P.O. GREGORY:
Okay, IR 1597-16 - Authorizing a certain technical correction to Adopted Resolution No. 406-2016 (County Executive). I make a motion to approve. Second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:
IR 1597A, Bond Resolution (amending Bond Resolution No. 407-2016, Adopted on May 18, 2016, relating to the authorization of the issuance of $50,000 bond to finance costs associated with improvements to Suffolk County Sewer District No. 21 - SUNY); 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:
(Not Present).

LEG. BROWNING:
Yes.

225
LEG. MURATORE:
Pass.

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:
(Not Present).

LEG. SPENCER:
Yes.

D.P.O. CALARCO:
Yes.

LEG. MURATORE:
I'm just trying to find out how much it's for. I don't see anything in the notes. It's just technical?

MR. NOLAN:
It was a technical correction to a resolution, $50,000 in bonds.

LEG. TROTTA:
Change my vote to no.

LEG. MURATORE:
No then also; if it's $50,000, no.
MR. RICHBERG:

P.O. GREGORY:
Okay. All right, IR 1600-16 - Authorizing the renewal of the lease of premises located at 950 Sylvan Avenue, Bayport, NY for use by the Department of Public Works (County Executive). Motion by Legislator Lindsay.

D.P.O. CALARCO:
Second.

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

LEG. TROTTA:
Opposed.

MR. RICHBERG:
Fifteen (Opposed: Legislator Trotta - Not Present: Legislators Fleming, D’Amaro & Lindsay).

P.O. GREGORY:
IR 1623-16 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Patrick J. Vesey and Maria D. Vesey (SCTM No. 0500-393.00-02.00-105.000).

LEG. BARRAGA:
Motion.

P.O. GREGORY:
Motion by Legislator Barraga.

LEG. STERN:
Second.

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

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:
Okay. If you go to the manilla folder:

IR 1679-16 - Accepting and appropriating a grant sub-award from the Research Foundation of the City University of New York on behalf of York College for a Nasa New York State Grant Community College Partnership Program, 100% reimbursed by grant funds at Suffolk County Community College (County Executive).

D.P.O. CALARCO:
Motion.
P.O. GREGORY:
Motion by Legislator Calarco. Second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:
IR 1680-16 - Accepting and appropriating a grant sub-award from the Research Foundation for the State University of New York on behalf of the Office of Community Colleges and Office of the Education Pipeline for a project entitled “Scaling Quantway/Statway in the SUNY System”, 100% reimbursed by State funds at Suffolk County Community College (County Executive). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:
IR 1735-16 - Accepting and appropriating a grant in the amount of $1,350,000 from the New York State Office of Indigent Legal Services, for the provision of a Regional Immigration Center (County Executive).

D.P.O. CALARCO:
Motion.

P.O. GREGORY:
Motion by Legislator Calarco. I'll second. On the motion?

LEG. CILMI:
What is a Regional Immigration Center? At least as it's contemplated in this grant.

MS. SEIDMAN:
Good evening. Phyllis Seidman, County Attorney’s Office. This is really a Bi-County Immigration Center for the region, I believe we're Region 6 in the State, we're known as Region 6. And really it establishes a Nassau-Suffolk center for mandated representation of non-citizen clients, which I believe the Supreme Court has indicated that is necessary in order to give them adequate representation.

LEG. CILMI:
Wait a minute.

MS. SEIDMAN:
Yes.

LEG. CILMI:
Mandated representation for non-citizen clients; what does that mean exactly?

MS. SEIDMAN:
Well, yes, it's a Supreme Court case which found the 6th Amendment Right to Counsel requires Defense Counsel provide affirmative, competent advice to non-citizen attorneys with regard to guilty pleas. And this was a competitive grant, it was awarded to both Nassau and Suffolk whose Legal Aid Societies are going to fulfill the terms of the grant and provide this and Suffolk is going to be the lead in administering the grant.
LEG. CILMI:
When you say non-citizen, could that mean undocumented?

MS. SEIDMAN:
I don't know exactly. I don't want to misrepresent. So, you know, I'm telling you what I do know, but I -- like I said, I don't want to misrepresent.

LEG. CILMI:
Well, how can we find out?

MS. SEIDMAN:
I could try to find out and come back.

LEG. CILMI:
And this is money that's coming from where?

MS. SEIDMAN:
This is coming from New York State Office of Indigent Legal Services. It's 1.35 million --

LEG. CILMI:
Uh-huh.

MS. SEIDMAN:
-- for the Bi-County handling of this representation.

LEG. CILMI:
Okay. I mean, that's a question that I have.

MS. SEIDMAN:
Okay.

LEG. CILMI:
That I would like to have answered before I vote on this.

P.O. GREGORY:
Okay. Legislator Krupski.

LEG. KRUPSKI:
Thank you. Oh, I have a question.

MS. SEIDMAN:
Oh.

LEG. KRUPSKI:
Excuse me. So we're going to -- we're getting 1.35 from the State to provide these services. Does Nassau get the same amount to match that, or is that split between the two counties?

MS. SEIDMAN:
Yeah, it's the Legal Aid Societies. It's about 666, 683, you know, it's, I guess, based on the number of staff.
LEG. KRUPSKI:
The real question is what is it going to cost us? I mean, so there's that money there from the State which costs us that much because it's our money, but what else is it going to cost us as a County as far as, you know, opportunity costs. Obviously, you know, someone from the County is going to have to administer this. Where is it going to be -- where is the site? Is it going to be one of those Patchogue Health Center deals where now we have to provide a location and clean it and staff it and pay the utilities? So what is the whole cost going to be? We should know all that upfront before we accept the State's money.

MS. SEIDMAN:
Well, there should be a fiscal impact statement which says there is no fiscal impact to the County. And the grant’s going to be administered by the Nassau and the Suffolk Legal Aid Societies, so, you know, they're going to take on whatever it entails. You know, the County is responsible for the contract to pass the money through.

LEG. KRUPSKI:
They have the physical space to conduct this operation.

MS. SEIDMAN:
Yes, they were approved to do this.

LEG. KRUPSKI:
Where do they get their funding?

MS. SEIDMAN:
Well, this funding is coming from the State to them. This is the funding.

LEG. KRUPSKI:
No, but where do they get their other operational funding?

MS. SEIDMAN:
I can't answer that. I don't know.

LEG. KRUPSKI:
So if they're getting their money from us, next year are they going to say, Well, now we need to spend the State money, but we're going to need $10 million because now we need to renovate the building to make it suitable to conduct our operations. And now we need to hire ten more people because now we're conducting these extra mandated operations. That's my question; where are we going?

MS. SEIDMAN:
This money is for this grant for this purpose. I -- it lasts until there is no more money for this purpose and the County is not committed any further than that.

LEG. KRUPSKI:
Thank you.

P.O. GREGORY:
And Phyllis, this is -- so this is not civil, this is strictly criminal because it's pretty much a part of the 18-B?

MS. SEIDMAN:
That's correct.
P.O. GREGORY:
Right? So 18-B is -- refresh my memory. So 18-B is only used if, one, you're indigent; and two, there is a conflict of interest.

MS. SEIDMAN:
Well, this is the Legal Aid Societies --

P.O. GREGORY:
Right.

MS. SEIDMAN:
-- who are administering this grant, who are receiving the money.

P.O. GREGORY:
Okay.

MS. SEIDMAN:
So it wouldn't be 18-B, it would be Legal Aid.

P.O. GREGORY:
I thought I read somewhere, it said something about 18-B. Task 1, attachment C?

D.P.O. CALARCO:
(Inaudible).

P.O. GREGORY:
"Task 1, Region 6, Suffolk and Nassau Counties with Suffolk as lead role, create a Bi-County Immigration Center to address the proportional share of foreign-borne population of Long Island, provide support for both Legal Aid Attorneys and 18-B Assigned Counsel Attorneys."

MS. SEIDMAN:
Right. As far as I know, our contracts are going to be with the Legal Aid Societies of Nassau and Suffolk. So, you know, I'm not certain how that money -- I'm sorry I don't have that information for you, how it would funnel down and who they're hiring to handle the cases.

P.O. GREGORY:
Right. Yeah, that's not really that important to me, at least where I was going. So it's really -- I mean, because Legal Aid Society, they -- you know, there is a means test, they have to be indigent, these are foreign-born individuals that are in the criminal justice system. The court generally assigns, right --

MS. SEIDMAN:
Yes.

P.O. GREGORY:
Right. So a complainant or whoever would be in a courtroom, they Judge would -- they will be without Counsel, the Judge would say we're going to assign Attorney Jason Richberg from Legal Aid Services to be your attorney for this matter; right? I mean, that's really how the process -- and the court, the Supreme Court says this is constitutional, sufficient means and grounds to provide this service, so they're providing funding -- they mandated it and provided funding for it.

MS. SEIDMAN:
Correct.
P.O. GREGORY:
Right, because we don't want people to go through the criminal justice system. You can't say you have due access if you don't have access to Counsel, right?

MS. SEIDMAN:
Right.

P.O. GREGORY:
That defeats the whole purpose.

MS. SEIDMAN:
And there is training --

P.O. GREGORY:
And there's training, right.

MS. SEIDMAN:
-- involved of the staff and bilingual staff.

P.O. GREGORY:
Obviously you have to have bilingual staff --

MS. SEIDMAN:
Right.

P.O. GREGORY:
-- and, you know. So, okay.

LEG. McCAFFREY:
You have a motion and a second?

P.O. GREGORY:
Okay. Anyone else? No, anyone?

LEG. SPENCER:
Call the vote.

P.O. GREGORY:
Okay. All right, so we have a motion and a second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen.

LEG. CILMI:
Mark me as an abstention.

MR. RICHBERG:

P.O. GREGORY:
All right. So that's all in the manilla folder.

We have several CNs as well:
IR 1733-16 - Approving a temporary increase to the fleet for the Suffolk County Police Department (County Executive).

LEG. BROWNING:
Motion.

LEG. MURATORE:
(Raised hand).

LEG. LINDSAY:
Second.

P.O. GREGORY:
Motion by Legislator Browning. Second -- who was that? Legislator Lindsay seconds. Is there a reason why this is a CN?

LEG. BROWNING:
Well -- okay, Katie, go ahead. And I believe -- is the Sergeant here? We might as well let him get up.

P.O. GREGORY:
He can answer.

LEG. BROWNING:
Lieutenant? Sergeant? I'm not sure.

D.P.O. CALARCO:
The bait cars.

P.O. GREGORY:
Oh, the bait cars. All right, never mind. Okay.

LEG. BROWNING:
Well, we might as well. You're sitting here, we might as well let you say something.

DEPUTY INSPECTOR O'CARROLL:
Yes, hi. Deputy Inspector O'Carroll with Chief Cameron's Office.

P.O. GREGORY:
I was just asking, is there any particular urgency for this --

DEPUTY INSPECTOR O'CARROLL:
Well, we have -- right now there's a few pattern crimes where we've had numerous steps from vehicles in different parking lots, different -- like gym locations, shopping centers. And it's also -- it helps us in many ways. It would help us solve those crimes and it also -- thefts from vehicles is also tied in with narcotics and with the heroin problem. So it's a twofold type thing and it is emergency.

MS. HORST:
So I think just the Commissioner and the Chief are eager to get these cars on the streets.

P.O. GREGORY:
Gotcha. Okay. All in favor? Opposed? Abstentions?
MR. RICHBERG:
Sixteen (Not Present: Legislators Fleming & D’Amaro).

P.O. GREGORY:
Okay, IR 1738 we did.

IR 1739-16 - Amending the 2016 Capital Budget and Program and appropriating funds in connection with modification of New York State Route 110 to include BRT and transportation improvements (CP 5598) (County Executive).

LEG. TROTTA:
On the motion.

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

LEG. TROTTA:
Is this rapid bus transit? What is the money for?

COMMISSIONER ANDERSON:
This is for a grant for a million dollars. This appropriates 200,000 towards a design of physical improvements to the roadway to allow for Bus Rapid Transit along 110 from Amityville up to Halesite. So it would be physical improvements, like either adding a lane, revising a corner to allow better turning movements, things like that.

LEG. TROTTA:
What is this -- how much is this for?

COMMISSIONER ANDERSON:
It's a million dollar grant total, 200,000 of which is the County's share. We need to get it -- the State has deadlines of -- in their grant process. We have to get them a commitment by September 15th because the calendar is -- the way it is, you know, this is the only chance we have.

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

LEG. TROTTA:
So this is for -- the million dollars is for work or is for the design?

COMMISSIONER ANDERSON:
It's for the design, it's not for the physical construction.

LEG. TROTTA:
Okay, thanks.

P.O. GREGORY:
Legislator McCaffrey.

LEG. MC CAFFREY:
Thank you. And, Commissioner, this is -- also it would include general road improvements --

COMMISSIONER ANDERSON:
Correct.
LEG. MC CAFFREY:
-- to the 110 Corridor as well.

COMMISSIONER ANDERSON:
It would be --

LEG. MC CAFFREY:
Regardless of how you feel about bus rapid transportation, right?

COMMISSIONER ANDERSON:
Correct. It would be for -- you know, to improve the pavement, anything that needed to be done to help facilitate it.

LEG. MC CAFFREY:
Okay. Thank you.

COMMISSIONER ANDERSON:
You're welcome.

P.O. GREGORY:
Legislator Lindsay.

LEG. LINDSAY:
This will be in coordination to -- and part of the plan is they're going to reopen the Melville train station, which has been -- the business groups and different corporate organizations in that area have been lobbying for for years, going back 10, 15 years now. And bus rapid transit or highway improvements in general have been asked for going back that far as well. Anyone that goes on 110, there's three rush hours. There's morning, there's lunchtime and there's evening, so, obviously, the road needs some vast improvements. And if any part the County is ripe for this type of bus rapid transit system, it's really the 110 Corridor.

COMMISSIONER ANDERSON:
Absolutely agree. This is a poster child for bus rapid transit. I mean, it's got the ridership, it has the -- you know, the components with the industry and everything else that's along Route 110. It really is almost a no-brainer.

LEG. LINDSAY:
Okay. Thank you.

P.O. GREGORY:
Yeah. This is obviously important in my district. It goes through Legislator D'Amaro's district. It goes through your -- ends in your district. This is part of the -- because there were -- a few years ago, there was a 238,000 that was for -- what was that for, the BRT?

COMMISSIONER ANDERSON:
I mean, well --

P.O. GREGORY:
Was it Nicolls? I thought it was Route 110. Maybe I'm confusing it with Nicolls.

COMMISSIONER ANDERSON:
Yeah, I think you're confusing it with Nicolls. The Town did a study, a feasibility study on the BRT Corridor being established in Route 110. They completed it, and now this is the next step.
P.O. GREGORY:
Right.

COMMISSIONER ANDERSON:
But because it goes between both the Town of Huntington as well as the Town of Babylon, the logical entity to progress this is the County.

P.O. GREGORY:
Right, right. Okay. Now will the -- some have asked, because of the pending cuts and routes with the bus system, will that impact the need for this at all or --

COMMISSIONER ANDERSON:
The one -- I think it's the S-1. The one route that runs up 110 is the best money-making route. It pays for itself, so this would never be a route that would be cut.

P.O. GREGORY:
Right, right, gotcha. Okay.

LEG. CILMI:
DuWayne, you had me on the list?

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

LEG. CILMI:
So, Commissioner, the -- if we did not consummate a bus rapid transit system, would we still -- would we still get this money or --

COMMISSIONER ANDERSON:
This progresses the design, so this -- what we're getting is funding that -- so that we can bring a consultant in who specializes in this type of stuff to look at the corridor, to see where improvements can be made. We would get those grants. If we never got the construction, I don't know at that point, you know, but the money is -- we've already received the money by that point, because once we complete the design, we would get reimbursed for the work. So as we do the design, we get -- you know, as we pay our consultants, we get the funds reimbursed by the State through this grant. Does that answer your question?

LEG. CILMI:
I think it does. So I suppose as long as the design work is done, then we've fulfilled our obligation under this.

COMMISSIONER ANDERSON:
I believe so, yes.

LEG. CILMI:
And so the consultant would basically look at the Route 110 Corridor and present to us in a report format how a bus rapid transit system would theoretically work on the road, where to put the stops, those kinds of questions?

COMMISSIONER ANDERSON:
Yes.
LEG. CILMI:
What sort of road improvements would be necessary in order to accommodate the system?

COMMISSIONER ANDERSON:
Correct.

LEG. CILMI:
Okay. Thank you.

COMMISSIONER ANDERSON:
Thank you.

P.O. GREGORY:
Anyone else? Leslie, did you want to --

LEG. KENNEDY:
(Shook head no.)

P.O. GREGORY:
I'm sorry. Okay. All right. So we have a motion and a second on 1739. All in favor? Opposed? Abstentions?

LEG. TROTTA:
Opposed.

MR. RICHBERG:
Fifteen. (Not Present: Legislators D'Amaro and Leg. Fleming).

P.O. GREGORY:

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

P.O. GREGORY:
Yes.

D.P.O. CALARCO:
Yes.

LEG. KRUPSKI:
Yes.

LEG. FLEMING:
(Not Present)

LEG. BROWNING:
Yes.

LEG. MURATORE:
I'll pass right now.

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

LEG. LINDSAY:  
Yes.

LEG. MARTINEZ:  
Yes.

LEG. CILMI:  
No.

LEG. BARRAGA:  
Yes.

LEG. KENNEDY:  
Pass.

LEG. TROTTA:  
No.

LEG. MC CAFFREY:  
Yes.

LEG. STERN:  
Yes.

LEG. D'AMARO:  
(Not Present)

LEG. SPENCER:  
Yes.

LEG. MURATORE:  
Yes.

LEG. KENNEDY:  
Yes.

MR. RICHBERG:  
Fifteen -- 14. (Not Present: Legislators D'Amaro and Fleming)

P.O. GREGORY:  

LEG. TROTTA:  
This is a CN?

P.O. GREGORY:  
CN.
LEG. CILMI: Somebody explain, please.

COMMISSIONER ANDERSON: Again, similar to the last resolution, there is a deadline placed on moving these grants forward by the State. We have to get them a commitment on the part of the County by September 15th. And based on the current Legislative cycle, there's no meeting before September for -- there's not enough time between -- I don't know when the next meeting is, but it's either very close to it, or there's just not enough time to get the paperwork processed if it had gone through the regular cycle.

LEG. CILMI: And this bond's how much money?

COMMISSIONER ANDERSON: Hold on.

MR. NOLAN: This is 100% Federal.

COMMISSIONER ANDERSON: Yes. It's 150,000, 100% Federal.

LEG. CILMI: $150,000, all Federal money?

COMMISSIONER ANDERSON: Yes.

LEG. CILMI: And it's for a design?

COMMISSIONER ANDERSON: Hold on, I have to check that. It is for design, correct.

LEG. CILMI: All right. Thanks.

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

LEG. TROTTC: One more question. This ultimately is going to cost $10 million?

COMMISSIONER ANDERSON: That's the current estimate, yeah.

LEG. TROTTC: So we don't have sewers in Smithtown, Oakdale, Sayville, but we're going to spend $10 million on a bike trail?

COMMISSIONER ANDERSON: We have Federal funding that's been provided for this project on this, yes.
LEG. ANKER:
And it can only be used for a trail.

P.O. GREGORY:
All right. So we have a motion and a second. All in favor? Opposed?

LEG. TROTTA:
Opposed.

P.O. GREGORY:
Abstentions? All right. Those who oppose, raise your hands.

LEG. MURATORE:
(Raised hand)

LEG. KENNEDY:
(Raised hand)

LEG. TROTTA:
(Raised hand)

MR. RICHBERG:
We got it, 13. (Not Present: Legislators D’Amaro and Fleming)

P.O. GREGORY:

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

LEG. ANKER:
Yes.

LEG. HAHN:
Yes.

LEG. KRUPSKI:
Yes.

LEG. FLEMING:
(Not Present)

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.
LEG. CILMI:
Yeah.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
No.

LEG. TROTTA:
No.

LEG. MC CAFFREY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
(Not Present)

LEG. SPENCER:
Yes.

D.P.O. CALARCO:
Yes.

P.O. GREGORY:
Yes.

MR. RICHBERG:
Fourteen. (Not Present: Legislator D'Amaro and Fleming)

P.O. GREGORY:
Okay. **I.R. 1747 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the District Attorney’s Office and the Police Department: Paralegal (County Exec).**

D.P.O. CALARCO:
Motion.

P.O. GREGORY:
Motion by Legislator Calarco.

LEG. CILMI:
Second.

LEG. KENNEDY:
Second.

P.O. GREGORY:
Second by Legislator Cilmi. All in favor? Opposed? Abstentions?
MR. RICHBERG:
Sixteen. (Not Present: Legislators D'Amaro and Fleming)

P.O. GREGORY:
All right. *I.R. 1749 - Authorizing certain technical corrections to Adopted Resolution Number* -- didn't I do this?

MR. NOLAN:
No.

P.O. GREGORY:
Number 482-2016.

D.P.O. CALARCO:
Motion.

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

MR. RICHBERG:
Sixteen. (Not Present: Legislators D'Amaro and Fleming)

P.O. GREGORY:

LEG. ANKER:
Motion.

P.O. GREGORY:
Motion by Legislator Hahn.

LEG. LINDSAY:
Second.

P.O. GREGORY:
Second by Legislator Lindsay. I'm sorry, I was thinking Anker. Motion by Legislator Anker, second by Legislator Lindsay.

LEG. TROTTA:
What exactly is this?

LEG. ANKER:
So, basically, we just need to extend the time to provide the report. We're still gathering data from the Police Department, and we've already designated the areas of safety concern around school districts. We just need that -- the statistics from the Police, so we should get that about within the next month.

LEG. CILMI:
Sounds good to me.

P.O. GREGORY:
All right. All in favor? Opposed? Abstentions?
MR. RICHBERG:
Sixteen. (Not Present: Legislators D’Amaro and Fleming)

P.O. GREGORY:
I.R. 1762 - Authorizing use of Old Field Farm for the Three Village Chamber of Commerce’s 17th Annual Family Beach Barbeque (Hahn).

LEG. HAHN:
Motion.

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

MR. RICHBERG:
Sixteen. (Not Present: Legislators D’Amaro and Fleming)

LEG. SPENCER:
Opposed. No, sorry, just kidding.

P.O. GREGORY:
I.R. -- you're against barbecue?

(*Laughter*)

LEG. SPENCER:
Just kidding.

P.O. GREGORY:
Oh, okay. I.R. 1768 - Approving the appointment of William Neubauer to Assistant Chief in the Suffolk County Police Department (County Executive). Motion by Legislator Browning, second by Legislator Muratore. All in favor? Anyone? You're looking at me.

LEG. MCCAFFREY:
No. Legislator Trotta was going to make a motion.

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

MR. RICHBERG:
Sixteen. (Not Present: Legislators D’Amaro and Fleming)

P.O. GREGORY:
Okay. I.R. 1686 -- oh, we did that? I'm sorry, we did 1686. I.R. 1693 - Authorizing transfer of a surplus Suffolk County vehicle to the Town of Shelter Island (County Executive). Motion by Legislator Krupski.

LEG. MARTINEZ:
Second.

P.O. GREGORY:
Second by Legislator Martinez. All in favor? Opposed? Abstentions?
MR. RICHBERG:
Sixteen. (Not Present: Legislators D’Amaro and Fleming)

P.O. GREGORY:
Okay. Waive the rules and lay the following resolutions on the table: I.R. 1753 to Education and Human Services; I.R. 1754 to Government Ops; I.R. 1755 to Public Safety; I.R. 1756 to EPA; I.R. 1757 to EPA. I.R. 1758, Public Safety; set the Public Hearing September 7th, 6:30 p.m., Riverhead. I.R. 1760 to Health; set the Public Hearing for September 7th, 2:30 p.m., Riverhead. I.R. 1761 to Government Ops; set the Public Hearing for September 7th, 2:30 p.m. in Riverhead. I.R. 1763 to EPA. I.R. 1764 to Public Works; set the Public Hearing September 6th -- excuse me, September 7th, 6:30, Riverhead.

LEG. CILMI:
Second.

P.O. GREGORY:
Isn’t it? Wait a minute.

MR. NOLAN:
You got it.

P.O. GREGORY:
I.R. 1765, Budget and Finance; set the Public Hearing for September 7th, 6:30 p.m., Riverhead. Why do we have two different times for the Public Hearings? Some say 2:30, some say 6:30.

MR. NOLAN:
It’s a night meeting, 6:30.

P.O. GREGORY:
Some say 2:30. Just make a note that all the Public Hearings will be at 6:30. I.R. 1766, EPA; I.R. 1767 to Health; I.R. 1769 to Budget and Finance. Second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MS. ELLIS:
Fifteen. (Not Present: Legislators Trotta, D’Amaro and Fleming)

P.O. GREGORY:
Okay. That is our agenda. We stand adjourned. Have a good night, and enjoy your vacation -- your break, excuse me.

(*The meeting was adjourned at 8:47 p.m.*)