SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SEVENTH DAY

May 12, 2015

Verbatim Transcript

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

Minutes Taken By
Alison Mahoney & Lucia Braaten - Court Stenographers

Verbatim Transcript Prepared By
Alison Mahoney, Lucia Braaten & Kim Castiglione - Legislative Secretary
P.O. GREGORY:
Good morning, Mr. Clerk.

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

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

(*Roll was called by Mr. Richberg -
Chief Deputy Clerk of the Legislature*)

LEG. KRUPSKI:
Here.

LEG. BROWNING:
Here.

LEG. MURATORE:
Here.

LEG. HAHN:
Present.

LEG. ANKER:
Here.

LEG. CALARCO:
Present.

LEG. LINDSAY:
Here.

LEG. MARTINEZ:
Here.

LEG. CILMI:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. TROTTA:
Here.
LEG. McCAFFREY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. SPENCER:
Here.

D.P.O. SCHNEIDERMAN:
Here.

P.O. GREGORY:
Here.

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Okay. Would you all please rise for the salute to the flag led by Legislator Lindsay.

Salutation

P.O. GREGORY:
Okay. Today's invocation will be given by Senior Pastor Steven Mangum from the House of Judah in West Sayville, guest of Legislator William Lindsay.

LEG. LINDSAY:
Good morning. It's my pleasure to introduce Reverend Steven Mangum, he is the Senior Pastor of the House of Judah. Prior to establishing pastorship with the House of Judah, Reverend Mangum served for seven years under the late Archbishop William -- Wilbert S. McGinley of the Elim International Fellowship in Brooklyn. He currently serves under the leadership of Bishop T.D. Jakes of The Potter's House in Dallas, Texas. Recently, Reverend Mangum and the House of Judah relocated from Jamaica, New York, to West Sayville where they are the owners of a historic church dated in 1878 and a Pastors Parsonage. He is committed to proclaiming the Gospel of Jesus Christ to all he comes in contact with and desires to win souls of the Lord.

Reverend Mangum has a special burden for families and is dedicated to empowering them to rise up and be all that God has destined to their lives. Over a decade ago, God gave Reverend Mangum a vision to build a distinctive church. He endeavors to excellence, integrity and give tools of empowerment to impact this generation and future generations to come. Reverend Mangum's message emphasizes on building men and women, instilling God's conscious to successfully function as an individual, husbands and wives and parents as well.

Reverend Mangum is married to Lady Sylena who is the Associate Pastor and currently leads the "Women of Influence" Group that fosters the single and married women divisions. Reverend Mangum is also the proud father of David, Christine and Joshua.
I've had the personal pleasure of attending Reverend Mangum's church and it's extremely dynamic. I don't think there was anybody sleeping in the pews; if there were, then I would check to make sure that they still had a pulse. But his teachings and his mission is extremely exciting, he wants to build a church and have a store-front section in the front to help foster businesses for his parishioners, so he has an economic development plant along with his spiritual plan. So I welcome you here this morning, Reverend, and ask you to give a blessing on today's service.

REVEREND MANGUM:
I thank God for Mr. William Lindsay and to all the political leaders that's here. I celebrate you in the name of the Lord. Let us all pray.

Our father and our God, we thank you for being God of over all of us. We thank you for this moment, this time in history. Lord, bless this meeting, bless this gathering. Father, we thank you for the camaraderie, the connections, the respect of everyone's opinion. Father, we celebrate you as you keep your hands on this meeting and bless this gathering. In the name of our God, let everyone say amen.

"Amen" Said in Unison

(Photograph taken)

P.O. GREGORY:
Please all remain standing for a moment of silence. New York City Police Officer Brian Moore who died on May 4th after being critically injured in the line of duty. Police Officer -- excuse me, Detective Moore, 25, was a Plainedge High School graduate and lived in Massapequa. It's heroes like Officer Moore who keep us safe every day. We extend our deepest sympathy and prayers for his families. Also, let us remember all those men and women in the military who put themselves in harm's way every day to protect our country.

Moment of Silence Observed

(Banged Gavel)

Okay. I would like to welcome Kelly Kern, Assistant Director of Vocational Innovations for Life's Work and a group from the Day Habilitation Program who will speak about their customized employment program during the public portion. Hi, guys.

Proclamations

Now we'll have a proclamation by Legislator Browning. Legislator Browning will present a proclamation to the Postpartum Resource Center of New York, and she'll also have a one-minute video.

(Played Video)

LEG. BROWNING:
Okay, good morning? I hope you will -- if anyone knows anyone who's pregnant or just had a baby, that you will ask the question and ask them how they're doing. But I'm happy to join with the citizens of Suffolk County in recognizing the Postpartum Resource Center of New York, we have Sonia Murdock here, because the month of May is Perinatal Mood Disorder Awareness Month. The month of May was declared by this Legislature in 2009 for awareness for Postpartum Depression, Perinatal Mood Disorders. And not only did we ask that it be an awareness day, but we also have an event of some type to create awareness, and we recently had one, many attended that event.
Perinatal mood disorder and anxiety disorder is a general term used to describe a wide range of emotional disorders a woman can experience during pregnancy and after the birth of her child. Perinatal Mood Disorder is a real illness that affects at least one in every ten pregnant women and two in every ten women after the birth of their child. Postpartum Psychosis is a severe mood disorder that affects one in every 1,000 births. Over 4,000 Suffolk County families are affected each year and the community needs to be aware of this illness.

Although primarily affecting birth mothers, Postpartum Depression can also affect other members of the family and -- listen guys, also fathers, siblings and grandparents. The Postpartum Resource Center of New York and the Suffolk County Perinatal Coalition have effectively been involved in preventing perinatal mood and anxiety disorders by increasing education, awareness and community involvement. They also help women to cope with the disorder and have been tremendous advocates in our community. May is Perinatal Mood Disorder Awareness Month, but these two organizations -- and I do apologize. The Suffolk County Coalition -- I knew I was going to miss their name. Suffolk County Perinatal Coalition was supposed to be here, they were unable to attend, but these two organizations take action each day, every day, to prevent and advanced postpartum depression, and we want to thank them for all the work that they do. Thank you, Sonia. Would you like to say a word?

MS. MURDOCK:
I would just like to say thank you very much to all of you and the Legislators for your strong support of this issue. We want to prevent tragedies here in Suffolk County and you are either here, not just throughout New York State but the country as well as worldwide.
Thank you.

LEG. BROWNING:
And again, I have a proclamation. And Sonia got involved because of a personal issue with her sister with Perinatal Mood Disorder. So I want to say thank you for your hard work and continued hard work. And next May, when we have an event, it would be nice to see every Legislator attend. Thank you.

Applause

LEG. BROWNING:
Am I doing the other one?

P.O. GREGORY:
(Nodded head yes).

LEG. BROWNING:
Okay. And this one, I have a little bit of a surprise for you. So if the dogs start to get active and work around the room, you'll know why. You want to put them to work?

FIRE MARSHAL LYNCH:
Sure. What I did earlier was I took several toothpicks and I dipped them in odorless charcoal lighter fluid, okay. Our dogs are accelerant detection K-9s, or arson dogs as some people call them. The County has had an arson dog since 1991, okay; most people don't realize that. But what these dogs are utilized for -- and we're joined by a lot of our Fire Marshal colleagues and Detectives from the Arson Squad in support of this to show that what these dogs are used for is in the event of a suspicious fire, we can bring the dogs in and they can essentially lead us right to where somebody might have put an accelerant, down to about a half a tear drop, that's all they need, okay. So you can have a very, very destructive fire, bring the dogs in and they can -- if there's a little bit of evidence left, and there usually is, they'll find it, okay. It makes it easier, it makes easier for the
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lab, it cuts down on time that the Detectives or the Investigators have to be in that building investigating the fire when they could be out doing the Detective work catching the bad people.

So they're trained through the Bureau of Alcohol, Tobacco and Firearms. The dogs are actually free to the County. This program was started in 1981, and in 1991 -- actually, the idea for the program started in 1981 from a Selden resident; so this entire program worldwide comes back to Suffolk County, okay. He was a retired NYPD bomb dog handler, he said, *I can train a dog to find accelerants.* The ATF agreed to listen to him, in 1985 they put the first working arson dog into effect, and Fire Marshal Martinez got the first dog in Suffolk County in 1991; there was only 12 in the whole country and we had one, all right? Since then --

*Applause*

Since then, he has been recognized by the ATF as the longest running K-9 accelerant detection K-9 handler in the history of the program. And since their program is the longest running program in the world, ergo, he is the longest running K-9 handler in the history of the world.

*Applause*

The only requirement for these dogs is that if the ATF needs us -- and I apologize for having my back to you. If the ATF needs us, we do have to go. In the 24 years that there's been a dog in this County, we've gone four times, okay, so the benefit is to the County. They've been major cases. The first, what, a 12-person homicide in Reno, Nevada?

**FIRE MARSHAL MARTINEZ:**

Yes. Our largest case in Suffolk County was in 1992, in Riverhead, five children were killed, an arson. They were home in bed with a babysitter, the oldest being 14 and the youngest being six months old. Our first dog Ember -- who was the only dog not from the Guide Dog Foundation in Smithtown, she was actually rescued from the Southampton Animal Shelter -- trained and deployed and found the evidence from the suspect who set the staircase on fire, thus cutting off their means of egress with the intent to kill them.

**FIRE MARSHAL MARTINEZ:**

We have been to Massachusetts where we worked the first -- back in 2008, three individuals decided that if Barack Obama was elected, they were going to burn a Baptist Church. So he got elected and they burned the Baptist Church. The ATF activated, we went up, okay -- this was my other dog, not this, this is my second dog. We pulled 19 cans of evidence out, put three guys away Federally, okay. And it was the first crime in the history of -- the first bias crime in the history of the United States of America related to the election of an African-American President. So it can never happen again. Again, that case is a history-making case and it comes back to Suffolk County. We were involved.

*Applause*

**LEG. BROWNING:**

Ready to go?

**FIRE MARSHAL LYNCH:**

We're ready to go.

**MS. MAHONEY:**

Can I get your name?
FIRE MARSHAL LYNCH:
Don Lynch, Brett Martinez. All right. What I did, as I said, I touched the toothpicks in some odorless charcoal lighter fluid. To us it might be odorless, nothing is odorless to them, okay. So what I'm going to do is ask her to --

FIRE MARSHAL MARTINEZ:
While Don's working, I'll explain. We have a little cadence that we go through, basically let the dog know that we're working. They know they're fed, they work off of food reward, so the first thing we do is open a pouch, they know the food is there, he then gives her a couple of commands, tells her to go to work and seek, she now seeks the target. She sits down next to the target, she will not disturb the target, just like a bomb dog or an explosive detection dog. The reason being that's evidence. Sometimes you'll see some of the narcotics dogs who are great working dogs, but they'll actually attack a piece of evidence. We don't want to do that. We want to secure the evidence, send it to our Crime Lab, our Detectives in the Suffolk County Police Arson Squad, they secure the evidence, process the case and it goes from there. Everything that we find goes to the Crime Lab, our forensics lab which is right around the corner, probably one of the best in the United States. I'm sure a lot of you watch CSI. Believe me, it's just as cool as the TV show, they don't have the nice music playing in the background, but they do a great job. All of our evidence that the K-9s find must be checked by the Crime Lab. Our dogs, if they fall under 85% accuracy, they will be sent back for remedial training; in the over 20 years we've had a program, we've never fallen below that.

We recertify annually with the Federal Government, we'll be going to Kansas City this June where we're required to have a hundred percent accuracy, otherwise, again, the dogs will go back for remedial training. So it's a great program. The dogs love this kind of work. They're Labrador Retrievers, they love to do this; this is what they were bred to do. They love to retrieve, they love to have fun, and they get to eat when they do it.

A little bit about what they're looking for right now. The Crime Lab, when they identify an accelerant, they're working what's called a parts per million, PPM; that's basically math. Very simply, if I was to take one of the computer mouses on the table and we put a million of them in this room, we could fill this room from floor-to-ceiling, wall-to-wall with a million mouses and only one of them had the odor that we're looking for, our Crime Lab can find it. That's pretty good, one part per million. That K-9 over there is working in a parts per trillion. That means we'd have to fill this entire building, this building next to it, this entire complex, probably all the way down to the Dennison Building, with a trillion little mice, and if one of them had the odor we're looking for, that little black dog could find it. That's a huge, huge advantage. Anybody have any questions? And I apologize for my back.

LEG. BROWNING:
Okay. If you guys want to come over here. Commissioner, would you like to join us? Commissioner Williams, and also Chief Fire Marshal Ed Springer.

So the reason I have them here today is May 3rd through the 9th was Arson Awareness Week, and the focus this year was accelerant detection K-9s in the Fire Service. I think that -- he stole my words (laughter).

FIRE MARSHAL MARTINEZ:
Sorry.

LEG. BROWNING:
But I am joined here by Brett Martinez -- and I know your a constituent, if you want to join us -- and Donald Lynch who are definitely very good at what they do. And we appreciate their hard work, their dedication to Suffolk County. I think you pretty much have said everything, but what they did
say is that they have aided many law enforcement agencies within New York City, Nassau County and Suffolk County, as well as across the nation. Evidence they've obtained has led to the arrest and convictions of numerous individuals, and I did see a couple of things, it's very impressive. They've been to Rhode Island, they've been to Reno, Nevada, they've been to Massachusetts, the Gambino Crime Family. They have been influential in having members of that family arrested for arson cases.

So again, what I'd like to say is on behalf of my colleagues here, we're very proud that, you know, what Brett has done over the years and being the first K-9 detection dog in Suffolk County and also in the world is pretty impressive. I don't think most people know that. So not only are we appreciative of your service here in Suffolk County, but also your service to our nation. Thank you. And I do have proclamations.

\textit{Applause & Standing Ovation}

\textbf{LEG. BROWNING:} 
Okay, I thought Brett was in Leslie’s district; Tom, he's your constituent. Ed, do you have something you want to say?

\textbf{D.P.O. SCHNEIDERMAN:} 
Did the dogs find the toothpicks?

\textbf{FIRE MARSHAL MARTINEZ:} 
Yes.

\textbf{CHIEF FIRE MARSHAL SPRINGER:} 
Just real quick. I would like to thank Commissioner Joe Williams, County Executive Bellone and the Legislature for supporting this program. It’s a very important program, we work very close with the Suffolk County Police Department, the Arson Squad, Detective John {Gilano} who is back there who is very dedicated to our K-9s and use our K-9s on a regular basis at fire scenes; whether to determine the accelerant that was used or to rule it out is very important. So we work very close with the Suffolk County Police Department and we have a great relationship with him.

As you were told, Brett is in his 24th year and he is the most senior dog handler in the program and next year will be his 25th year, and I hope the ATF will do something, along with the County, as far as rewarding him for a quarter century there, for his dedication to the program. Don has nine years, a tremendous asset, he loves it. Don lost his first K-9 to cancer, right after the Attorney General, the Assistant Attorney General up in Massachusetts --

\textbf{UNKNOWN AUDIENCE MEMBER:} 
U.S. Attorney.

\textbf{CHIEF FIRE MARSHAL SPRINGER:} 
U.S. Attorney General in Massachusetts awarded Don and his K-9 the proclamation, and he -- Don wasn't able to take the K-9 up there, he had passed away in-between. It was a very bad loss for Don, very hard loss for the office, it was a terrible thing to see happen, but Don and Brett, believe me, are very dedicated to this program. The dogs live with them, as any K-9 does, and they are part of the family. His family is here, Jackie is here, and it means a lot to us to be able to have them within our office. Thank you.

\textit{Applause}

(Photograph Taken)
P.O. GREGORY:
Okay. Thank you, folks. Thank you for your service.

Next we have Legislator Anker who will present a proclamation to her constituent Nancy Sanders who is the President of the Miller Place Parent-Teachers Organization.

LEG. ANKER:
So today I have Nancy Sanders, she is the President of the Miller Place PTO and she's just an amazing person. I had the honor of attending an event that she had planned, it was Stomp Out Cancer and it was to raise funds for a little boy, Kyle Martin, and it was phenomenal. We had an amazing musician there, Michael Deljudice from Big Shot, who also plays with the Billy Joel Band. Nancy has done so much for the community of Miller Place that -- you know, again, I invited her today. I don't mean to put you on the spot, but you have done so much. If you could just talk about what inspired you to do all these events. This is -- it's not just the Stomp Out Cancer, you had helped a family who lost their home during a fire, you know, you've worked with the Teachers Awareness Week. You're inspiring, you know, not just the kids, not just the teachers, not just the parents, but, you know, people, a Legislator here, you know, and also Legislators here. So if you don't mind just saying just a few words.

MS. SANDERS:
I hate this.

LEG. ANKER:
I know you do. It's okay.

MS. SANDERS:
The purpose for getting involved with Kyle -- I'm a teacher at heart, and he's a 2nd grade student, and seeing any student, any child in need, that's why I do what I do. We have a wonderful community. My Superintendent is here, my principal is here. I'm very fortunate to have the job that I have and to be able to impact the hundreds of kids that I have over the course of my career and I'm very blessed to live in Suffolk County and to work in Miller Place which is a wonderful community. And thank you.

LEG. ANKER:
Thank you. And I have to say, I know we saw some miracle dogs here, but now we have a miracle Mom. So again, thank you so much for everything you do. Thank you.

Applause

(PHotograph Taken)

P.O. GREGORY:
Okay, next we have Legislator Hahn who will present a proclamation to the Ward Melville High School Key Club.

LEG. HAHN:
Hello. Once again, we have Ward Melville in the house. Come on up. As you all have heard me talk many times about Ward Melville High School, I'm thrilled to have you all here today. We have Key Club, we are recognizing the Key Club at Ward Melville High School. An extraordinary, extraordinary group of ladies here today, thank you for being here. And we have Kyra Kurko, President of the Ward Melville High School Key Club; and Shannon Dalton, Secretary of the Ward Melville High School Key Club. Also, we have -- okay, we were told that you wouldn't be able to be here. We also have Erin McSweeney who was named Outstanding Club Vice-President, correct?
MS. McSWEENEY:  
(Shook head in the affirmative).

LEG. HAHN:  
Okay. I have proclamations for each of you. These young women, it's just amazing to me what the Key Club is able to do in the community. I feel like every day -- you know, if not every day, it's every week there's another event going on at the high school, raising money for outstanding organizations. You are tireless advocates in the community for different issues and work so hard on events at the high school, getting students involved. And it's so important that, you know, youngsters get involved in the community at a young age, because when they do so, they are more likely to stay involved in the community. And so what you do every day at the high school, showing your fellow students what it's like to make a difference, how good it feels when you make a difference in someone's lives, you're making it more likely that they will do -- continue to help people throughout the rest of their lives. So we want to thank you so very much.

I want to say some special words about Kyra, if you don't mind. Kyra Durko, who was -- I'm not going to do an adequate job here, but she was recently named Outstanding Key Club President in the entire State of New York. I have watched Kyra lead the club, but very importantly she took on a new event that we held in Stony Brook Village. Every year for the last 22 years we've had the Walk-For-Beauty which raises money for breast cancer research, and we added, this year we added two new events; we added a 10-K and we added the Color Splash. And I don't know if any of you know of a color run, what they're like, but we turned a color run into something really special in Stony Brook Village and it was because of all the hard work of Kyra Durko. But she didn't just organize a color splash event that brought in 500 individuals, mostly students, who run that day, which is a huge achievement for a first ever event. She got ambassadors from schools across the region, many in each of your districts, that she organized bands, she organized photo booths, she organized several events in one event and she is just an extraordinary individual. You will hear her name in the future. Remember Kyra Durko because she is a rising star and she is a future leader, not only in our community but in the world. So I'm just thrilled to be able to recognize her here at the Legislature, and all three of you. So congratulations, girls.

Applause

Shannon Dalton was also named Outstanding Club Secretary for the entire State of New York, and Erin McSweeney was named Outstanding Club Vice-President. And their faculty advisor, Ms. Annette Goldberg, was named Outstanding Faculty Advisor, and she was not able to be here today?

MISS DALTON:  
(Shook Head No).

LEG. HAHN:  
No, okay. So all of them have been recognized Statewide for their achievements in the Key Club, and I think it's so fitting that we recognize them here today. So thank you.

Applause

(Photograph Taken)

LEG. HAHN:  
And now -- thank you. Joining me today are also the winners of the Long Island Regional Middle School Science Bowl that's held at the Brookhaven National Laboratory, and they are from Murphy Junior High School. So if you can guys can come on up.
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Applause

We have with us today Coach Patrick McManus -- hello, welcome -- and he prepared a team of students from Robert Cushman Murphy Junior High School to a 1st place finish in the Brookhaven National Lab Middle School Science Bowl. Rohan Nagavardhan?

COACH McMANUS:
There you go.

LEG. HAHN:
Almost. Luke Randall, Reilly Brown, Keene Lu and Mourya Chimpiri. Okay?

COACH McMANUS:
Very good.

LEG. HAHN:
They competed with 19 teams from 13 schools across Long Island, and the students were grilled on a range of science disciplines including Life Science, Earth and Space Science, Energy, Mathematics and General Sciences. I am so proud to honor this team, as they have demonstrated their dedication to academic excellence and have displayed what great teamwork looks like. I want to thank all their parents who are here with us today. Their encouragement really helped these students meet this challenge.

Applause

And I want a special plug for science. Scientists rule the world, really, and we need more of them right here.

Applause

You will make a difference in the world, and you clearly have shown leadership in science and science and finding -- we can solve all life's problems with science, and I know each one of you are leaders and have demonstrated it at such an early age, that you will do great work and hopefully you will help individuals in all these different disciplines. So thank you, and encourage -- talk to your friends about how much fun you have with science and how much fun it can be. Because, you know, too often, sometimes kids get turned away from it, it's a little too difficult or if it's not taught in the right way and they're turned off from it, but it can be so much fun and you can do great work and it turns into a phenomenal career. So you're really in the right place and we need you where you are and to continue and stick with it.

Applause

P.O. GREGORY:
Next we'll recognize Legislator Dr. William Spencer who will make two presentations.

LEG. SPENCER:
Thank you, Mr. Presiding Officer. Good morning. It's a privilege to be here to be able to recognize a couple of great citizens in Suffolk County. First, I'd like to call up Dr. Rory Manning and his wife Shannon; if you can come up with him, please.

Dr. Manning has been Principal of Harbor Fields High School since July of 2012. The father of three sons, he received his Under-Graduate Degree at Stony Brook University and University of New Haven, Connecticut. He received his Doctorate in Educational administration at St. John's
University. Dr. Manning began his career as a science teacher in Jamaica, and ultimately taught in Levittown and served as Principal High School East. Recently, Dr. Manning has been named Western Suffolk BOCES Administrator of the Year for his commitment that he has demonstrated to the growth of instructional technology in 2014 and 15. He actively promotes professional development for teachers and administrators and provides support for the instructional technology needs and works to create an educational environment that encourages students to be 21st-Century learners.

Dr. Manning is someone that a lot of people throughout the community have recognized the difference that he has made in the lives of their children. He's passionate, he's someone that he gets to the job early and he leaves late. He is a great family man and he takes the ideas and philosophies that he inspires for his own family and he brings it to all of the children at Harbor Fields High School. So it gives me great pride and privilege to be able to present Dr. Manning with this proclamation for the hard work that he's done and the honors that he has had bestowed upon him.

Thank you.

Applause

(Photograph Taken)

LEG. SPENCER:
The next presentation, he is no stranger to any of us and he's someone that I owe a lot of -- a debt of gratitude for allowing me the privilege of being here as a Legislator today. I would like to ask if Jon Cooper would come and join me.

Applause

Jon is a remarkable man and he's someone that is a dear friend. He is a super Dad, but he has a long list of accomplishments. He began this journey in 1999 where he was here for 12 years as a Legislator that earned him not only national attention, but also he, with his accomplishment in his private industry, has just been recognized internationally. He's a dedicated husband and father of five. He's been active in community affairs since his days at Duke University. Currently he's the President of Spectronics Corporation and Alerton International. He has served on the boards of numerous organizations involved in areas of equality, environmental protection, children and family services and historic preservation and the arts.

During his years as a Legislator, Jon was known for authoring ground-breaking legislation which addressed real dangers and concerns facing Long Island families. He put work of Suffolk County at the forefront nationally and globally on the issues that effect people of all ages. As a result of his courage to tackle the unexplained territory, Suffolk County can claim the nation's first cell phone ban while driving, the "Hang Up and Drive Campaign and law served as a model for similar cell phone laws enacted and subsequently created by numerous states and municipalities across the country.

Jon's causes in legislation have affected every sector of our community. He offered a resolution to ban the deadly dietary supplement Ephedra. And in fact, this was a situation where the FDA in the last 30 years, it was the one time that they took action against a particular drug, and part of that was because of what Jon did. He promoted the preservation of County open space, a restriction on the use of chemical pesticides to protect our drinking water. He successfully lobbied for the County development and implementation of clean, renewable energy technology.

Jon is the longest serving Majority Leader in Suffolk County history and has been honored by the Long Island Press as one of the 50 Most Powerful Long Islanders, reflecting the dramatic impact he has had on our community. In addition, Long Island Business News selected Jon as one of the Ten
Leaders who Changed Long Island. The Long Islander Paper named Jon to be its 2011 Man-of-the-Year. Due to his dedication and commitment to Huntington Hospital's Capital Campaign Fund, the Gala Committee chose Jon to be their honoree at the 2014 Great Gatsby Gala.

Since he's left the Legislature, he continues to be involved in creating innovative, new ideas, growing another company, and continuing to be an outstanding father and pillar of the community. It gives me great pleasure to honor and to recognize former Legislator Jon Cooper for really his monumental accomplishments.

Applause

MR. COOPER:  
Thank you, Doc. This is the first time I have set foot in this building and certainly in this chamber since I left in office in 2012. It's great to be back here to see so many familiar faces. Many of my colleagues are still here, I see some new Legislators, the same old esteemed members of the media are still here.

(*Laughter*)

And even some Suffolk County residents I swear are sitting in the same seats that they were --

(*Laughter*)

-- when I left four years ago. What is with this? But in any case, I think that I was getting this proclamation in large part because of my being honored at Huntington Hospital's Gala. And as Doc Spencer well knows, Huntington Hospital is the variable pillar of the Huntington community and they have been since their founding a century ago. When they asked me to be the honoree, I literally jumped at the opportunity.

My family -- well, first of all, they treat tens of thousands of Huntington residents every year. My own family has availed themselves of the top-notch medical services at Huntington Hospital many times over the years, partly because I have five kids and anyone who has kids, you know you're going to bring them to the emergency room from time to time. But whether it was bringing one of my children there in the early morning to treat a childhood illness; or to bring my older son there, or rather meet my older son there after he was hit by a drunk driver while driving and severely injured; or in my own case when I was rushed there the day after one of my final Legislative sessions when I had a ruptured appendix and Huntington Hospital saved my life. I easily could have died that day, but because of the wonderful treatment that I got, I'm still here.

So anyway, it's really great to be here. It's wonderful to have gotten this honor. Where did Doc Spencer go?

LEG. SPENCER:  
Right here.

MR. COOPER:  
Oh, there he is (laughter) So Doc, as I was saying, he -- I'm so proud of him. He has not only filled my shoes, but my shoes are overflowing at this point with all of his accomplishments. So again, congratulations for the great job that you do.

And I also want to say, and I've said this to friends of mine in Albany, I've said it to friends of mine in Congress, I actually even mentioned it to a potential presidential candidate that I had dinner with last night. The Suffolk County Legislature is a special place. It was when I served there, it still is.
The feeling of bipartisanship, working together across party lines, Democrats and Republicans that actually like each other and have found a way to work together, you don’t often find that. Suffolk County is really unique, so I hope that that never changes. And thanks to all of you.

LEG. SPENCER:
Thank you.

Applause

MR. COOPER:
Now they all deny knowing me.

(*Laughter*)

(Photograph Taken)

P.O. GREGORY:
Okay, that’s all that we have for presentations. Just a reminder that we’re going to do the all-18 photo before the lunch break. Now we’re going to go to the public portion.

Public Portion

We have several speakers. I just want to remind everyone that you have three minutes. The first speaker is Michael Nizich; did I pronounce that right?

MR. NIZICH:
Yes. Hello, and thank you to the Legislator for letting me speak. My name is Mike Nizich from Applied DNA Sciences. I’m here today with Judy Murrah, the Chief Information Officer from Applied DNA Sciences. We’re here in support of Resolution 1343, to establish a pilot program to reduce property crimes in Huntington Station.

Applied DNA technology is a biotechnology company right here on Long Island that creates a unique signature out of botanical DNA, or common house plants or plant DNA. We take this DNA signature and mix it into a certain fluid and when people mark their valuables, jewelry, electronics and so forth, if that valuable is ever stolen or lost and recovered, we can identify the true owner of that property.

Basically our technologies are in use around the globe, the Department of Defense use it for computer chip-marking. We marked a cotton industry for supply chain management, and we have home asset and valuable marking, which is what we’re talking about with the pilot, in areas in England, France and Sweden and very successful.

Our pilot program for the Huntington Station area consists of 500 home asset marking kits for 500 designated homes in a designated area; 2,000 home and vehicle warning signs; 30 street signs, warning signs, posts and brackets to make the area alerted of the deterrent; officer training for seven Suffolk County Precincts and the Marine Division of Suffolk County PD; and 150 forensic sample kits to start with for property authentication if property is lost or stolen and recovered by the PD. We’re also offering eight broad-scan UV lights to make sure that each and every facility can identify lights.

Applied DNA Sciences will work in collaboration under the guidance of the Suffolk County Police Department for this pilot and in coordination with them, and Applied DNA Sciences has proposed this pilot as a zero profit, at-cost proposal for our company. Thank you.
LEG. KRUPSKI:
Mr. Chairman?

P.O. GREGORY:
Okay, thank you. Next we have Wendy Linsalate.

MS. LINSALATE:
Good morning. I'm Wendy Linsalate from the Suffolk County Coalition Against Domestic Violence. Domestic Violence is a widespread public safety concern that can affect anyone, regardless of race, creed, language, gender, age, sexual orientation or other social class.

Nearly one-third of U.S. women will experience domestic violence in their lifetime. Locally, the Suffolk County Police Department responds to over 7500 domestic incidents, and in 2013 the Suffolk Coalition Against Domestic Violence served over 8000 victims of domestic violence right here in our community.

One of the many services provided by the Coalition is our Court and Precinct Advocacy Services in which we assist victims in obtaining orders of protection in both the Family and Criminal Courts. Although an order of protection might be the first step in assisting victims and gaining safety from an abusive partner or family member, our work does not end there. As we all know, this can and is the most dangerous time with an increased risk of serious harm coming to the victim. Very often, securing a stay-away order of protection is not enough to ensure the safety of a victim. There are times in which the perpetrator shows blatant disregard for authority and quickly violates the order, creating a great risk of serious harm or worse to the victim.

Through the dedicated efforts of law enforcement and prosecutors in our County, these offenders are arrested and held accountable for their actions, and the coalition advocates frequently refer victims to the Suffolk County Police Department to have panic alarms installed in their home when an order has been violated. While this is a great tool and an added safety measure for victims, it only provides for immediate assistance once the perpetrator is already outside of the home or already entered.

For these reasons, the Suffolk County Coalition Against Domestic Violence is in support of Resolutions 1373 and 1374 which will provide for GPS monitoring of domestic violence offenders as identified by the family in Criminal Court. This monitoring will help notify victims in law enforcement when the offender is approaching the residents, therefore providing for a proactive response and mitigating the risk of serious harm to the victim.

Last year the Suffolk County District Attorney's Office opened over 2000 criminal contempt cases, proving the need for this technology right here in our community. GPS monitoring is being utilized in various jurisdictions across the country and has proven to be an effective means of increasing victim safety, enforcing orders of protection and holding offenders accountable for their actions. A study conducted by the University of Illinois at Chicago found that GPS monitoring had both short and long-term positive impacts on offender behaviors, including decrease attempts at contacting the victim and increased compliance with conditions of release.

Suffolk County Coalition Against Domestic Violence would like to thank Legislator Hahn for her insight and support for victims and thank the entire Suffolk County Legislature for your commitment to ensuring the safety of all Suffolk County residents.

P.O. GREGORY:
All right, thank you. Next we have Stacy Astachosky. I know I messed that one up.
MS. ASTACHOSKY:  
That was pretty bad. You were much better at it last time (*laughter*). Good morning, and thank you for providing me the time to speak --

MR. RICHBERG:  
Speak into the microphone.

MS. ASTACHOSKY:  
Oh, yeah. I'm also really short. Good morning, and thank you for providing me the time to speak with you all today. My name is Stacy and I am here representing a not-for-profit provider that rent their supports and services to some of the individuals you see in your audience today.

While the State-funded supported employment program and the methodology of customized employment began many years ago, Governor Cuomo's Executive Order to employ individuals with different abilities throughout 100 businesses across the State seems fairly new. Many agencies, like the one I represent today, have made the same mission along with the Employment First Initiative, to become head hunters for the individuals who share the same dream as we all do; establish a career and obtain employment in the field with our skill-sets and capabilities. Many of us have been trained in creating connections with businesses, but this does not make it much easier for hitting the pavement with supports.

At this agency we have also made it our mission to assist the government and/or business executive and senior staff in providing the education and building the foundation to improve their business by increasing staff retention, customer retention, as proven in recent studies, a positive work atmosphere, dedicated employees, and not that I like to admit, eligibility for the Workers Disability Tax Credit Incentive. I want to you close your eyes and take yourselves back to college. Imagine you did not know your career path, but did not -- sorry. Imagine you did know your career path but didn't know how to achieve it, or had no idea what you wanted to do. Then you graduated, worked a few internships and some jobs and then found your niche and here you are today. Our individuals are doing almost the same, just with supports and in a State-limited time frame.

I ask that you all please join our mission in educating businesses and the win/win. Individuals achieve employment where their skills, capabilities and activities of interest meet the needs of the businesses allowing for business prosperity. It is my belief that the term *inclusion* should not have to exist, as we are all equal members of the community. Thank you for your invitation today, Presiding Officer, and thank you all very much for listening.

P.O. GREGORY:  
Thank you, Stacy. Next, Blaire Fletcher. Hi, Blair. It's good to see you again.

MR. FLETCHER:  
Hi. Thanks. Hello. My name is Blair. I am here from Life's Work. I would like to speak on behalf of my peers and other community members with disability. Did you know that we have the ability to work? Did you also know that we are hard-working team players and passionate employees? Just to let you know how valuable we are, you might have seen us around at your local YMCA, Veteran Center and Meals on Wheels, just to name a few. These businesses could not function as well without us. We need you to help -- we need you to help us spread awareness to local businesses to hire us. Thank you for your help.

*Applause*

D.P.O. SCHNEIDERMAN:  
Okay. Next up is Paul Levitt.
MR. LEVITT:
Good morning. I am legal Counsel to the Town of Huntington Housing Authority and Millenium Hills Housing Development Fund Corporation and here in support of Resolution 1378 which would forgive the $714,205 that has been lent by Suffolk County to Millenium Hills. This forgiveness would ensure the continued vitality and financial stability of the successful mixed-use development, one of the first, if not the first, in Suffolk County.

The development is unique in that it was built as town houses consisting of 44 homes purchased by families who would not otherwise have been able to purchase homes in Suffolk County. Another 40 homes are rented to low income houses -- low income families who, if this development had not been built, could have been rendered homeless. We respectfully request that our development be treated as the same as other developments that followed in our footsteps. Those other developments received financial assistance from Suffolk County in the form of grants, not loans. We seek to be treated the same.

In consideration for the forgiveness of this loan, Millenium will be required to maintain the current affordability requirements for another 15 years. Although the HUD restrictions on the rental units are in perpetuity, if the County affordability restrictions were to end in 2017, HUD could permit the disposition of some or all of the units and thereby change the current County affordability requirements. There will be adverse consequences to this development if the loan is required to be repaid in 2017. We are facing the near future expenditures of considerable monies to make necessary repairs and maintenance of, for example, roofs, driveways, HVAC Systems, flooring. The development is more than 10-years old and requires this work in order to continue to meet the housing standards that HUD and we have set.

In addition, there are substantial financial contributions that are made to the Homeowners Association for roadwork and repairs in the common areas such as the community building. HUD has recognized the Housing Authority's successful management of the rental units by most recently giving the Housing Authority a 98% score. The Housing Authority will continue to continue -- to continue to manage it in the same manner, but it requires and needs this forgiveness of this loan in order for this to continue the sustainability of this housing development, the first in the County under a mixed use.

Article 36-2F-2 provides that under certain circumstances, repayment of affordable housing loans may be forgiven. In light of the limited resources available to Millenium Hills to raise funds to repay the loan, our restricted ability to raise rents and recent financial crises that have resulted in HUD funding to be reduced under sequestration, we believe that such circumstances exist.

We look forward to continued success in providing affordable housing to families living and working in Suffolk County. Thank you.

D.P.O. SCHNEIDERMAN:
Okay. Our next speaker is Jim Tsunis, Jr.

MR. TSUNIS:
Mr. Chairman, Members of the Suffolk County Legislature, I want to thank you for allowing me to speak this morning. My name is Jim Tsunis, I'm managing member of the Northwind Group. My company builds 55 and over communities throughout Suffolk County.

In June of 2013, the Town of Islip approved the change-of-zone application for 148 homes for people that are 55 and over. One of the conditions of the approval was that we provide 20% affordable housing on a separate site approved by the Town of Islip. On February 9th, 2015, the Suffolk County Sewer Agency approved a plan for Bayport Meadow Estates to hook to the parkland
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plan. The approval met all conditions within the guidelines of the agency. This approval will provide approximately $1.3 million to the taxpayers of Suffolk County and the Resolution No. 1208 is before you today for approval.

The affordable component will be built off-site with safeguards built into the contract between Bayport Meadow Estates and Suffolk County to ensure that the affordable senior units will be built. Currently I'm in the process of starting another development consisting of 85 units in Port Jefferson Station. This project is 100% affordable. I will also be building another site in Selden for 55 and over that calls for 36 out of the 124 units of the site to be affordable.

I have been and continue to be a builder of affordable homes for the 55 and older sector in Suffolk County. I will remain in the audience should any of the Legislators have any questions regarding the Bayport Meadow Estate, Resolution 1208. Thank you for your time this morning.

D.P.O. SCHNEIDERMAN:
Okay. Next up is Paul Pressman.

MR. PRESSMAN:
Thank you very much, Mr. Chairman. Thank you very much, Legislatures. I'm up here today representing not only myself, but a lot of the senior citizens that unfortunately have no other way of getting around Suffolk County but using the Suffolk County Transit System.

I have been a resident in Suffolk County in the Town of Islip for over 48 years. Are you aware that the bus system has not changed one schedule in 48 years based on the increased traffic or anything else? I have spoken to a thousand different drivers who know more about the bus system than anybody else. I would like to ask every Legislature just one day to take a bus to get to work and see how long it takes you. There are buses that only run from seven in the morning until five at night. It's -- I find it very, very funny that every public hearing that they have for the constituents that have to ride a bus to voice their complaints, the meetings are run from three o'clock until seven PM. Do you know how many buses stop running that you can't get home from that meeting? I happen to be lucky enough that if I'm stuck and I know that a bus isn't going to run, that I can at least call the SCAT service because I am disabled, so I'm able to take the SCAT bus. Unfortunately, that has its own problems.

Now, I have written a letter. I addressed it and I dropped it off directly to Suffolk County Transit at 335 Yaphank Avenue a month ago. I was told specifically by Ms. Alley in Mr. Bellone's office that I would receive a written answer to my complaints two weeks ago, I am still waiting. When I call their office, they don't even know who the heck I am and I call every single day. I know every schedule in Suffolk County. I would like somebody one day to go to one of the transfer points, like Babylon Railroad, like South Shore Mall. How does a family that cannot afford to drive on Long Island during the holidays go to a mall when they have to work all day and the buses stop running at six, seven o'clock at night. They're lucky they can get home, never mind get to go shopping.

The other ridiculous thing is on a Sunday. Do you know that I cannot get a SCAT bus because my bus, the S-42, stops running and does not run on a Sunday. So by their law, you cannot get on a SCAT bus unless you're three-quarters of a mile away from the nearest bus that runs.

(Beeper Sounded)

And only thanks to Mr. Bellone has Sunday service ever started.

(*Laughter*)
LEG. BROWNING:
Correction.

D.P.O. SCHNEIDERMAN:
That's okay, we can --

MR. PRESSMAN:
No, that's the truth. Because the Federal Government does not pay for that. That was what Mr. Bellone started up. I would like to bring one last thing to point. Two months ago in Newsday, it was specifically stated that Suffolk County Transit was going to add bus service on a Sunday and was going to increase routes in Suffolk County. This is exactly what they did. They added one bus route on the S-48 to go back to East Northport, and one bus route out on the East End.

P.O. GREGORY:
Sir, you have to wrap up, you time has expired.

MR. PRESSMAN:
Okay.

D.P.O. SCHNEIDERMAN:
Thank you, Sir. Our last speaker is Christina Lazarus.

LEG. BROWNING:
Come on, Jay. Go correct that, please.

MS. LAZARUS:
Thank you for this opportunity to talk to you today. It's my first time here, so I'm very nervous, so please bear with me. I'm here to offer support to Resolution No. 1373 and 1374 which was introduced by Legislator Hahn.

I work as a court advocate for Brighter Tomorrows, which is an agency which provides shelter counseling and support for victims of domestic violence. Brighter Tomorrows provides court advocacy to both residential and non-residential victims of domestic violence.

In the resolution, the resolution suggests an enhancing enforcement of domestic violence orders of protection by using means of electronic monitoring. And this involves monitoring of the offender and supplying victims of corresponding proximity detectors to notify them if the offender is within a pre-set range.

During my time as court advocate, I have assisted many victims with filing orders of protection and I've accompanied them to subsequent court dates. I've been witness to the pain, the shock, the fear and terror, the anger and the sadness that clients feel as a result of the abuse. I feel a passionate commitment to provide support for clients so that they can continue with their recovery and the healing that follows the trauma of their abuse. On too many occasions I have assisted clients with filing violations to orders of protection, whereby their abuser has not paid heat to stay away from them. It's sad to see how these clients are often themselves revictimized by having to go through the painful process of filing papers and appearing in court once more.

I believe that this could be minimized if electronic monitoring were implemented and I firmly believe, as does the organization that I'm here to represent, Brighter Tomorrows, that an electronic monitor would act as a strong deterrent for abusers or offenders, and that the corresponding proximity detector would allow victims to feel better protected and more secure. Electronic monitoring and proximity detection together could work towards eliminating the fear of threat and help significantly
towards allowing victims to heal and move on with their lives. So I'm here today as a representative of Brighter Tomorrows to voice our a hundred percent support of this Legislature by Legislator Hahn. Thank you for your time.

**D.P.O. SCHNEIDERMAN:**
Okay, that's the last yellow card I have. Is there anyone else who wishes to be heard by the Legislature who did not fill out a yellow card. This is your one opportunity in public portion to be heard.
All right, seeing no hands, I'll turn things back to our Presiding Officer.

**P.O. GREGORY:**
Okay, I make a motion to close the public portion. Second by Legislator Muratore. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Eighteen.

**Consent Calendar**

**P.O. GREGORY:**
Okay, I make a motion to accept the consent calendar. Second by Legislator Barraga. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Eighteen.

**Tabled Resolutions**

**P.O. GREGORY:**
Okay, Tabled Resolutions. We have to skip IR 1030, there's a public hearing later on today.

*IR 1175-15 - Adopting Local Law No. -2015, A Local Law to protect privacy in Suffolk County (Muratore).*

**LEG. MURATORE:**
Motion to table.

**P.O. GREGORY:**
Motion to table by Legislator Muratore. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Eighteen.

**P.O. GREGORY:**
*IR 1201-15 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Mark and Stefanie DeVoe (Spencer).*

**LEG. SPENCER:**
Motion.

**P.O. GREGORY:**
Motion by Legislator Spencer. I'll second. Anyone on the motion? All in favor? Opposed?
Abstentions?

**MR. LAUBE:**

_Eighteen._

**P.O. GREGORY:**

Okay. _IR 1208-15 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 14 Parkland and Bayport Meadow Estates (IS-1636)(County Executive)._  

**LEG. LINDSAY:**

Motion to table.

**P.O. GREGORY:**

Motion to table by Legislator Lindsay.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

Second by Legislator Calarco. Anyone on the motion?

**LEG. KRUPSKI:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Krupski.

**LEG. KRUPSKI:**

Okay. So this is something that’s gone through the Sewer Agency a number of times. And I’m not sure what the -- what we feel that our role is in this if -- and I’d like to maybe ask, if I could, if I could ask Jill to answer a question on this. We went through -- or maybe Bob Braun. We went through this at Sewer Agency, and if you could give some clarification on the law as far as why the Sewer Agency approved this and the way the law speaks on moving the units off-site.

**MR. BRAUN:**

Yes. Good morning, Mr. Presiding Officer and Legislators. I’m also Counsel to the Sewer Agency, so I’ve been kind of following this.

Mr. Tsunis, who you heard from earlier, has proposed building an over 55 market-rate complex in one portion of Islip, and Islip required him to also develop 20% of those, a number equivalent to 20% of those units at a separate location, also in Islip, to fulfill the Town’s affordable housing requirement. The issue for the Sewer Agency was whether an off-site second community, so to speak, would satisfy the Sewer Agency’s requirement and the County Code’s requirement that 20% of units connected to the sewer district be affordable.

In this instance, the market rate units are going -- have made an application to connect to a sewer district, but the off-site affordable units have not. Just using the numbers, the number of units to be built off-site are equal to the number of units that would have to have been connected -- to be connected to the sewer district on-site. So after some analysis and seeing that the code was not clear on that point, the agency decided to permit or to recommend to the -- that the Legislature permit that an agreement be entered into between the Sewer Agency and the district and the developer with some controls in the agreement to make sure that the off-site units are built and that
the second part of this, the affordable units, are not simply abandoned, you know, and not developed.

I've been working on the contract on this. We should be able to put sufficient controls in the contract that will require that the off-site units be built before the market rate units are allowed to connect to the sewer district. So, in essence, the County will get what it -- the number of affordable units built that would have been required, except they'll have them built in two places rather than in one.

LEG. KRUPSKI:
Thank you for that. I am working on legislation that would bring some clarity to the existing law where the law right now is silent. Because it's really a Town zoning and land use function as to where these affordable units would be sited; it's not a County function to do that. And, you know, they have the option of keeping them within the same -- anywhere within the township or within the same school district, depending on their needs, or different areas that they want to try to stimulate growth or areas that they want to avoid growth. So that would be -- I think that would be a Town function, not County function. I think what we went through at Sewer Agency was that is there capacity, you know, physical capacity for the additional development, and will they be built at the same time? In other words, will they be built, and they should be built at the same time as the market rate units. And I think those are the concerns that were answered there.

MR. BRAUN:
Right.

P.O. GREGORY:
Okay. Are you done, Legislator Krupski?

LEG. KRUPSKI:
Possibly.

MR. BRAUN:
(Laughter).

P.O. GREGORY:
Legislator Calarco.

LEG. CALARCO:
Bob, I have a couple of questions for you.

MR. BRAUN:
Yes, Sir.

LEG. CALARCO:
So when you're saying the Sewer Agency decided to send it up to us because the policy wasn't clear, I guess what you're saying is that since the Sewer Agency is not the policy-making body, we are, you decided to pass that to us to make that decision?

MR. BRAUN:
Well, in all instances where an out-of-district connection is to be made with a developer, the Sewer Agency's resolution is merely a recommendation to the Legislature, and in all cases, the Legislature considers whether to approve that out-of-district connection or not. In this case, this one seems to have become less than the pro forma type of situation that we usually face.
LEG. CALARCO:
Have we had a situation in the past where we approved one of these kind of connections since the law was implemented requiring the affordability component, where the affordability component was not being constructed in the same location?

MR. BRAUN:
Not that I'm aware of.

LEG. CALARCO:
Okay. So this is really a new, unique type of policy decision we have to set in terms of whether or not this body wants to see the affordable units being permitted to be placed in a different part of the town, which could then land the affordability units into a centered, concentrated area and not into a, you know, dispersed type of provision where they're going alongside the market rate.

MR. BRAUN:
Certainly that's a valid consideration for the Legislature, yes.

LEG. CALARCO:
Okay. Now, it's my understanding that the proposed affordable units have not received any kind of approvals from the Town of Islip yet for construction; is that your understanding?

MR. BRAUN:
That's not quite my understanding.

MR. BRAUN:
My understanding is that at Islip's request, the location has been located and applications are either pending or approved; Mr. Tsunis I believe is still here, he could probably answer that better. But again, the Sewer Agency contract will require --

LEG. CALARCO:
Sure. So they've identified a location, but they don't have the approvals from the town.

MR. BRAUN:
I don't know. But again, the agency agreement will require the simultaneous building of affordable units --

LEG. CALARCO:
Well, there can't be simultaneous building. I drive by the site every time on my way home from here and I can tell you that this location is being constructed right now, whereas the affordability location has certainly not even reached the point of having a building site.

MR. BRAUN:
The permits that the market rate site will require to connect to the sewer district will not be issued until the affordable units are also built.

LEG. CALARCO:
So we're going to tell the developer, We're going to give you permission to connect, but you've got to leave your development empty and unoccupied for however long it takes you to get those affordable units built?
MR. BRAUN:
Whether it's going to be on a percentage basis or all at once hasn't yet been decided.

LEG. CALARCO:
I guess that's another policy decision for us.

MR. BRAUN:
Right.

LEG. CALARCO:
Okay, thank you.

P.O. GREGORY:
Okay, Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:
Well, the affordable units, they're also connecting into the same sewer district? They're not --

MR. BRAUN:
My understanding is that the affordable units will have on-site, private sewage development. They're not close enough to a district to connect.

D.P.O. SCHNEIDERMAN:
What control, then, would we have to guarantee their affordability? I mean --

MR. BRAUN:
They will have to --

D.P.O. SCHNEIDERMAN:
The affordability, that's part of the condition of the build-out is that we are allowing you to connect into our sewer system. But in exchange, we are requiring this 20% affordability. What if ten years from now, five years from now, the affordable components decide to not be affordable?

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

MR. BRAUN:
Presumably, one of the things we'll require is that covenants be filed that require them to remain affordable, and that the County be granted status to enforce those covenants.

D.P.O. SCHNEIDERMAN:
Because, you know, as the author of the law, and, you know, I think the reason why the law is silent on it is we never contemplated the fact that somebody might want to put the affordability component in another location. I understand, you know, the developer wanting to do a 55 and owner -- 55 and older gated type of community. What's -- it just wasn't envisioned by the initial law. We were trying to create a response to an affordable housing crisis in Suffolk County, which has only gotten worse, and realized that one way to do that is to require that anyone connecting to our sewer systems do at least 20% affordability. But I believe the law does say that 20% of the units that are connecting to our sewer system have to be affordable. So this doesn't seem to comply with that law, because 100% of the units connecting are not in the -- the 20% that are affordable aren't connecting to our sewer district.
MR. BRAUN:
Well, that reading of the law is possible, and the other reading of the law that's possible is that a number equal to 20% of the units that are connecting be affordable.

LEG. D'AMARO:
Excuse me. Can I --

D.P.O. SCHNEIDERMAN:
Well, maybe we could get something --

LEG. D'AMARO:
Can I interrupt for a minute and just make a point of order or something? I'm not really convinced that we should not be -- that we should be discussing this hookup in this manner publicly, as opposed to perhaps in Executive Session at this point, because we're talking about this project specifically, and we're talking about amending this policy and coming up with rules and regulations.

D.P.O. SCHNEIDERMAN:
Well, if I could respond, because --

LEG. D'AMARO:
Let me just finish.

D.P.O. SCHNEIDERMAN:
The tabling motion --

LEG. D'AMARO:
Let me just finish. And that's our attorney that's up here advising us as to what the law says, or may say, or may not say. I don't know where this legislation is going, I don't know where the policy is going. I don't know if it's ever going to be challenged, and I don't think our discussion with the Attorney, who is advising us, should necessarily be in this forum.

D.P.O. SCHNEIDERMAN:
I appreciate that. You know, we have a tabling motion on a bill. I'm just trying to decide how I'm going to vote on that tabling motion. I just wanted to know if our Attorney, and we have more than one advisor, believes that the proposal complies with the County law. I think that's a valid question in open session.

LEG. D'AMARO:
Okay. Keep advising.

LEG. KRUPSKI:
Mr. Presiding Officer.

LEG. D'AMARO:
I tried.

D.P.O. SCHNEIDERMAN:
Maybe -- I'm just curious whether George has reviewed this to see if it complies with the current law.
MR. NOLAN:  
Well, as we discussed at the last meeting, I think that, you know, the law is really silent on this issue of offsite housing as part of the hookup agreement. And, you know, the language is -- so it's just silent on that. And I would just say that that being the case, you know, the intent of the sponsor is important to consider. And I think you were the sponsor of the original law, so that that's something to consider, what your intent was. And, you know, in terms of general construction, I mean, if something’s not in the law, you know, you just can't supply it.

D.P.O. SCHNEIDERMAN:  
But I think more specifically, I mean, that is one issue, whether you can build it out on a separate site, but if the second site is not connecting to the sewer district, that really is my question. If you had a second site, but it was also connected, then you could argue that 20% of those units connected to the sewer district are affordable. But in this case, and I wasn't aware until now that the second site wasn't connected, I'm just curious whether it still complies.

MR. NOLAN:  
The language is really not clear on that point, but the language it talks about in terms of the agreement it talks about as part of the resident -- the -- of the development, as part of the development. So, like I said, this section of law just does not contemplate or address the type of arrangement the Sewer Agency has approved. I think, you know, Mr. Braun has looked at the law and reached a different conclusion. It's not -- it's a short provision. It doesn't really address all the issues that are being raised, but I would just say that it is silent in terms of whether or not we're permitted to do an arrangement like this with offsite housing as part of a development.

D.P.O. SCHNEIDERMAN:  
Okay.

P.O. GREGORY:  
Legislator Lindsay.

LEG. LINDSAY:  
We still have the developer here, and I think he wants to chime in as well. Mr. Tsunis, if you wouldn't mind coming back up to the microphone and maybe to speak to some of the arguments that you've heard here so far.

MR. TSUNIS:  
Yes. I want to bring out a couple of points that I think will make everyone a lot more comfortable. First of all, the contract that we are signing with the Sewer Agency will only permit us to build 112 out of the 148 units. They won't give us anymore S-9s, which are needed to get a building permit, up until the 112th permit for the S-9s. And the reason we did this is because we wanted to make sure, and I wanted to make sure, that I was in compliance with the law in building the affordable units. So your safeguard is in place.

In addition, the affordable units will be in perpetuity forever, okay? I'm building affordable units in other places, as I mentioned before, in Suffolk County, and this affordable component is important to me. This is what I do, it's part of what I build.

The other item that is important is that we have been working on this for seven months. And as someone pointed out, I'm under construction, okay? It's going to take me three years to build this out, and I already started my community, it's on Sunrise Highway, it's on its way. Now I have a choice, and I wanted to make you aware of this. Not only -- it's not only me, but it's Package All and it's also the Wenner Bread Company, who's also redeveloping that Wenner Bread site and putting a beautiful retail center there. So we have all three of us that have been on board, that
have negotiated with the County in good faith for the last seven months, and, like I said, I'm under construction.

The total package to the County, I believe, is in the range of a million-eight to a million-nine dollars. And I want to let you know, that we have a choice to go to a different sewer plant that's not owned by the County and to give someone else the money, and that isn't my intention, but I am at a spot in the road where I got to make a left or I got to make a right, and it's cost me thousands of dollars a day right now. I thought this was going to be approved 30 days ago.

So, with all due respect, I do believe that I have answered all your questions. If you have any other questions, I'm here and I'm more than happy to answer them. But I do believe that through the negotiations over the last seven months, we did cover all the bases that were intended for this law, okay? And I don't believe that the law says that the affordable components have to connect. I've read it several times. It says we have to provide affordable component in the law.

LEG. LINDSAY:
Mr. Tsunis, you know, and maybe this will help alleviate some of the concerns or maybe it won't, but -- so the trigger here is the 112 units will be built, but you won't get the approval for the other 36, correct?

MR. TSUNIS:
Correct.

LEG. LINDSAY:
What happens if that secondary site in Bayport isn't -- doesn't get approval from the Town of Islip?

MR. TSUNIS:
Well, the Town of Islip has a couple of different sites that we're working, and I guess I would have to put them on the Bayport site if we couldn't find them, okay, if we couldn't find a place. But, initially, I didn't realize when this -- when the change of zone was approved in June of 2013, I did not realize that the County had this affordable component to hook up to the sewer plant, so I agreed to what Islip wanted. They have a lot of blighted sites in the Town, and they want me to find one of them and put the affordable housing there. And what it does is it creates a redevelopment opportunity for that site and gets an economic incentive put into that site to take a disaster, okay, like the one I'm working on right now, and turn it into something beautiful. So that was all the Town of Islip.

And again, unfortunately, I didn't realize that this legislation was in place with the County. But I -- you know, like I said, I'm at a point in the road where I'd like to continue going on with the County, but economically, it's going to become impossible if this thing drags on much longer.

Are there any other questions that I had?

P.O. GREGORY:
All right. Legislator Krupski.

LEG. KRUPSKI:
Well, I think after hearing some of this, and I'd like to hear -- before I make a motion, I'd like to hear everyone else speak before I do make a motion on this. But I think that there are safeguards here. The County has to approve the hookup, and the Town has to approve the zoning. Without both, this can't proceed. And I don't think the County should be in a position of telling the Town of where they should put their development, and I think that's strictly a town function. And I come from a town that has this affordability component for development in the law that precedes the
County law, so I'm familiar with the idea of moving the affordability component off-site. So to me, this isn't a far idea.

And I also did work with the Sewer Agency for months and we did -- we did hash this out for months kind of at the Sewer Agency, because we were unclear as to what the intent of the law was and to what specifically the County law allowed.

**P.O. GREGORY:**
Okay. Legislator D’Amaro.

**LEG. D’AMARO:**
Okay. So before us is a request by Mr. Tsunis and his company to permit your development to hook to the Sewer District Number 14, but the problem that I'm having is that there's certain requirements that need to be met in order for you to hook up to that sewer district, and one of them is an affordability component to your project that's hooking in and you don't have one.

**MR. TSUNIS:**
Well, we do have one.

**LEG. D’AMARO:**
No, no, but you don't have one that complies with the requirements of the law.

**MR. TSUNIS:**
We have a safeguard built into the contract that I won't be able to build -- actually, we do, we have a safeguard, because if I can't find them, I'm going to put them on the site, and 36 units --

**LEG. D’AMARO:**
Yeah, but see, none of that is open to safeguards by contract.

**MR. TSUNIS:**
Sure, it is. It's in the contract that I can't build --

**LEG. D’AMARO:**
No, no, you're missing my point. The law is very clear here and very specific. It says if you want to build your project, you must have 20% that's affordable; you don't have that.

**MR. TSUNIS:**
Well, I disagree with you. I could say that --

**LEG. D’AMARO:**
Well, we didn't delegate the authority to the County to negotiate whether it's on-site or off-site. I mean, it's a pretty clear-cut requirement.

**MR. TSUNIS:**
It's a clear-cut requirement that I'm to provide 20% affordable housing, okay, and I am providing 20% --

**LEG. D’AMARO:**
On-site.

**MR. TSUNIS:**
Doesn't say.
LEG. D'AMARO:
It says the development must have an affordable housing component, and the sponsor of the law told you it was never contemplated that it wouldn't be on-site.

MR. TSUNIS:
Well, you know, we've gone over this for seven months.

LEG. D'AMARO:
But what does that have to do with what I'm doing today?

MR. TSUNIS:
Because the attorney for the Sewer Agency and the Affordable Housing Commissioner also agreed that this would be okay to do off-site.

LEG. D'AMARO:
The Attorney for the Sewer Agency --

MR. TSUNIS:
It doesn't say --

LEG. D'AMARO:
-- does not have the authority to agree. I sit on the Sewer Agency.

MR. TSUNIS:
Okay.

LEG. D'AMARO:
We voted to bring it to the Legislature precisely for the reason that this is a major policy decision with respect to this law. You don't have any approval to do this yet.

MR. TSUNIS:
Okay.

LEG. D'AMARO:
All right? The law is clear-cut. It requires an affordable component. You're not meeting that. I would --

MR. TSUNIS:
I respectfully disagree, that's all I can do.

LEG. D'AMARO:
Of course you do, but what I would say to you --

MR. TSUNIS:
I can't sit up here and argue with you.

LEG. D'AMARO:
Well, then I won't argue with you either, okay? I'm not arguing, I'm telling you what the law says.

MR. TSUNIS:
Well, I respectfully disagree.
LEG. D'AMARO:
On what basis?

MR. TSUNIS:
On the basis that it says we're supposed to -- we are providing 20% affordable.

LEG. D'AMARO:
So, you know, better than the sponsor who wrote the bill what that means?

MR. TSUNIS:
I didn't say that.

LEG. D'AMARO:
Well, you did.

MR. TSUNIS:
No, I --

LEG. D'AMARO:
Yeah, you did.

MR. TSUNIS:
I'm saying that the --

LEG. D'AMARO:
Exactly what you said.

MR. TSUNIS:
No. I'm saying the 20% affordable could be in Bayport Meadow Estates right now, okay, because I have 36 units left over. So that's why I'm respectfully disagreeing.

LEG. D'AMARO:
What needs to happen here is we can't -- we can't act on a proposal that doesn't meet the law's requirements. But what we can do is change the policy and put in a set and a framework of regulations to govern the situation, if that's the direction we want to go. But that framework shouldn't be left to doing it in a contract, that has to be set by this Legislature. It's a change of policy, it's a change of the law. This application before us today does not meet the law. And I'm more than happy to debate and talk about the framework to change the policy and put the regulations in place, so gentlemen like Mr. Tsunis can get their projects approved, but that has to be fully vetted here. We can't just do this by contract for every application that comes piecemeal before this Legislature. This is -- I don't even think we have the authority to act on this bill if it's not meeting the plain requirements of the law. So, anyway, that's my position.

MR. TSUNIS:
I can only say that the --

LEG. D'AMARO:
No, I wasn't -- I wasn't asking for a response. You said you didn't want to argue with me.

MR. TSUNIS:
I was just going to state my case.
LEG. D'AMARO:
Not necessary.

P.O. GREGORY:
Okay. Legislator Calarco.

LEG. CALARCO:
Thank you. Mr. Tsunis, I do have a question for you, because I'm hearing two different things right now. So you're telling me the contract you had negotiated with the County allows you to connect 112 houses with a provision in there that says nothing else gets connected until such time the affordability gets built. But what our County -- what our Attorney just testified on the record is that irregardless of where you are in the development of your current -- of the project in Bayport of the Meadows, that project will not be connected to the County's sewer district until such time that your affordability units are built, irregardless of whether or not we want to debate the law saying you can build it someplace else. He's telling us that you won't be able to connect, as per the contract, until your affordable units are built. So is that something you're willing to agree to, that you're not going to connect the project you're building right now to the sewer until such time that the affordabilities are built?

MR. TSUNIS:
No. The agreement that was made between the Sewer Agency and myself, and I believe if you check in your minutes it will be in there, is that we wouldn't go beyond 112 S-9s.

LEG. CALARCO:
So what happens if you never get approvals to build affordability anywhere else and you decide to cut your losses and just build 112 and call it a day?

MR. TSUNIS:
Well, that wouldn't -- that would put --

LEG. CALARCO:
I have no control over making sure you gave us an affordability unit. If you're doing 112 units, and that's all you're building, then the 20% component would be, you know, 20 some-odd units of that 112. You know, what you're trying to do is get 112 out of us, and then if the affordabilities come, that's great, someplace else, and then you could build another 36. But if they don't, well, you could build them on your site, or you could just build nothing.

MR. TSUNIS:
Well, it's become increasingly clear to me that you have objections that were not openly discussed with me over the last six or seven months.

LEG. CALARCO:
Well, I apologize that our staff maybe didn't convey to you early enough the law that we have on the books, but the law on the books is the law we have on the books. We did it for a reason. And we could possibly debate whether or not they're on-site or not on-site as permitted under law. I tend to believe with my colleague, Legislator D'Amaro, that I think it's supposed to be on-site. That may be open to discussion, but, certainly, we would expect that they'd be working in conjunction with each other, and you are certainly nowhere near having them being developed at the same rate and same time.

MR. TSUNIS:
Okay.
LEG. CALARCO:
Okay. Thank you.

P.O. GREGORY:
Okay. Legislator Trotta.

LEG. TROTTA:
How much is -- you're building 112 of them right now, is that the status of them? Is there going to --

MR. TSUNIS:
No. We're only building 20 right now, and we have 20 units approved by Health.

LEG. TROTTA:
So there's guys working there right now?

MR. TSUNIS:
Yes.

LEG. TROTTA:
And it doesn't say in the contract that you have to -- you know, there's nothing in the -- to Legal Counsel there or Attorney, there's nothing in there that says, you know, if they don't build these other ones, we have to take 20% of the 112 and make them affordable?

MR. BRAUN:
As you can imagine, the contract is not yet signed. It's still being negotiated, because we don't yet have the Legislature's approval to enter into it. So, although, as I said earlier, this is ordinarily not a matter of great controversy, in this instance, it would have been premature to enter in -- to finalize a contract before we knew what the Legislator wanted.

LEG. TROTTA:
So, if that gentleman will get up again.

MR. TSUNIS:
Mr. Tsunis.

LEG. TROTTA:
Both of you guys stand there a minute. Sir, would you be willing to, if you don't ever get approval for the other 32, have 22 of these 112 affordable?

MR. TSUNIS:
I couldn't do that, because I'd be under -- I'm under contract, or I will be under contract to be selling those. So once they're sold, I can't go to the customer and say that it's now an affordable unit. They wouldn't even qualify for the affordability.

LEG. TROTTA:
So you have these sold already?

MR. TSUNIS:
I have quite a few of them sold.

LEG. TROTTA:
A hundred and twelve of those sold?
MR. TSUNIS:
No, I have about 50 of them sold right now, 50 or 60.

LEG. TROTTA:
So you're still in an area where you could -- if you needed to, you could take 20 out and --

MR. TSUNIS:
Yeah. Listen --

LEG. TROTTA:
Is that affordable rental, or is that affordable --

MR. TSUNIS:
No. They're all affordable for sale.

LEG. TROTTA:
Okay.

MR. TSUNIS:
Okay? And, you know, as I said earlier, and I would like to resolve this with the County, but I have an alternative plan to go to, okay? And in that case, the County is going to lose a million-eight, okay? So --

LEG. TROTTA:
And it's a million-eight we don't want to lose, so we want to do whatever we can to help you get this going.

MR. TSUNIS:
I'm all ears and I'll do anything that, you know, you ask of me within reason to make sure that -- you know, I'll post a bond for the affordable units after the 112th and, you know, you could have a bond. You could have my money if I don't build the affordable units. So I'm willing to put up a bond to satisfy any conditions for the affordable components. But I will build the affordables, but that could be another safeguard, okay? So, if you want me to put up a bond, I have no problem doing that.

LEG. TROTTA:
That's up to -- I mean, listen, I don't want to cost you an extra dime. I mean, you're a businessman, you're here to make money, we want you building here, we want you to do this. So if --

MR. TSUNIS:
Well, I'd like to make everybody feel comfortable. And if it means that I have to put up a bond, let's come up with an amount.

LEG. TROTTA:
Well, maybe you two guys should go talk in the back and we'll pick this up later. Let's make it happen.

P.O. GREGORY:
Bob.

MR. BRAUN:
Yes, sir.
P.O. GREGORY:
There’s good arguments on both sides of the ledger here, right? From the County perspective, you know, the law, there’s a little bit of gray area. Obviously, the intent was to, I think from the sponsor, was to have affordable housing built on-site. But, yes, there’s -- it’s not laid out specifically. So, possibly, what is intended here can technically comply with the law.

Now, I have some concerns. Obviously, Mr. Tsunis has been led to believe that he is going down the right path, that the County is okay with this, building an off-site affordable housing component. He doesn’t -- you had stated something earlier about a trigger and then not hooking to the sewers.

MR. BRAUN:
Right.

P.O. GREGORY:
So what -- what’s in the -- this contract, what's not, so he has a clear understanding of what's expected, we have a clear understanding of what's to be expected.

MR. BRAUN:
One of the proposals that was discussed at the Sewer Agency was that, as Mr. Tsunis set forth, that he wanted to build 100 -- I think it was 112 of the units, and then not get S-9s after that. We never -- we still have not yet finished negotiating a contract, so that’s his proposal. When I discussed this with the Director of Affordable Housing, she and I just wanted to make sure that the certainty of building the affordable units was as strong as possible. And so the proposal from our side was, no, we would like to have no units connected until the affordable units are at least running in parallel with that, but we haven’t yet finalized anything. So there’s no -- I can’t report to you what the contract will ultimately say. The resolution of the Sewer Agency says that they approve this connection on terms which are satisfactory to the Administrative Head of the district and of the Chair of the Sewer Agency, which is the Commissioner of Public Works.

P.O. GREGORY:
What does that mean? Because there’s a requirement, the 20% requirement.

MR. BRAUN:
Yes.

P.O. GREGORY:
Is it strictly on the, yes, we have the capacity, or, yes, we have the capacity and we agree that there's a plan to build the 20% affordable?

MR. BRAUN:
We -- the agency knows that no contract can be signed, which is for an out-of-district connection for residential units that doesn’t contain an affordable component, and the number of units to be affordable is 20%. So we would -- the Administrative Head would not sign a contract that didn’t include that provision. But what was presented to the agency in this case was this two-part development, one part affordable in one location, and one part market rate in the other location.

P.O. GREGORY:
Okay. So, as I understand it, so if we pass this today, the eight -- we still -- the agency would have the final approval until the contract is --

MR. BRAUN:
Well, the agency has delegated its approval. First of all, as I said, all of these agreements are subject to Legislative approval. But beyond that, the agency resolution directs the Administrative
Head, the Commissioner, to enter into a contract which meets the requirements of the law.

P.O. GREGORY:
Right. So if we pass it today, it -- you know, it gives -- it empowers him to do his job to comply with the law and enter into a contract, and if the terms of the law are as envisioned or negotiated are not complied with, then there's no contract.

MR. BRAUN:
Correct.

P.O. GREGORY:
So I guess my question really is, passing this today, there's really no harm. There is an opportunity, because there's going to be a review of the final terms within the contract, the four corners of the contract, to come to some agreement on the affordability.

MR. BRAUN:
If I draft something that the Commissioner is not happy with, he's not going sign it, and that's all -- and not only does the Commissioner sign it, but the Health Department signs it, and the County Executive's Office signs it, and I sign it, and, in this case, the Director of Affordable Housing has to weigh in on the contract as well. All of those things working together are what's required in order to come to this agreement.

P.O. GREGORY:
Right. I'm just trying to figure out what's more appropriate. Is it table it, work out the contract, or pass this, then work out the contract, and then the Administrative Head can finalize everything.

MR. BRAUN:
In most instances, until now, we have worked on the contract before the thing gets to the Legislature, and then we just, of course, don't have it signed. We know what it says. But, in this case, because of all of these questions that have come up along the way, we haven't even gotten that far yet, it hasn't yet been completely negotiated.

P.O. GREGORY:
Okay. All right. Thank you. Legislator Schneiderman has a question.

D.P.O. SCHNEIDERMAN:
I have a number of comments, questions. So the first thing is in my earlier comment, and this is largely, I guess, to Legislator D'Amaro. So when I said the original law didn't contemplate that it might be off-site, it didn't necessarily prohibit it either. So I don't want that to be construed as -- by me as a sponsor or the author saying, well, we haven't thought about that specifically to mean that it couldn't happen. I could tell you the main thrust at the time was to create units of affordable housing, that we knew we had to create numbers, and a way to get there was through this requirement that if you connect into the system. The issue of --

LEG. D'AMARO:
So let me -- can I respond to that?

D.P.O. SCHNEIDERMAN:
Hold on, let me just finish. So the issue of creating mixed income communities is more of a philosophical issue to not stigmatize areas as affordable projects, so to speak, and to avoid that, and I think that's an important debate to have. I could just tell you that the main thrust of the law at the time, it largely was coming off of the Rutgers study, and looking at, you know, the lack of affordably priced housing throughout the County. We had to do something drastic, and this would
create numbers, potentially thousands of units.

Now, you had said that you felt what is being proposed didn’t comply with the law. We have Bob and George saying it does comply with the law, in their opinion. So I know you’re a lawyer as well. It’s a little bit confusing to me as to which lawyers are right at this point. I think Legislator Calarco brought up a really interesting point of whether the guarantee that’s in place is adequate. You know, we don’t have a performance bond at this point, and I don’t know if the County Attorney’s Office could require a performance bond.

**MR. BRAUN:**

We could.

**D.P.O. SCHNEIDERMAN:**

Okay. And of what size to guarantee that if they didn’t do the affordability, that we would have enough money to build out that many units. You guys would have to determine what the appropriate size performance bond would be.

**MR. BRAUN:**

Yes, we would have to. I mean, we haven’t done that, but we --

**D.P.O. SCHNEIDERMAN:**

Well, if that were part of it, I feel a greater comfort level that it was going to happen in terms of the numbers. But I think the Legislature needs to revisit whether it wants to close what might be construed as a loophole, or maybe not a loophole, but whether we philosophically want to require that the units be on-site and only on-site. I think that’s something that we, as a Legislative body, a policy-making body, have to determine. But again, the original law was primarily driven by creating units, and we are creating units, though we are not necessarily doing it on-site, which is something we never -- I never thought somebody would come up with. So, you know, you can’t think of every eventuality sometimes when you’re drafting a bill.

**LEG. D'AMARO:**

Through the Chair, if I -- if I can just respond to that quickly. I appreciate you clarifying that. And if you’re -- my only objection is not relating to this project, Mr. Tsunis, how much money he’s spending, how long he’s being doing it, how he’s been told, how he’s been misled, whatever you want to say. My only objection to this bill was that it was my understanding that this law required that the affordable component, which Mr. Tsunis is willing to build, must be on-site for those underlying policy reasons. If you’re telling me that that was not the intent when you passed this legislation, then I am happy to support this. But what we are going to do is we are going to delegate then the safeguard of this law to contract negotiation, because you’re going to open up now a whole new realm of you’re going to have projects that are proposed, and I wouldn’t blame developers for thinking this way once we make this decision, that I never have to put my affordable component in with my actual development project, I can find another location for it. Is that good policy? Is that bad policy? We’re not going to have that debate anymore, that’s gone, because now we’re going to pass a bill that permits a hookup exactly under those circumstances. You’re not going to regulate it, you’re not going to control it, you’re not going to have a say in it, and you’re certainly not going to be able to enforce it any other way. So if that’s what you’re telling me, that all you wanted to do was create an affordable component, whether it’s on-site or off-site, I’m more than happy to support this today, if that’s the policy direction this body wants to go.

**D.P.O. SCHNEIDERMAN:**

Let me clarify. So, again, the main intent was to create numbers. Philosophically, of course I’d prefer to see it on-site. But whether the law, you know, mandates that they be on-site, the opinion of two of our Counselors are saying it doesn’t. So there’s a loophole there. Philosophically, I’d love
to see them on-site, but if it doesn't require that --

**LEG. D'AMARO:**
Jay, I'm happy to support it. You're the author of the bill.

**D.P.O. SCHNEIDERMAN:**
Right. The main --

**LEG. D'AMARO:**
If you're telling me that's not your intent, no problem.

**D.P.O. SCHNEIDERMAN:**
The main drive at the time was numbers of affordability, the main thrust, and that I think what is incorporated into the bill.

**LEG. D'AMARO:**
Then I'll support this bill, that's fine.

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

**LEG. KRUPSKI:**
Thank you. I do have a question for the Director of Affordable Housing.

**MS. ROSEN-NIKOLOFF:**
Good morning.

**LEG. KRUPSKI:**
Good morning. Thank you. So these affordable units, will they be perpetually affordable?

**DIRECTOR ROSEN-NIKOLOFF:**
I believe the law says 15 years.

**LEG. KRUPSKI:**
Who would -- why would the law limit that? What happens after that, and -- well, answer those two first. I have other questions.

**DIRECTOR ROSEN-NIKOLOFF:**
Well, that's the way the law was drafted at the time. I think that that was early in our general Affordable Housing Program. And probably, if we were drafting it today, we would not limit it to 15 years.

**LEG. KRUPSKI:**
Is there any way under a new contract -- I guess, if the law is written that way in a new contract, you couldn't extend it then, is that right, or is that a legal question?

**DIRECTOR ROSEN-NIKOLOFF:**
Does it say a minimum of 15 years or --

**MR. BRAUN:**
Yeah.
DIRECTOR ROSEN-NIKOLOFF:
Does it say minimum?

MR. BRAUN:
Yeah.

DIRECTOR ROSEN-NIKOLOFF:
So we could.

MR. BRAUN:
Yeah. I'm sorry. I think the answer to your question, Legislator, is that in this particular instance, apparently the Town of Islip is mandating that Mr. Tsunis file perpetual covenants that these off-site affordable units remain perpetual. So I believe we could require it, but once I see those covenants, we may not have to.

LEG. KRUPSKI:
Okay. Who would administer that if that's a Town of Islip requirement and a County requirement, who's going to administer the affordability? You know, first, you have your initial people coming in, but when it turns over, who's going to vet those applicants?

DIRECTOR ROSEN-NIKOLOFF:
Well, the County law, as it's drafted, just says that the Director of Affordable Housing will review it and oversee compliance. So what we would typically do is have an agreement with the developer that requires specified monitoring terms and conditions. So annually you would have to report the income, the occupancy, that sort of thing.

LEG. KRUPSKI:
And then my final question, and I know there's a lot of debate going on here, the final question is if we approve this the way it's written, could we approve this today -- and maybe this is a legal question. Could we approve this today with language that would kind of redefine what the Sewer Agency approved, that the affordability component has to be constructed at the same time just to ensure, well, that it is? And then that would go into the contract language that the Commissioner of Public Works would draw up.

MR. BRAUN:
That's a question for --

DIRECTOR ROSEN-NIKOLOFF:
Yeah, I believe so, if that has to do with the resolution.

MR. NOLAN:
Well, you're talking about today?

LEG. KRUPSKI:
Yeah.

MR. NOLAN:
You'd have to amend this resolution, and we have a Seven-Day Rule. So if you amend it, we can't act on it today, unless we get a Certificate of Necessity for that language.

LEG. KRUPSKI:
Thank you.
P.O. GREGORY:
Okay. Legislator Spencer.

LEG. SPENCER:
I am happy to support my colleagues, especially knowing the Legislative intent moving forward, but I did feel that I had to speak out as a -- someone who's a housing advocate and former Housing Authority Chair.

The idea of when you talk about affordability, it's not just total number of units, because affordability in an issue relates to really the profit when you're buying and selling these units. It has an impact on the community in terms of number of school children, taxes that are being paid for those units, the burden on the school district. And the whole idea of making a 20% affordability component is that those -- it spreads out the responsibility for affordable housing. Where you have the net economic gain in a community, you're kind of dispersing that affordability out. So that the idea that you could build -- in one community, you could build something that's market rate, and then you can in another community build something that's -- the affordable units that are there, one, the people that live in those communities are going to have concerns with their school districts, their civics, those organizations, and it's a real challenge. It's an affordable housing crisis.

So my concern would be I think we should do everything we can to take gentlemen like Mr. Tsunis, who's really doing great work, and he's relying on this Legislature to kind of come to an agreement, and I have no problem with that, but I they think that -- I just want to make sure that the policy that we are establishing, it's not just, you know, we'll build 100 here and we'll build 20 someplace else. You want it dispersed throughout that community, that affordability, to make it fair, and to also have kind of a diversity of the socioeconomics within each of the areas where you are building these -- building these housing developments, and that's how affordability works best.

So I think that's my concern and the policy moving forward. If we have an agreement and we have colleagues that are working to do this, I'm happy to support you, but I do have a very serious concern of the precedent that we're establishing.

P.O. GREGORY:
Okay. We have a motion to table, that's the only motion we have.

LEG. KRUPSKI:
I'll make a motion to approve.

P.O. GREGORY:
Motion to approve by Legislator Krupski, seconded by Legislator Muratore. Tabling motion goes first. Roll call.

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

LEG. LINDSAY:
This is on the tabling motion? Yes.

LEG. CALARCO:
Yes.

LEG. KRUPSKI:
No.
LEG. BROWNING:
No.

LEG. MURATORE:
No.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
No.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
No.

LEG. TROTTA:
No.

LEG. MC CAFFREY:
No.

LEG. STERN:
(Not Present)

LEG. D'AMARO:
(Not Present)

LEG. SPENCER:
Yes.

D.P.O. SCHNEIDERMAN:
No.

LEG. STERN:
I was a pass, Tim.

P.O. GREGORY:
Yes.

LEG. STERN:
Yes.

MR. LAUBE:
Nine. (Not Present: Leg. D'Amaro)
Okay. Motion to approve. Roll call.

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

LEG. KRUPSKI:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
Yes.

LEG. HAHN:
No.

LEG. ANKER:
No.

LEG. CALARCO:
No.

LEG. LINDSAY:
No.

LEG. MARTINEZ:
No.

LEG. CILMI:
Yes.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Yes.

LEG. TROTTO:
Yes.

LEG. MC CAFFREY:
Yes.

LEG. STERN:
No.

LEG. D'AMARO:
(Not Present)

LEG. SPENCER:
Yes.
D.P.O. SCHNEIDERMAN:
Hold on. My question for Counsel, because I'd rather see it tabled than defeated, is I'd like to change my vote to table now. So, technically, how do I do that.

P.O. GREGORY:
What?

LEG. TROTTA:
You can't.

D.P.O. SCHNEIDERMAN:
Now I have to -- no, you can do this in a -- I make a motion to reconsider the earlier vote in the middle of this vote. I make a motion to reconsider the tabling.

MR. NOLAN:
Wait, you voted against it.

P.O. GREGORY:
You weren't on the prevailing side.

MR. NOLAN:
Voted against table.

P.O. GREGORY:
You voted against tabling. You can't do it.

MR. NOLAN:
It failed.

D.P.O. SCHNEIDERMAN:
No. I am on the prevailing side, the tabling failed. I voted no, I believe, no to table. So I'd like to make a motion to reconsider the tabling vote. I'd prefer to see it tabled than defeated, so.

LEG. SPENCER:
You can't in the middle of the vote.

D.P.O. SCHNEIDERMAN:
Sorry for the confusion, but it's part of our rules.

MR. NOLAN:
Is there a second?

D.P.O. SCHNEIDERMAN:
Is there a --

LEG. CILMI:
I'll second, Jay.

D.P.O. SCHNEIDERMAN:
All right. Seconded by Legislator Cilmi to reconsider.
P.O. GREGORY:
All right. I'll second the tabling, reconsideration of the tabling motion. All in favor? Opposed? Abstentions? So the tabling motion is before us again.

MR. LAUBE:
Seventeen.

P.O. GREGORY:
Okay. All in favor to table, say aye. Aye, raise your hands.

LEG. TROTTA:
What is this?

P.O. GREGORY:
Reconsideration of the tabling motion.

MR. LAUBE:
Could I get the motion? Now it's the motion to table.

P.O. GREGORY,
Motion to table.

MR. LAUBE:
Who's the motion and second?

P.O. GREGORY:
I'm sorry. Same, Legislator Schneiderman, I'll second to table. All in favor? Opposed?

(*Opposed to Tabling: Legislators Krupski, Browning, Muratore, Cilmi, Kennedy, Trotta and McCaffrey*)

P.O. GREGORY:
Raise your hands if you're opposed.

MR. LAUBE:
Ten. (Not Present: Legislator D'Amaro)

D.P.O. SCHNEIDERMAN:
Roll call it. Ten? Okay, ten.

P.O. GREGORY:
All right. So, apparently, there has to be some work. You know, it doesn't have the votes to get the -- we do have -- Mr. Tsunis, we have a short cycle. We're meeting again in two weeks, three weeks.

LEG. KRUPSKI:
Mr. Presiding Officer.

P.O. GREGORY:
Who was that?
LEG. KRUPSKI:
This is topical. I’m glad everyone is engaged in this discussion, and you will see legislation to address this very issue in the next cycle.

P.O. GREGORY:
Okay. All right. I’ve been asked to take -- where did Doc go?

MR. LAUBE:
He’s right behind you.

P.O. GREGORY:
Oh. I’m going to make a motion to take I.R. 1378 out of order, second by Legislator Spencer. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Not Present: Legislator D’Amaro)

P.O. GREGORY:
I’m sorry, it’s on Page 8. I apologize.

LEG. CILMI:
In what committee?

P.O. GREGORY:
It’s in Government Ops. So I will read the motion now. I.R. -- I.R. 1378 - Authorizing amendments to Affordable Housing Development Agreements for Millennium Hills to extend the affordability period, and to amend the repayment obligations (Sponsor: William Spencer). Motion by Legislator Spencer.

LEG. SPENCER:
Yes.

P.O. GREGORY:
I’ll second.

LEG. SPENCER:
Thank you, Mr. Presiding Officer. I asked this to be taken out of order. We do have -- we’ve always extended courtesy to other elected officials, and we do have with us Legislator Siela Bynoe from Nassau County. She’s been with us all morning long, and she’s here on this particular resolution. And, you know, I wanted to extend that consideration to her time as a fellow public elected official. So I would like to ask for a motion to approve this resolution.

LEG. CILMI:
Did we vote to take it out of order yet?

P.O. GREGORY:
Yes, we did. I’m sorry.

LEG. CILMI:
We already have the motion.

LEG. SPENCER:
So I’ll make a motion to approve.
P.O. GREGORY:  
We did that, too. I'm quick. I'm all over it today. All right? So if --

LEG. KRUPSKI:  
On the motion.

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

LEG. KRUPSKI:  
Could I have the Director of Affordable Housing try to give us some history here, because on the face of it, it looks like the affordable housing project that was or was not sponsored by the County now doesn't want to pay back what seems to be a long-term debt. And I'm -- so if you could give us some clarity, some history on --

DIRECTOR ROSEN-NIKOLOFF:  
Yes.

LEG. KRUPSKI:  
-- on what happened, what was supposed to happen, and what's being proposed.

DIRECTOR ROSEN-NIKOLOFF:  
Right. So in -- this was a County-funded project. It was the first affordable housing project the County funded. So in 2002, the County funded the development called Millennium Hills, which is in Melville. It consists of 84 units, 44 homeownership, and 40 rental component. The County investment was a million-five. Millennium Hills Housing Development Fund Corporation is the nonprofit developer. It executed a note in favor of the County, which has been reduced by its terms to $714,285, and the affordability period for this development was 15 years. Therefore, the note is due in July of 2017. So what this resolution seeks to do is extend out the affordability period an additional 15 years, and then, at that point, forgive the payment in consideration of the extended affordability period, provided, of course, that they're in compliance.

LEG. KRUPSKI:  
Affordability on the apartments, rental units or the ownership units?

DIRECTOR ROSEN-NIKOLOFF:  
This is for the rental.

LEG. KRUPSKI:  
What about the ownership units?

DIRECTOR ROSEN-NIKOLOFF:  
They stay affordable according to the terms of each individual note and mortgage executed by a homeowner. After 2017, the debt is due on resale, although the Millennium Hills Housing Development Fund Corporation has a right of first refusal. And if they do not sell after 2017, then that debt becomes due in 2035, I believe.

LEG. KRUPSKI:  
What do you mean that becomes due, the debt?

DIRECTOR ROSEN-NIKOLOFF:  
Has to be paid back, yeah, they do, but out of the sale proceeds. I mean, out of the sale proceeds before 2035, and at 2035, the debt is due in accordance with these terms.
LEG. KRUPSKI:
But what about the -- what about the unit itself, would that still be perpetually affordable or not?

DIRECTOR ROSEN-NIKOLOFF:
No.

LEG. KRUPSKI:
So wouldn't it -- in something like this, where the County's goal here is to have affordable housing units, whether they're ownership or rentals, and where the County's made, you know, a substantial investment here, and now there's a proposal to relieve them of their debt, you have to explain that, because I still -- I'm still not clear why they owe the money and where the mechanism was. They were supposed to pay it back, but now the resolution said they won't. Let me finish. Wouldn't then the County say, in fact, you want to have your debt not reduced, have your debt forgiven, wouldn't you say, well, the affordable -- it should be affordable both by rental and by the ownership units be in perpetuity, and not say, well, another 15 years. I mean, I think that would be a better -- if our goal is to make affordable housing possible in the County, and the County has facilitated this, I would think that would be the contract.

DIRECTOR ROSEN-NIKOLOFF:
Okay. That's an interesting discussion, and we have this often with housing advocates as to what is the appropriate term of affordability, and that varies. It varies depending on the funding source, it varies depending on the project, and it varies with respect to how much the County is putting into the project. So some people think that 15 years is too short, some people think that perpetuity is too long, and that 30 years is the more appropriate and acceptable period of affordability. So it's not -- it's not a set period of affordability in any situation, it is every transaction that presents itself and the funding sources that are involved.

LEG. KRUPSKI:
So -- but you didn't answer the first question, which was why is the money still out there after so many years, and why don't they want to repay it?

DIRECTOR ROSEN-NIKOLOFF:
Why is the money out there? That was the terms of the original transaction, which, as I indicated earlier, was the first affordable housing development that was done by the County in 2002, well before the parameters of the current program were put in place, where we have a longer period of affordability, and generally treat the payment as forgiven after a certain period of time. So I can't really necessarily address why those terms were entered into at that time other than to say that we have revised the program accordingly. And why they can't pay it back? I will defer to the -- to the managers of the development, but, you know, other than to say that a nonprofit corporation has significant expenditures and this is a significant payment to pay back, but they can probably address that more succinctly.

LEG. KRUPSKI:
I would like to hear that. But before I ask them that question, how many other contracts like this does the County have, that if we forgive this debt, they're going line up outside and say, "Well, we'd like to have our debt forgiven also?"

DIRECTOR ROSEN-NIKOLOFF:
Well, fortunately, only two developments were structured that way, the very first two.

LEG. KRUPSKI:
What's our liability on the other one?
DIRECTOR ROSEN-NIKOLOFF:
It's $317,500.

LEG. KRUPSKI:
Are they waiting outside?

(*Laughter*)

DIRECTOR ROSEN-NIKOLOFF:
As far as I know, they're not, but, you know.

LEG. KRUPSKI:
Maybe this won't be in the papers and they won't know about it. Could I ask a question of the applicant, Millennium Homeowners Association? Thank you.

MR. LEVITT:
Yes.

LEG. KRUPSKI:
So why -- how was your contract structured with the County? And why today, why are you here today after so many years? How is this debt still outstanding? And what are your other options within the contract?

MR. LEVITT:
It's a balloon payment that's due in 2017. We didn't have to make any interim payments, so it's a balloon payment. And we're coming to the Legislature now two years before it's due to explain that due to recent changes with HUD financing, and also because now we see that there are some issues that are now appearing that will require to be repaired, and we're now ten years into a development, more than ten years into a development, we'll need roofs, we'll need curbs, we'll need sidewalk repair, we'll need to make contributions to roadwork, it's private roads in this development. And we're asking that we be treated the same as every other entity that has -- every other development, except for perhaps tax credit deals, that have come before this Legislature and received the monies in the form of a grant. Fortunately, we were the leader, but we were also one of the first. And when the program was being developed, you know, this issue was not really discussed in the same manner as perhaps they've now been developing policies subsequent to it.

LEG. KRUPSKI:
So were you involved in the beginning of this project?

MR. LEVITT:
I was.

LEG. KRUPSKI:
So it was structured that after so many years, you'd have this balloon payment? And what was the plan of -- action plan if the County says -- suppose we were -- just supposing the County was heavily in debt and we couldn't afford to -- I mean, it's just kind of one scenario.

(*Laughter*)

And that the County couldn't afford to forgive this. What would your plan be at that point?
MR. LEVITT:
We would have to seek other types of financing. We would have to draw upon reserves that may be used for other purposes. It's a tremendous financial strain. It's not -- it's something that we do not seek to do. I think it would be very harmful to the development and to -- and take away from the -- not just the rental units, but also the homeowner units. We could also seek a disposition from HUD. HUD could -- we could say to HUD, you know, permit us to -- once your 15 years has slipped away, we could say to HUD, "Give us a disposition of some of this property," and we'll sell it to another developer, a not-for-profit or a profit, and we'll receive development funds from that. You know, if that were to occur, then, you know, it would change the whole complexion of what's affordable in that development.

So we have options, and we're saying to you in consideration for you to give us this forgiveness of the loan. We will in return continue to operate as we have been in keeping it -- the affordability criteria and eligibility the same as it was required for the last 15 years.

LEG. KRUPSKI:
Well, I'm not familiar with your operation or your facility at all. You know, my colleague across the horseshoe, who I respect a lot, is, and he said it's -- you know, it's a well run facility. But do we have the -- do we have the legal authorization? I don't know if it's a question for George here -- to say that we would -- we would forgive the amount due if it were affordable in perpetuity?

MR. NOLAN:
Either way. I mean, it's legal the current way, where we're saying we're going to be affordable for an additional 15 more years. It would be legal to say it would be affordable in perpetuity. So it's legal either way.

LEG. KRUPSKI:
Thank you.

P.O. GREGORY:
Okay. Legislator Spencer.

LEG. SPENCER:
Thank you, Mr. Presiding Officer. And I'd like to thank my colleagues for considering this. It's very important, in my opinion.

When this particular project was, as was said, first of its kind, 44 homes were purchased and 40 rentals, and the idea being to give residents in Suffolk County the dream of homeownership, and also safe and affordable housing. We recognize this mission, and if you happen to go by Millennium Hills, you'll see, it's a pretty tree-lined community with one, two, three-bedroom units with school children, and it's a -- just really a shining example of the types of homes we want to have.

Millennium Hills and Sunnybrook were the first affordable projects that were funded before the current program, and which came as a result of the Workforce Housing Commission. The Commission established new and more effective program parameters for housing that determined that the 15-year affordability period was too short, and realizing a more effective and a way to incentivize housing would be to forgive funding if the affordability restrictions were complied with. And so we're asking that Millennium Hills just be treated as we have treated the other 16 affordable housing projects that have followed.

The assistance that we provide follows our mission, keeping these homes affordable, and passing the resolution will just effectively treat Millennium Hills like we've done everyone else.
So, in 2000, we enacted the Affordable Housing Code because of the need for affordable housing in this untenable situation for many of our residents. Millennium Hills was constructed with the goal of meeting this need. Over the course of the development, only 10% of the homeowners have sold their homes and HUD has recognized successful management of the rental units with a score of 98%, which is one of the best in the country.

So, under the affordability, the local law, there is a provision that states under certain circumstances, and including, but not limited to, the affordability requirements in excess of 30 years repayment of the WHS or AHS, in any case, may be forgiven.

So we have, besides Millennium Hills, throughout Suffolk County, two are in my colleague, Legislator Krupski's district, the Summer Wind Square, which is 52 units that received a $2.3 million grant. The other one, Woolworth Building, which was just a $250,000 grant. But throughout Suffolk County, after our Workforce Housing Program, we have over 1,117 affordable rental units. And within this program, we've given grants in excess of $10,439,000.

So this -- by bringing these families, giving them safe and effective places, allowing them to spend their money here in Suffolk County, bring back the academic talent right here to Suffolk County, goes to the very heart of our mission and what we're trying to do, and I ask my colleagues if you would please consider supporting me in this resolution. Thank you.

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

**LEG. TROTTA:**
Can I have this gentleman -- sir, yeah, over here. I've got a couple. How many -- there's 40 purchased homes?

**MR. LEVITT:**
Forty-four units that are purchased, homes.

**LEG. TROTTA:**
Forty-four homes?

**MR. LEVITT:**
Yes.

**LEG. TROTTA:**
That people own right now.

**MR. LEVITT:**
Correct.

**LEG. TROTTA:**
So how are they affected by this?

**MR. LEVITT:**
They're not. This is -- this is excusing or forgiving that part of the loan that's applicable to the rental units.

**LEG. TROTTA:**
Okay. So now you have how many rental units?
MR. LEVITT:
Forty.

LEG. TROTTA:
Okay. And there's a 98% -- I'm sorry. There's a -- 10% have moved out. So the same people have been -- 90% of the people have been there.

MR. LEVITT:
Correct.

LEG. TROTTA:
Is there any check to see if like when they went in there, they were making $20,000 year, now they're making $400,000 a year?

MR. LEVITT:
There is eligibility requirements when they first came into the -- into the plan --

LEG. TROTTA:
And none follow up?

MR. LEVITT:
-- administered by Long Island Housing Partnership.

LEG. TROTTA:
So it's possible for someone who went in there at 20,000 is now making a million dollars a year and we're subsidizing it?

MR. LEVITT:
Correct.

LEG. TROTTA:
That's a possibility?

MR. LEVITT:
Well, the units were subsidized. Right, that's correct.

LEG. TROTTA:
Okay. So in what planet do think this is okay?

MR. LEVITT:
I'll have Siela Bynoe -- she's the one that administers that part.

MS. BYNOE:
I'm sorry. Good afternoon, I believe, at this point. The units that we're requesting the amendment to the repayment agreement are public housing units. Those units are occupied by low income families, most of them earning at 30% of the median --

LEG. TROTTA:
Listen, I don't -- I was talking to him, and he just told me that 90% have been there since it's been there for ten years, and the possibility exists that someone could make $10,000 when they got it and could be making a half a million dollars now.
MS. BYNOE:
Excuse me, but the portion of the loan that we're asking for the amendment --

LEG. TROTTO:
I'm not talking about -- I'm not talking about the loan. I'm asking a specific question about who could be living in them now and nothing to do with the loan.

MS. BYNOE:
That's not the portion we're here to discuss today.

LEG. TROTTO:
Okay. So --

MR. LEVITT:
In answer of your question, and I understand your concern that someone could be living in that home and earning that type of money, but there are restrictions. So, for example, if you had that kind of income and you were living in this development, when they want to go sell their unit, there's almost no appreciation.

LEG. TROTTO:
These are apartments.

MR. LEVITT:
No, these are townhouse units, so they're similar to a --

LEG. TROTTO:
You said they were rentals.

MR. LEVITT:
No. Let me explain. There are rental units and then there are people that own their homes, 44 homeowner units. These are townhouse type style units. I think your questions were with respect to the persons that purchased the units.

LEG. TROTTO:
No. I'm talking -- we went through that, and now we're talking about the rentals. So now you said that the rentals, the guy could have been making -- I'm asking him, not you.

MR. LEVITT:
That's the rental unit. She could speak to the rental units. It's certified every year.

MS. BYNOE:
The rental units are recertified annually and we have to confirm their eligibility and present that information to HUD every year. And most of the families who are occupying are earning 30% of the median income in Suffolk County.

LEG. TROTTO:
So how many people have been pushed out because they made too much money?

MS. BYNOE:
In terms of rental? We don't -- we have never moved one family out of there because they exceeded the income guidelines. We've had one family who reached the 80% median income level and they successfully purchased a house that was for sale just across the street from them, one of the homeowner units. But aside from that, no family has ever been removed based on the fact that
they exceed the income.

**LEG. TROTTA:**
And who checks this?

**MS. BYNOE:**
Huntington Housing Authority is required to check that, as prescribed by the U.S. Department of Housing and Urban Development.

**LEG. TROTTA:**
So you're telling me that every year they fill out forms with their tax returns?

**MS. BYNOE:**
Absolutely.

**LEG. SPENCER:**
Every year.

**MS. BYNOE:**
They have to come in and certify not only financially, but they have to come in and verify their eligibility on several different, you know, factors in terms of criminality and U.S. citizenship and --

**LEG. TROTTA:**
Where is this located? Where is this located?

**MS. BYNOE:**
Millennium Hills is located in Melville, New York.

**LEG. TROTTA:**
Where specifically?

**LEG. SPENCER:**
Right by Canon.

**LEG. TROTTA:**
By Canon down there?

**LEG. SPENCER:**
Yeah.

**LEG. TROTTA:**
Okay. So now the houses is a different story, they can make $500,000 a year. They could have got them in very -- you know, whatever they sold for when they first sold, and now someone can be -- purchase that house and now be making $500,000 a year.

**MS. BYNOE:**
That could potentially be a reality, yes.

**LEG. TROTTA:**
Okay. So that's not the money that you want forgiven, that's --

**MS. BYNOE:**
That's correct.
LEG. TROTTA:
That was sold already. So what -- this thing is only ten years old. Why should the government subsidize it again?

MS. BYNOE:
Well, I don't think that I can add anything unique. I believe that Dr. Spencer, and Paul, and Jill have really spoken very eloquently to it. There's only one factor that they left out, is that the Millennium Hills Housing Development Fund Corporation actually engages in the repurchasing of units that homeowners intend to sell, and we do that for the purpose of maintaining the affordability, because the homeowner, when they look to sell, could lease -- could put the unit out on the Multiple -- MLS and they could get a fair market rate for it, as long as they pay back the grants that are in place. So, in order for that not to occur, we actually make the purchase and then we resell it at the affordable rate.

LEG. TROTTA:
So you buy it at a high rate and sell it at a low rate?

MS. BYNOE:
No. We buy it at the affordable rate.

LEG. TROTTA:
Why would the guy sell it to you at a lower rate?

MS. BYNOE:
Because we have the first right of repurchase, it's required.

LEG. TROTTA:
Who determines the rate?

MR. LEVITT:
It's in the mortgage.

MS. BYNOE:
It's in the mortgage.

LEG. TROTTA:
So the mortgage.

MR. LEVITT:
It's 1%. We have a, as the -- Millennium Hills has filed with each purchaser of these homes a mortgage, which is essentially stating that we have the option to repurchase it. We would give them 1% per year.

LEG. TROTTA:
That's it?

MR. LEVITT:
That's it.

LEG. TROTTA:
And they have to sell it to you.
MR. LEVITT: They could -- that's right, if we exercise our option. We're not required to exercise our option, but we have done it in the four instances of sales.

LEG. TROTTA: So you purchased every one of them?

MR. LEVITT: And then resold them to make them affordable, yes.

LEG. TROTTA: At the 1% increase?

MR. LEVITT: Right.

LEG. TROTTA: Whatever it was.

MR. LEVITT: Right.

LEG. TROTTA: I just find it hard to believe that all -- that after ten years, that the people's salaries have -- not one person has been forced out because they made too much money.

MR. LEVITT: Forced out of the owner --

LEG. TROTTA: You know, say, "Listen, with the rental apartments, you're making too much money, you can't stay."

MR. LEVITT: No, no. Well, that's a separate question again. The rental units are certified. You know, every year we review their income, every year the household composition is reviewed, and every year the persons that, except for one, that was getting to that level, we said that basically they were able to then purchase one of the units. It's the success story, which is you're moving from a rental, because your income goes up, to purchase a home that's affordable. You're moving someone into the American dream, and that's what happened with the one family. The other -- the other instances of all these years, the persons had not reached the level of income where they would be required to pay something different than what they've been paying. It's based on their income, right? What is it, 30% of their --

MS. BYNOE: Thirty percent.

MR. LEVITT: Thirty percent. They pay rent, which is 30% of their income.

LEG. TROTTA: So what do these apartments go for, the affordable -- like a two-bedroom or three-bedroom?
MR. LEVITT:
We're talking about on a sale now, not the --

LEG. TROTTA:
No, on the rental.

MR. LEVITT:
On the rentals.

MS. BYNOE:
The rents are based on 30% of their adjusted income. They do not pay anything above that.

LEG. TROTTA:
Thirty percent of their adjusted income.

MS. BYNOE:
It's public housing.

LEG. TROTTA:
Gross or net?

MS. BYNOE:
Adjusted. It's adjusted for child care, or medical expenses, and as such, based on if there's a disability.

LEG. TROTTA:
So what is a typical rent?

MS. BYNOE:
The average rent at Millennium Hills, I'm doing this, you know, doing rough justice on the numbers, I would say it's somewhere around $600 per month.

LEG. TROTTA:
And there's families living in these things?

MS. BYNOE:
Correct.

LEG. TROTTA:
I just don't see why the Government has to now come in and subsidize it some more. I will not be supporting this.

P.O. GREGORY:
Okay. Legislator Calarco.

LEG. CALARCO:
Thank you. I know it's hard to fathom that there's poverty in this County, but, unfortunately, there is, and there's people who need assistance and need help, and that's what we're trying to do through this. But I'm going to get to a little bit more of the facts on this particular project. So I think Legislator Trotta actually got through some of that.
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We had -- $1.5 million was what our investment was on this property originally for the two components together? I don't know. I guess, Jill, you're probably the best person to ask the questions to.

DIRECTOR ROSEN-NIKOLOFF:
Yeah, yes.

LEG. CALARCO:
So we put in 1.5. There were 44 -- no, excuse me -- yeah, 44 --

DIRECTOR ROSEN-NIKOLOFF:
Homes.

LEG. CALARCO:
-- homes.

DIRECTOR ROSEN-NIKOLOFF:
Yes.

LEG. CALARCO:
They've all gone through the program. The 15 years has -- well, they paid us back, basically; about $750,000 we've been paid back on the houses?

DIRECTOR ROSEN-NIKOLOFF:
No.

LEG. CALARCO:
Oh, the houses haven't paid us back either?

DIRECTOR ROSEN-NIKOLOFF:
No. That --

LEG. CALARCO:
I guess I'm confused.

DIRECTOR ROSEN-NIKOLOFF:
The -- can you -- what's your question?

LEG. CALARCO:
The ownership units, have they paid us -- have they paid us back their portion of this project?

DIRECTOR ROSEN-NIKOLOFF:
No. Each of them executed a note and mortgage and that's still in place.

LEG. CALARCO:
So they're required to be held in affordability, and should they ever be sold out of affordability, that gets paid back to us?

DIRECTOR ROSEN-NIKOLOFF:
That's correct.
LEG. CALARCO:
Okay. That 750,000 that we invested to get 44 homeownership units that are in affordability, they're in affordability now, and should they ever leave affordability, they're going to make payment back to us.

DIRECTOR ROSEN-NIKOLOFF:
That's correct.

LEG. CALARCO:
Okay. So then what we're really talking about in this resolution is $750,000 for the investment for the 40 rental units, thereabouts?

DIRECTOR ROSEN-NIKOLOFF:
Seven-hundred and fourteen thousand.

LEG. CALARCO:
Okay, 714, thereabouts, right? So we have about 700. So that amount, what we have accomplished so far, is that roughly about $17,000 per unit to have affordability for these units for 15 years.

DIRECTOR ROSEN-NIKOLOFF:
Correct.

LEG. CALARCO:
And what we are proposing to do here is to ensure that we'll have that affordability component in these units for another 15 years?

DIRECTOR ROSEN-NIKOLOFF:
Also correct.

LEG. CALARCO:
So what we will be doing, in essence, is buying affordability for 30 years for 40 units of housing.

DIRECTOR ROSEN-NIKOLOFF:
Yes.

LEG. CALARCO:
Do you have any idea how that adds up compared to other projects we've done, say Art Space, or New Village, or Copper Beach, or any of those kind of projects? Is it about comparable?

DIRECTOR ROSEN-NIKOLOFF:
In terms of the affordability period?

LEG. CALARCO:
Sure. Sure, how much we're investing and not getting paid back for buying this affordability.

DIRECTOR ROSEN-NIKOLOFF:
Yeah. The investments vary, of course, over the 18 developments that we've gotten approved. Most of them have a 30-year affordability period.

LEG. CALARCO:
And, roughly, we're investing somewhere in that ballpark of $17,000 to buy that affordability period?
DIRECTOR ROSEN-NIKOLOFF:
Yes, at this point, that's correct, yeah.

LEG. CALARCO:
Okay. So what we're trying do is to ensure that these units maintain affordability for another 15 years, because if we don't do this, the -- they're going to be facing the need to pay us 1750 -- 714,000, excuse me, get that right -- back, and it's probably going to force them to have to convert away from affordability into market rate units, at least some portion of them, so they can generate that kind of revenue.

DIRECTOR ROSEN-NIKOLOFF:
Yes, that's correct.

LEG. CALARCO:
Okay. Well, I'm going to support this, because I think it's important for us to maintain affordable units in this County, and I think this is a good project, and one that's already been off the ground and working well. And I think for that level of investment, it's similar to what we've done in the past and assures that these folks are going to have a home.

P.O. GREGORY:
Okay. Legislator McCaffrey.

LEG. MC CAFFREY:
Thank you. Jill, I know we've asked this question several times several different ways, but I'm still a little confused. So we probably actually had two components to this loan, correct? We had one -- is it separate for the owner-occupied houses versus the rentals; is that right?

DIRECTOR ROSEN-NIKOLOFF:
Yeah. Here's the way -- essentially, it works like this: We invested a million-five for acquisition of the lands, and then for the 44 homeownership units -- well, you take the 84, you divide the million-five by 84, you come up with a per-unit amount. The homeownership units are 44. Multiply that by the per-unit amount, and that's the amount by which it gets passed on to each homeowner. And that's why Millennium Hills Housing Development Fund Corporation's note is reduced, because that portion of the debt that's applicable to the homeownership is picked up by each homeowner.

LEG. MC CAFFREY:
Okay. So that -- so no money has actually been paid back to this, right? The only thing is you're segregating the amount owned by the homeowners, correct? And that's really going to still stay on the books, because it really is there, because in the event that they do resell at the market rate, then, in fact, we get paid back.

DIRECTOR ROSEN-NIKOLOFF:
Correct, yes.

LEG. MC CAFFREY:
Okay. Just for the houses. Okay. And the rental apartments will stay as it is that -- and the whole idea here is to turn the rental housing portion from a loan to a grant, like almost every other affordable housing project that we've done in the past? Not in the past, but after those two, correct?

DIRECTOR ROSEN-NIKOLOFF:
Exactly, yes.
LEG. MC CAFFREY:  
Very good. Thank you. I follow it now. Thanks.

P.O. GREGORY:  
Okay. Legislator Krupski.

LEG. KRUPSKI:  
I have one more question for Mr. Levitt.

MR. LEVITT:  
Yes.

LEG. KRUPSKI:  
So it does seem -- I do like your answers as far as the way you operate your -- the facility there, and the way you get -- the people who live there. But the -- what's on the table here is to extend the affordability for 15 years under the County's guidelines, as opposed to under HUD's guidelines. And would you be willing to, for the forgiveness of all that money, extend it in perpetuity?

MR. LEVITT:  
I think the -- well, the resolution was 15 years, I think the resolution that was being voted on. You're now -- if you're looking for it in perpetuity --

LEG. KRUPSKI:  
If you would be -- if you would consider that, that's the question.

MR. LEVITT:  
I have to discuss it with the Millennium Hills Board, I'm their Counsel, and, of course, it would be considered.

LEG. KRUPSKI:  
I mean, it seems like the whole purpose, and I've been through this in my community with different affordable housing projects, that where -- if they -- once they leave affordability, the market rate takes over, and the people who would otherwise qualify, of course, can't stay there. And so if it were in perpetuity in the way you're running it, at least the people who would need that kind of housing at those prices would always avail -- be able to avail themselves of that situation.

MR. LEVITT:  
I understand that the public housing requirements for HUD under these units is for 40 years. I think, certainly, we would consider that that be overlapping period of time. So if it was -- the legislation was changed to extend it 15 to an additional 25 years, to 25 years, that would be something I think that's in keeping with the type of affordability periods that are common to these type of developments. I can't speak in terms of in perpetuity. As they say, it's a very long time.

(*Laughter*)

LEG. KRUPSKI:  
I'm glad you would be willing to consider that, because it is a changing landscape as far as -- it is, it's public money, and so you're looking to spend public money for what, in this case, would be a public good. And I think in a changing landscape, you have to make adjustments.

MR. LEVITT:  
Yeah. You know, changing it from an additional 15 years or an additional 25 years is certainly manageable in terms of what we can see. I can't speak to what could happen in 100 years or
75 years in terms of the landscape, again, and I think that's part of the problem. The economic landscape and the ability, you know, will we have HUD, and financing, and other agencies that can assist us. So to say it has to be in perpetuity I think creates more questions. And that's why I think, and I'm no expert on why there's a 30 number or a 40 number, but I think that's because it's something that's foreseeable in our lifetimes, that we can see what the events are. And that's why I think it would take -- I think be deviating from what is typical if we can keep it down to 30 or even 40 years.

LEG. KRUPSKI:
Thank you.

MR. LEVITT:
Thank you.

P.O. GREGORY:
Legislator Trotta.

LEG. TROTTA:
Yeah. A quick question for you, then. So I want to understand this. Once these people like move out, they're no longer affordable, they go to market rate?

MR. LEVITT:
Are you referring to the house --

LEG. TROTTA:
The rentals, the HUD part. You mentioned 40 years?

MR. LEVITT:
No, no, the rental, the rental. If someone was to move out of Millennium Hills in the rental unit side, that would stay affordable. Someone coming in, it stays as public housing, and someone would then have to be qualified and have a certain amount of income.

LEG. TROTTA:
Forever that would happen? Is that for 40 years, or something like that?

MR. LEVITT:
For 40 years.

LEG. TROTTA:
So, no matter what we do here, whether we forgive your loan or not, or whatever it is, those are going to be affordable houses for the next 40 years?

MR. LEVITT:
But what I -- right. But the point that I was making in my presentation was that what can change, if we need to, is that within the next 30 years, 25 years, we can make an application to HUD if we have financial issues, to dispose of them, some of those units, and sell them and change the affordability requirement. In other words, that's HUD's affordability requirement. We can go to HUD and ask for a disposition of land or a disposition of units. If Suffolk County maintains the affordability requirements, we can't do that. And that's what you're gaining really in consideration. It's not -- it's not the same as the HUD requirements, because HUD would then not be able to permit us, we would not be able to have the units sold off to a developer if we needed some extra money and have them develop differently. That would change the affordability requirements. It would no longer be public housing, it would be some other type of housing. So we could do that as part of the
40 units. Of course, it's subject to HUD approval, but -- then Suffolk County would no longer have any involvement in affordability criteria. That's what Suffolk County is gaining. It's not an overlap of what HUD has.

**LEG. TROTTA:**
So what is it gaining, the ability -- I mean, you just said it's for 40 years they have to be affordable houses.

**MR. LEVITT:**
We -- no. But we -- HUD has the discretion to grant us an application to dispose of some of those units. We can dispose of those units --

**LEG. TROTTA:**
Okay, if HUD decides to did that.

**MR. LEVITT:**
That's right.

**LEG. TROTTA:**
And who actually owns this, some not-for-profit?

**MR. LEVITT:**
Yes, it's a not-for-profit, Millennium Hills.

**LEG. TROTTA:**
And there's a board, and there's a guy who owns it?

**MR. LEVITT:**
Of course, yes.

**LEG. TROTTA:**
Do they own other ones besides this one?

**MR. LEVITT:**
This is the only -- this is only development. Millennium Hills is basically almost like a single purpose --

**LEG. TROTTA:**
And you're the attorney representing them?

**MR. LEVITT:**
I'm the attorney for Millennium Hills.

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

**LEG. KENNEDY:**
This question is for Jill. Is there any opportunity -- this is a balloon payment that is due, correct?

**DIRECTOR ROSEN-NIKOLOFF:**
I didn't hear your question.
LEG. KENNEDY:
This is a balloon payment that is due?

DIRECTOR ROSEN-NIKOLOFF:
Yes.

LEG. KENNEDY:
Is there any possibility that they could renegotiate, and even if it's paid back to the County $500 a month, a year, is there any way that that could be done and the life of affordability could be extended?

DIRECTOR ROSEN-NIKOLOFF:
It's not what's contemplated here, certainly. It changes the economics of the transaction for the nonprofit.

LEG. KENNEDY:
I understand that it's not what's contemplated here, it's another idea.

DIRECTOR ROSEN-NIKOLOFF:
It's a -- we have not discussed that option. And it's not consistent with the way our program is run, and I think that's what we're trying to get to to bring it into compliance.

LEG. KENNEDY:
I understand that. We are right now $176 million in debt.

DIRECTOR ROSEN-NIKOLOFF:
I know.

LEG. KENNEDY:
Plus 2.2, 2.3 billion in bonded indebtedness. I understand the need for those 40 families to have housing, but we can't put ourselves in a position where it's going to kill us. So I'm asking, could that be looked into, that they could, just like you would do with some mortgage when the interest rates go down, they refinance something reasonable.

DIRECTOR ROSEN-NIKOLOFF:
If that was presented to my office, we would, of course, consider it, but that hasn't been presented.

LEG. KENNEDY:
Okay.

LEG. TROTTA:
No. I mean, I just think, going with Legislator Kennedy's idea, I mean, I don't mind -- we should be paid back. This County is broke. You know, they're going to be affordable housing there. We should get our money back. You know, I mean, I would -- everyone in this County would love to have their mortgages paid off and not have to pay this, but the reality is we need people -- you know, at some point, this housing is supposed to get people on their feet and going again, and the County needs this money. I mean, I wouldn't be objective to paying it over another ten years and keeping it the way -- or 20 years, whatever it is. But, you know, we just can't be giving up $750,000. It's just, you know, I'd love to, but the reality is we can't do it.

P.O. GREGORY:
Okay. All right. We have a motion to approve?
MR. LAUBE:  
Yes, you do.

P.O. GREGORY:  
And Legislator Krupski is running to his chair.

LEG. KRUPSKI:  
Thank you. I'd like to make a motion to table only to give the applicant time to reconsider keeping it affordable longer. At the very least, to be consistent with the HUD affordability, so another 25 years, instead of 15 years. And at the most, you know, to look at other affordable housing codes, some which provide for units that are perpetually affordable. But only to table for that purpose, to increase the length of -- since it's a County funded and sponsored community, to at least have the County guidelines enforced longer on that.

P.O. GREGORY:  
I certainly -- we could certainly entertain the motion. Motion seconded by Legislator Trotta. If I may, I think -- I think that would be unfair to this applicant in holding them to a higher standard than we hold other applicants, because, as the system is now is 30 years, and we're going to apply an additional standard to them, and I don't think that's fair. So I will not be supporting a tabling motion. But the tabling motion does go first. So all in favor to table, raise your hands.

(In Favor of Tabling: Legislators Krupski, Kennedy and Trotta)

All opposed?

(Opposed to Tabling: Legislators Browning, Muratore, Hahn, Anker Calarco, Lindsay, Martinez, Cilmi, Barraga, McCaffrey, Stern, D’Amaro, Spencer, Schneiderman and Gregory).


MR. LAUBE:  
Three.

P.O. GREGORY:  
Motion to approved, raise your hands, aye.

(In Favor of Approval: Legislators Browning, Muratore, Hahn, Anker Calarco, Lindsay, Martinez, Cilmi, Barraga, McCaffrey, Stern, D’Amaro, Spencer, Schneiderman and Gregory).

Opposed?

(Opposed to Approval: Legislators Krupski, Kennedy and Trotta.)

Abstentions? Okay. Motion passes.

MR. LAUBE:  
Fifteen.

P.O. GREGORY:  
Okay. All right. We're going to try to squeeze one in, if we can. I.R. 1273, on Page 8, requesting legislative approval of a contract with Hudson River Healthcare, Inc. (HRHCare) for the operation of the Brentwood Family Health Center (Sponsor: County Executive). Motion by Legislator Martinez.
LEG. D'AMARO:  
Excuse me, Presiding Officer.

P.O. GREGORY:  
To take out of order.

LEG. D'AMARO:  
Just please not my recusal on the record as per my statement filed with your office.

P.O. GREGORY:  
Yes. I'll second it to take it out of order. All in -- oh, I'm sorry.

MS. SANTERAMO:  
We -- HRH and the Health Department will be here right after public hearings.

P.O. GREGORY:  
Okay.

MS. SANTERAMO:  
We're hoping to do it after public hearings.

P.O. GREGORY:  
You guys asked for it. Okay. All right, all right, scratch that. All right. We will adjourn now and take our photo. Recess, excuse me.

(*The meeting was recessed at 12:20 p.m.*)

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(*The meeting was reconvened at 2:30 P.M.*)

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

P.O. GREGORY:  
Good afternoon, Mr. Clerk. Can we do the roll call?

MR. LAUBE:  
Good afternoon.

(*Roll was called by Mr. Laube - Clerk of the Legislature*)

LEG. KRUPSKI:  
Here.

LEG. BROWNING:  
(Not Present).

LEG. MURATORE:  
Here.
P.O. GREGORY:
Okay, welcome to the public portion of the agenda. We have first up the 2015-2016 Suffolk County Community --
MR. NOLAN:
Public Hearing.

P.O. GREGORY:
Did I say something else.

MR. NOLAN:
Yes, you said Public Portion.

P.O. GREGORY:
Oh, Public Hearing, I'm sorry. We have the *Public Hearing on the* 2015-2016 Suffolk County Community College Budget, and I do not have any cards on this public hearing. Is there anyone in the audience that would like to speak on this matter? Please come forward.

LEG. BROWNING:
Tim, I'm here.

P.O. GREGORY:
Okay, not seeing anyone, I'll make a motion to close.

LEG. BARRAGA:
Motion.

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

MR. LAUBE:
Sixteen (Not Present: Legislators Hahn & Stern).

P.O. GREGORY:
Okay. *(Public Hearing on) IR 1030-15 - Adopting Local Law No. -2015, A Charter Law to strengthen lobbyist registration and reporting requirement (Lindsay).* I don't have any cards on this public hearing as well. Is there anyone in the audience that would like to speak on it? Please come forward. Not seeing anyone; Legislator Lindsay?

LEG. LINDSAY:
Motion to close.

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

LEG. CALARCO:
Second.

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

MR. LAUBE:
Sixteen (Not Present: Legislators Hahn & Stern).

P.O. GREGORY:
Okay. *(Public Hearing on) IR 1118-15 - Adopting Local Law No. -2015, A Local Law amending Chapter 563 of the Suffolk County Code to modify the laws relating to home*
furnishings and dealers in secondhand articles (County Executive). I don't have any cards on this public hearing as well. Is there anyone in the audience that would like to speak on this matter? Please come forward.

LEG. TROTTA:
Motion to recess.

P.O. GREGORY:
Who was that? Motion to recess by Legislator Trotta.

LEG. McCAFFREY:
Second.

P.O. GREGORY:
Second by Legislator McCaffrey.

LEG. CALARCO:
Motion to close.

P.O. GREGORY:
Motion to close by Legislator Calarco. I'll second.

LEG. CALARCO:
On the motion.

P.O. GREGORY:
On the motion.

LEG. CALARCO:
On the motion. George, could you just maybe give a quick explanation of what this does? Because I think there might be some confusion. Maybe someone from the Executive's Office?

P.O. GREGORY:
IR 1118.

MS. HORST:
We're looking just to recess this for one more cycle, we have one more amendment we need to make.

LEG. CALARCO:
I withdraw my motion.

P.O. GREGORY:
Okay. We have a motion to recess and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Stern).

P.O. GREGORY:
Okay. (Public Hearing on) IR 1151-15 - Adopting Local Law No. -2015, A Local Law to ban the sale of personal care products containing microbeads in Suffolk County (Hahn). We do not have any cards on this matter. Is there anyone here that would like to speak on it? Please come forward. Yes, Adrienne.
MS. ESPOSITO:
Good afternoon. Sorry; I have handouts, so I wanted to make sure they made their way around.
My name is Adrienne Esposito, I'm the Executive Director of Citizens Campaign for the Environment. 
I'm here just to give you two handouts, which is cheaper than the mail these days. One is a letter of 
support from 27 different organizations that have active membership in Suffolk supporting this 
resolution. They're everything from the surf riders to the yachting clubs to environmental 
organizations, public health organizations and more. We would have been able to get more, but we 
only did this the last five days. So this is a piece of legislation that is growing in popularity and 
growing in support.

In addition, you'll see a second letter of support specifically from CCE members. Trying a new thing 
out with our technology and our grassroots mobilization. We called hundreds of our members last 
week and almost 500 of them gave permission to be put on this letter to you as individuals. So we 
want you to understand, we are communicating individually with people across Suffolk County who 
support this local ban on microbeads. So we wanted to provide that letter to you as illustrative of 
the widespread, public support throughout the County in each of your districts on the issue of 
banning microbeads. So I'm not going to elaborate. I was here last time, but I wanted to add this 
to the file for your consideration. Thank you very much.

P.O. GREGORY:
Thank you, Adrienne. Is there anyone else that would like to speak? Please come forward.

MR. THOMPSON:
Good afternoon. My name is Mike Thompson, I'm with the Personal Care Products Council. We are 
the national organization that represents the manufacturers of cosmetics and personal care 
products.

Usually in a situation like this, my job is to come up and be the opposition. I'm pleased to say today 
that I'm not the opposition. This is a campaign that really the industry started a few years ago, and 
what we've been doing is replacing microbeads with other materials. It has been very much so a 
cooperative relationship. We have worked -- five states have already adopted statutes that are very 
similar to this one; we have not opposed any of those, we have worked with them. We look forward 
to working with the Council member, we have some definitional inconsistency that we would like the 
work on. We would like to make sure that this is consistent, for example, with a law that's on the 
books in New Jersey and one that's in Maine.

So we thank you ever so much for your consideration and we look forward to working with you on 
this important issue for all of us.

P.O. GREGORY:
Okay, great. Please stay there just a moment, Legislator Cilmi has a question for you.

MR. THOMPSON:
Sure.

LEG. CILMI:
How are you today?

MR. THOMPSON:
Good, thank you.
LEG. CILMI:
Thank you for being here. One of the concerns I had with respect to this bill has to do with us implementing it in the County of Suffolk alone as opposed to either Statewide or nationally. Can you speak to that and, you know, talk about how it's been done in other areas?

MR. THOMPSON:
Absolutely. Clearly, this is something -- this is a very new issue. Microbeads were invented really in Europe, and this country is taking the lead in phasing them out. At this point, most all of the statutes have been Statewide. We also may see one at the Congressional level and we understand it may be bipartisan, and our folks are working very closely on that.

What we're really striving for is consistency on a nationwide basis as our industry does the right thing. So we would prefer a State statute, I won't discuss Albany, I won't discuss Washington D.C., I think you each have your own feelings.

LEG. CILMI:
Right. When you say our industry, what's the name of the organization that you represent?

MR. THOMPSON:
It's the Personal Care Products Council. We represent the manufacturers of cosmetics, soaps -- they're regulated as cosmetics.

LEG. CILMI:
Such as? Name a half-dozen of your members.

MR. THOMPSON:
Our members are everything in the bathroom; Proctor & Gamble, Estee Lauder, L'Oreal, Avon, Mary Kay. Our products are sold through a variety of venues; department stores, direct selling and through drug stores.

LEG. CILMI:
So I just want to use an example because it's the only one that I really know of, and I don't really even know of it. I just heard somebody say during the last public hearing on this that Crest Toothpaste has microbeads in it, or some of the Crest Toothpaste have microbeads in them.

MR. THOMPSON:
I understand they were in some toothpaste --

LEG. CILMI:
Right.

MR. THOMPSON:
-- at one point. To the best of our knowledge, the toothpastes are the ones that are going first, and that would be company by company. Most of them are in body washes, and the reason they're in body washes, the plastic piece does not create allergies or abrasions. So from a health and safety standpoint, it's perfect. It's being taken out of the abundance of caution for the environment. So folks that have peanut allergies, nut allergies, things of that nature, so there is no perfect substitute.

LEG. CILMI:
Uh-huh. And so, although you said you didn't want to comment on State or on the Federal government, but what can you tell us about the potential for State regulation here?
MR. THOMPSON:
This year, five states have adopted --

LEG. CILMI:
In New York.

MR. THOMPSON:
In New York? There are multiple bills. We continue to negotiate. It's -- both bodies have legislation, one has passed one house. What we fear is they may pass both houses, but not meet. We're trying diligently to see if we could have those bills meet.

LEG. CILMI:
And what are some of the sticking points, from your point of view; either in this particular piece of legislation or in the State legislation?

MR. THOMPSON:
Again, it's primarily in the definition of what is the microbead. And what we did was -- and actually, it's an in-state supplier, a company in Tarrytown that we're working with that is the supplier of most the of the microbeads.

LEG. CILMI:
Can you be a little more specific, though, so I understand exactly what the issue is?

MR. THOMPSON:
It's --

LEG. CILMI:
How does the definition -- how do the definitions in this particular bill --

MR. THOMPSON:
We're just looking for consistency. And what we did was we originally -- we took the original specs from the supplier and used that for the ban, and that's the way it -- that's the way the first one was written. So it was taken from the supplier. Our members don't make the microbeads, they use them and put them into their products.

LEG. CILMI:
Okay.

MR. THOMPSON:
So the supplier, there are materials supplied provided the specs.

LEG. CILMI:
Definition for this bill or --

MR. THOMPSON:
No, no.

LEG. CILMI:
That's the definition that you're asking to be --

MR. THOMPSON:
Yes, and that's our only --
LEG. CILMI:
Asking to replace the definition in here.

MR. THOMPSON:
That's the concern at this point.

LEG. CILMI:
And that's the definition you took from one of the suppliers of microbeads?

MR. THOMPSON:
We crafted it around their definition. So if one of our members was buying this material, we knew exactly what was being banned. We didn't want it to be big.

LEG. CILMI:
Okay. Somebody who would be --

MR. THOMPSON:
And there are --

LEG. CILMI:
Somebody who would be cynical might say that to have the company that's manufacturing these microbeads define what the banned material is, is a little, you know, sort of -- it doesn't sound too right.

MR. THOMPSON:
It's been vetted in five other states.

LEG. CILMI:
Vetted where? I'm sorry.

MR. THOMPSON:
In five other states, so it is has gone through a variety of stakeholders.

LEG. CILMI:
It has, okay. I mean, how technical is the definition? Are you able to articulate the differences between the two?

MR. THOMPSON:
I can provide them in writing.

LEG. CILMI:
But you can't share them with --

MR. THOMPSON:
Gladly. I think that the primary concern was in the -- the wording *exfoliate and cleanse*. And the type of product that it was used in, *Is a solid plastic particle, five millimeters or less used to exfoliate and cleanse in a rinse-off product*, and that's where I think the wording went --

LEG. CILMI:
That's in this bill?

MR. THOMPSON:
No, that's in the -- the bill does not have it that way.
LEG. CILMI:
It's in your recommended definition.

MR. THOMPSON:
Yes.

LEG. CILMI:
And how does that -- what is the -- I'm sorry. I don't have the bill in front of me, but do, you know, off the top of your head how that differs?

MR. THOMPSON:
It could capture other ingredients, but at this point in time, I think it's drafting more so than any philosophical disagreement.

LEG. CILMI:
And would you characterize your conversations with the sponsor of the bill as active and productive at this point?

MR. THOMPSON:
They've been positive.

LEG. CILMI:
Okay.

MR. THOMPSON:
Positive. I think it's a positive working relationship.

LEG. CILMI:
Okay. All right, thank you.

P.O. GREGORY:
Okay.

LEG. HAHN:
But I'm just -- can I ask one question?

P.O. GREGORY:
Yes.

LEG. HAHN:
Is there anyone else on the list?

P.O. GREGORY:
Go ahead.

LEG. HAHN:
Did the difference have to do with the biodegradeable phrase?

MR. THOMPSON:
Biodegradeable could or could not be in there and there are ways that that can be worked around if there are challenges. One of the issues that has been raised in other states is if that word biodegradeable is not in statute, nor is the word plastic. And it's not in the Federal code, it's not in most state codes. So we have been -- and the other thing that I've learned is, very simply, you
can't take a statute from one jurisdiction and drop it into another because you've got to conform it, and that's what has been going on is conforming this to jurisdictions so that they're consistent. For example, the State of Oregon took a one-page bill and made it into 11 pages to do the exact same thing.

**LEG. CILMI:**
(Laughter).

**P.O. GREGORY:**
Okay. All right, anyone else?

**MR. THOMPSON:**
Thank you.

**P.O. GREGORY:**
All right. Thank you, Sir. Yes, Ma'am.

**MS. CHRISTENSEN:**
Hi. My name is Jordan Christensen and I'm with Citizens Campaign for the Environment, and I just wanted to correct the record pretty briefly. First off, a lot of toothpastes, including a lot of Crest, including Crest Pro-Health, still use plastic microbeads in them, as do a lot of face washes. There are some dish soaps that do, there are some shampoos and hand soaps; they're in a wide variety of product. Sometimes they are used as abrasives, like when you think of a facial scrubber, a body wash. Sometimes they're simply used as decoration. So that is a lot of the issue that we wanted to tackle.

And also, as Legislator Hahn just brought up with the biodegradeable beads, on the State level, there are only two bills; one which the environmental community and the residents support, which is similar to your legislation; one which the industry supports which allows for biodegradeable plastic beads to be added. And our argument is, of course, that there is no such thing as biodegradeable plastic that will biodegrade in the ocean. We want the safe alternatives like walnut shells and apricot shells and cocoa beans which, by the way, are also manufactured at the Tarrytown plant. Thank you.

**P.O. GREGORY:**
All right, thank you. You have -- Legislator Cilmi has a question for you.

**LEG. CILMI:**
So then if I understand you correctly, you would take issue with the remarks from the previous speaker that said the industry, I guess as a whole, is indeed pushing for this, if not just cooperating; right? You would disagree with that?

**MS. CHRISTENSEN:**
Yes, I would disagree with that. I would argue that they're certainly pushing for a form of legislation, but not a form of legislation that's substantive or meaningful or will make an impact to our public health or environment.

**LEG. CILMI:**
Okay, so let me ask you this question then. How -- when you have products that are international in scope, such as Crest as an example.

**MS. CHRISTENSEN:**
Right.
LEG. CILMI:
How can we here in Suffolk County effectively regulate those types of products?

MS. CHRISTENSEN:
Well, I would just argue that you have to start somewhere.

LEG. CILMI:
Well, I understand that point. But, I mean, let's face it, the -- in terms of the enforceability question, you know, you can find Crest in Lord knows how many different types of retailers, how many different retailers, the Internet; I mean, it's literally all over the place. And I imagine there are other products of similar market penetration that would be out there for folks in Suffolk County to buy. So my question is how would we -- from a practical point of view, how would we enforce such a law? And if the makers of Crest are not, you know, willing to change their formulation, does that put retailers here in sort of an unfair disadvantage in competing with Internet sales and with our neighbors and other places.

MS. CHRISTENSEN:
Well, first off, I would say that when we are speaking of products, some of the products are voluntarily phasing out the plastic beads, some of them aren't. They're all on different timelines. And one of the good things about this legislation is it really streamlines the process and makes sure that it's, you know, publicly available information that you're choosing the right product.

So I would argue that because you have the right to create this ban, it's up to the manufacturers to comply. The same way they complied with banning MTBE from gasoline or any sort of national or international product where you led the way and the manufacturers had to comply. And just so, you know, it's not you. The Minnesota Senate recently passed a bill very similar to this one, there are places around the country where this is happening, including we're pushing for it on the State level, so it's not you standing alone. And the truth is, just because these manufacturers are creating a product that, you know, has some sort of an environmental public health danger doesn't mean that they should get away with it just because we're just one County. So I would urge you to pass it, and I'm sure that there are methods to enforce it, just like you would enforce any sort of a consumer product ban.

LEG. CILMI:
All right. I'm disappointed, I was actually sort of hopeful that the gentleman who spoke before you was, you know, being forthright and accurate in his testimony.

MS. CHRISTENSEN:
Right. And we certainly --

LEG. CILMI:
You know, I recognize that there's always three sides to every issue, obviously. And I think to the extent that Citizens Campaign and the sponsor can work cooperatively with business interests that are, in my view, legitimate interests, I think that would benefit us all. So I hope that's happening and I hope it continues.

MS. CHRISTENSEN:
Thank you.

P.O. GREGORY:
Okay. Anyone else? Okay. All right.
LEG. HAHN:
Motion to close.

LEG. CALARCO:
Second.

P.O. GREGORY:
Motion to close by Legislator Hahn. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. GREGORY:
Okay, (Public Hearing on) IR 1382-15 - Adopting Local Law No. -2015, A Local Law protecting children from exposure to toxic chemicals (“The Toxic Free Toys Act”) (Hahn). I have several cards, the first being Alan Kaufman.

MR. KAUFMAN:
Okay. Good afternoon. I'm Alan Kaufman, I'm the Senior Vice-President of Technical Affairs for the Toy Industry Association, and I've been involved in children's product and toy safety for about 35 years, so I feel like I can speak with a little bit of authority on the subject.

Also, certainly understand the motivation to make sure that the products that we give to our children are as safe as possible; we in the industry absolutely support that. In fact, we developed the first comprehensive toy safety standard more than 40 years ago, that actually has now morphed into what's called ASTM-F963, which is one of three internationally-recognized toy safety standards and it's been emulated around the world.

So, first of all, as I said, we understand the motivation. However, in looking at this bill, we frankly don't think it's ready for prime time, it has a number of issues. One is, first of all, that some of the levels have been set based on what's called the PQL, or the Practical Quantification Limit, which is the limit at which you can measure something in a laboratory. Unfortunately, that varies by matrix. And also, the levels that have been set in many cases are going to be above naturally-occurring levels, so what you're going to be doing is penalizing retailers for the presence of substances that are in materials that they can't avoid. There's absolutely no way, from a manufacturing standpoint, to make sure that you've gotten all of these substances down to zero because they're ubiquitous in the environment. So you're going to be penalizing people, primarily small retailers, for things they can't control.

Second of all, the bill requires enforcement by what's called XRF Technology, x-ray fluorescence, energy dispersive x-ray. There are a couple of problems with XRF. One is that it has a very high degree of variability, particularly in this range; it could be as high as plus or minus 30%. So if you are trying to measure, let's say, 40 parts per million, you have a variability swing of 24 parts per million. So you really don't know if you're using XRF if you've got a failure or not, if you're close to that level. And in fact, the U.S. Consumer Project Safety Commission uses XRF, I've had a lot of experience with it personally. The CPSE uses XRF at the ports, but they do not take enforcement action against a product until they've verified that XRF result by wet chemistry, by an approved testing method. So simply relying on XRF is going to mean that you're going to probably penalize people for what appears to be a failure but it is, in fact, not. And then that's the other problem with XRF, it's subject to a very high degree of false positives. In fact, some of the work that was done in Albany and Monroe County by some of the NGOs claim that they had found substances in toys; when we subjected it to the approved Federal testing method using wet chemistry, they were
non-detect. So the XRF had actually indicated the presence of something that wasn't there. So I would urge you to reconsider that piece of it.

(Beeper Sounded)

And third, of course, is that this is very clearly preempted by Federal law. Congress was very clear in the Consumer Product Safety Improvement Act of 2008 that no State or subdivision thereof can promulgate a law that is not identical to the Federal requirement, and in many cases, this law diverges from that. And frankly, by passing this law, what you would be doing is inviting a Federal lawsuit that you'll surely lose. So, thank you. Any questions?

D.P.O. SCHNEIDERMAN:
Sir, that's your time, but there may be some questions. Any questions for Mr. Kaufman? Okay. Oh, yes, one from Legislator McCaffrey.

LEG. McCAFFREY:
There have been other bills in New York State in other Counties, right, that have passed similar to this?

MR. KAUFMAN:
The only one that has passed is Albany County.

LEG. McCAFFREY:
Okay. Is that similar to the bill that's being proposed here?

MR. KAUFMAN:
In some respects, yes. However, Albany has been sued in Federal Court and actually has approached industry for settlement talks.

LEG. McCAFFREY:
Is there any discussions about a wider ranging billing Statewide as opposed to Federal?

MR. KAUFMAN:
Absolutely. We are working with several people in the State Senate to look at a Statewide solution, because certainly that would be preferable. Obviously, from industry standpoint and particularly from the standpoint of retailers, you can't control distribution County by County. In fact, it's very difficult even state-by-state. And so we would prefer a Federal solution overall, but certainly a State solution is preferable to a County-by-County one.

LEG. McCAFFREY:
And what's the expectation of having a Statewide legislation?

MR. KAUFMAN:
Always hard to predict what the Legislature is going to do, but we are very hopeful and we're engaging in fruitful discussions.

LEG. McCAFFREY:
Okay. So you're at least sitting down and talking and there's a possibility of -- is there any legislation that's being proposed now? Has anything gone through committees?

MR. KAUFMAN:
I think there is one bill that has been proposed and I think there is another bill which is sort of in draft form at this point, which is going to be introduced shortly.
LEG. McCAFFREY:
Okay, thank you.

MR. KAUFMAN:
Thank you. Other questions?

D.P.O. SCHNEIDERMAN:
Anyone else? Legislator Krupski.

LEG. KRUPSKI:
Thank you.

MR. KAUFMAN:
Thank you.

(Mr. Kaufman walked away from the podium)

LEG. KRUPSKI:
No, I've got a question, Sir. This legislation, and you said you've been working with other areas on other legislation; is it similar? Because this legislation exempts certain things that I would think would be important; any kind of electronic devices, devices containing batteries, sports equipment that goes against, you know, children's skin. Are these things that are proposed to be put in either State or Federal regulations?

MR. KAUFMAN:
First, the Federal requirement actually applies to all of these materials. In other words, that the primary concern for many of these substances in not skin contact, but it's really oral ingestion, and we know that particularly young children have a tendency to suck on things or to potentially eat them, although we try to avoid that, obviously. And so most of the focus is on oral ingestion of these substances, and the requirements that are in place at the Federal level do address that. On the other hand, they do also recognize that getting to zero is not a possibility, and so it's based on a tolerable daily limit. Toys get a very small percentage of that tolerable daily limit, so.

LEG. KRUPSKI:
No, I mean the specific toys, the ones that contain batteries; would they be exempt from that? I mean, I think this law exempts those -- exempts certain things.

MR. KAUFMAN:
It does exempt certain things. It does exempt toys containing batteries to the extent that the battery is the contributor. On the other hand, these substances are found in other materials in toys; they're found in plastic, they're found in metal, they're found in wood. You know, based on just on the prohibition on Cobalt alone, it would mean most stainless steels would not pass the requirement. So you could potentially create another safety issue by eliminating the use of stainless steel and causing a corrosion problem.

LEG. KRUPSKI:
Thank you.

D.P.O. SCHNEIDERMAN:
Can I ask before you sit down? You had said that the thresholds in the bill were like the minimum detectables, but that the naturally-occurring levels were higher than those thresholds. I just wanted to make sure you're referring to the current bill and not the original bill, which pretty much -- like for Cobalt said zero. The new version of the bill sets a parts per million level. Have you --
MR. KAUFMAN:
I am talking about what I think is the current version of the bill which actually sets some numerical limits.

D.P.O. SCHNEIDERMAN:
Yes, okay.

MR. KAUFMAN:
Remember that Cobalt is present in the environment just from the erosion of rocks, it's present in soil some of the other substances are present in air and water as well as soil.

D.P.O. SCHNEIDERMAN:
I think with Cobalt, too, it's only a health issue if it's in the air, right?

MR. KAUFMAN:
Correct. And in fact, it's not all Cobalt substances. In other words, Cobalt, as it's found in most toys, is going to be in the form of a salt. It's not going to be Cobalt metal. And the issue with Cobalt is an industrial setting where you're inhaling Cobalt metal dust --

D.P.O. SCHNEIDERMAN:
Right.

MR. KAUFMAN:
-- over a long period of time. In a consumer product it, frankly, doesn't present -- you know, presents a negligible risk.

D.P.O. SCHNEIDERMAN:
Okay. Any other questions? Okay, thank you, Sir.

MR. KAUFMAN:
Thank you.

D.P.O. SCHNEIDERMAN:
Okay, next up is Stephen Rosario.

MR. ROSARIO:
Good afternoon, Chairman Gregory, Members of the Legislature. For the record, my name is Stephen Rosario. I think I'm recognized by most of you, I've been here many times before. I represent the American Chemistry Council, including many companies right here on Long Island.

First, we appreciate the opportunity to address you here today. And again, for the record, I appreciate the opportunity to speak with Legislator Hahn and for the opportunity to provide her with some amendments that we feel would ensure the goal of the bill, but it will also protect retailers and manufacturers. I am a little disappointed that the amendments that we had proposed were not included.

There was an amendment on the parts per million. We feel that the numbers that were used, rather than the ones that were provided which are national and international numbers, are so stringent that basically they are -- and so restrictive, that retailers and manufacturers are not going to be able to comply, as you heard the previous speaker. Numbers that low, and because chemicals are so ubiquitous to the environment, that it will be almost impossible for any retailer to reach those numbers.
We're also a little concerned that the proposal does not address issues of accessibility, and that the stringent total content requirements are so restrictive that no one will be able to meet them. We also agree on the issue of the x-ray fluorescence gun and the issues related to that.

And lastly, the failure to distinguish between intentionally-added versus chemicals that are introduced as a result of a contaminant. Again, the way the bill is structured, that even if you have a few molecules and they’re not accessible and there is no exposure, the product would still come under the confines of the ban of this particular bill. So we would hope that we would have another opportunity to discuss in greater detail the reason for our amendments.

If I could just wrap up, because the question was asked of the previous speaker, *What is going on at the Federal level.* I know that many of the proponents of this legislation got states and now localities to get involved, because allegedly the Feds were not doing anything and that the Congress had not done anything; and to a certain extent, that was certainly true. But we have now an opportunity, perhaps one that we will not see for a very, very long time if Congress does not take action.

*(Beeper Sounded)*

The U.S. Senate, in a bipartisan bill, with equal number of Democrats and Republicans, have introduced the Frank Lautenberg bill, you have heard us speak about it. It did pass out of the Senate Environment Committee and will be scheduled for a Senate vote sometime in the coming weeks. On the House side, the House is marking up their bill this Thursday. And where have you ever seen the Congress move that quickly on a bipartisan bill with Democrats and Republicans working together? And that bill does not exclude states --

**P.O. GREGORY:**
Sir, you have to wrap up.

**MR. ROSARIO:**
If I may, yes.

**D.P.O. SCHNEIDERMAN:**
Well, we do have questions for you, too, so.

**MR. ROSARIO:**
Okay. That bill does not preempt 100% states. So I will wrap up and take any questions. Thank you.

**D.P.O. SCHNEIDERMAN:**
We'll start with Legislator Cilmi.

**LEG. CILMI:**
Hey, Steve.

**MR. ROSARIO:**
Good morning.

**LEG. CILMI:**
Afternoon.

**MR. ROSARIO:**
Good afternoon (Laughter).
**LEG. CILMI:**
Don't make the day any longer than what we expect. So, the standards that are in this bill are not the national standards?

**MR. ROSARIO:**
No. The standards that we've provided for lead, for example, is 100 PPM, which I believe it is in the bill, but for all the others 1,000 PPM, or 0.001%.

**LEG. CILMI:**
That's what you provided --

**MR. ROSARIO:**
Yes.

**LEG. CILMI:**
And what's in the bill?

**MR. ROSARIO:**
I believe 40?

**LEG. CILMI:**
Or does it differ --

**MR. ROSARIO:**
I apologize, I don't have the bill in front of me.

**LEG. CILMI:**
That's okay.

**MR. ROSARIO:**
But I believe 40, 40 PPM; 100 for lead and 40 for the others, and then total content.

**LEG. HAHN:**
And Cadmium at 75.

**LEG. CILMI:**
Okay. And the -- if I'm correct, there's a reverta clause in this piece, although I'm not sure if you're familiar with it and maybe this is not a question during the public hearing. But there's a reverta clause, I believe, in this bill that basically says that if this issue is addressed at another level of government, that this bill basically becomes really null; is that correct, George?

**MR. NOLAN:**
There is a reverse preemption clause.

**LEG. CILMI:**
Reverse -- and how does that exactly work?

**MR. NOLAN:**
Basically just the way you stated.

**LEG. CILMI:**
Okay. So -- but what if the bill that's passed at the Federal level doesn't go as far as the bill that we pass here; what then?
MR. NOLAN: Then it would not be subject to that reverse preemption. If our law was different, substantially different or went further than a State or Federal law, then reverse preemption would not kick in.

LEG. CILMI: Okay. So just by nature of the fact that they pass a Federal law on the issue, it would not preclude us or --

D.P.O. SCHNEIDERMAN: (Inaudible)

LEG. CILMI: It may contain a preemption, right, but it may not.

MR. NOLAN: You're talking about an express preemption clause, like if the Federal government acted and said --

LEG. CILMI: Yeah. You know, how there are certain issues at the State level that we're not allowed --

MR. NOLAN: I got you.

LEG. CILMI: You know, that we're not allowed to act on at all because they're occupied by the State. That wouldn't necessarily be the case in a Federal piece of legislation, correct?

MR. NOLAN: Well. It could. I mean, it could have an expressed preemption clause.

LEG. CILMI: So if it has that expressed preemption clause, then our law would be declared null and void at that point.

MR. NOLAN: Most likely, yes.

LEG. CILMI: Right.

MR. ROSARIO: If I could just make one clarification. As I understand preemption as it has been explained to me at the Federal level, my understanding is that anything that is currently on the books at the time, that the bill passes the Congress and is signed by the precedent is not preempted. If you look to add anything, that's where potentially preemption could kick in. Again, that's my understanding. That's been a moving target because that has been the most controversial issue being negotiated at the Federal level, but I think I've described it accurately.

LEG. CILMI: Okay, thank you.

D.P.O. SCHNEIDERMAN: Anyone else, any other questions? Okay, thank you, Sir.
MR. ROSARIO:
Thank you.

D.P.O. SCHNEIDERMAN:
Next up is Jordan Christensen.

MS. CHRISTENSEN:
I am switching my spot with Chris Goeken.

D.P.O. SCHNEIDERMAN:
Well, he's on the list. I'm going to take them in order, I'm sorry. Chris, you'll have to wait a moment. After Jordan, Amanda Roth; then Chris, you're after Amanda.

MS. CHRISTENSEN:
Okay. I will just be brief, then. Again, my name's Jordan Christensen, I'm with Citizens Campaign for the Environment. And, you know, that we are supportive of this bill in its past form and its current form and I've spoken to you about this before.

I just wanted to touch on something that we had spoke about at the last hearing. It's just that Federal and State laws have failed to adequately protect children from the most damaging chemicals -- you know, Cadmium, Arsenic, Cobalt, etcetera -- and the Federal U.S. Toxic Substance Control Act has been stuck in Congress with the updates for a decade. It's never been adequately implemented. On the State level, for years now there's been a push for a Child-Safe Products Act that has been able to, you know, get through. So that's why we're here and we're saying it's imperative that Suffolk County act now to create the local protections, to become Statewide and nationwide leaders, along with Westchester and Albany County.

The states of Washington, Maine and Vermont have already enacted a pretty comprehensive legislation on this issue to protect children and remove the most damaging chemicals from children's products. There's no reason, given the fact that there are safe products, to continue allowing known or probable carcinogens like Benzyne and Arcenic and Lead in children's toys, jewelery, clothing, etcetera. Thank you.

D.P.O. SCHNEIDERMAN:
Okay, thank you. Any questions? All right, thank you. Amanda Roth is next.

MS. ROTH:
Hello. Good afternoon. My name Amanda Roth, I spoke before you in Riverhead several weeks ago about this toxic-free Toys Act. I'll just remind you, I'm 35-years old, I live in Dix Hills with my husband, my five-year old son and my seven-year old daughter and I just want to come back today to reiterate that I support the toxic-free act as a parent. And we know Albany passed their bill, I believe last week or two weeks ago; Westchester passed their bill unanimously, so obviously this is really important.

And I just want to say, I'm not a scientist, I'm not a lawyer, but two things that I did hear earlier resonated me as a parent. Mr. Kaufman spoke of tolerable daily limit and that toys are only a percentage of that. Nobody knows how long your child is playing with a toy every day. They don't know if your child carries it around, sleeps with it, doesn't let it go or give it to you in the car. So I find that slightly offensive to say that just because they think a child plays with a toy for a tolerable amount that that makes it safe.
And Mr. Rosario spoke of intention. Whether it's intended or not, these chemicals don't belong in our toys, and we should say that we won't sell them and ask the toy manufacturers to find alternative ways to make these toys safe. Thank you.

**D.P.O. SCHNEIDERMAN:**
Thank you. Okay, and the last card I have is Chris Goeken.

**MR. GOEKEN:**
Hi. Thank you very much. Christopher Goeken with the New York League of Conservation Voters. I just wanted to make a couple of points. And yes, in fact, last night the Westchester Legislature passed their version of the Toxic-Free Toys Act 16-0; broad bipartisan support, we're very excited about that.

I want to talk to you a little bit about the new bill today that Legislator Hahn has worked so diligently on that takes into account a lot of the comments that you as Legislators have made, comments that she's heard from the advocates, comments that she's heard from industry. We think it a workable solution. We think it's a very reasonable solution for a lot of the issues raised here and elsewhere. It's much more enforceable in the sense that the enforceability of the law and how it's actually enforced is spelled out exactly, not only in the parts per million that are tolerable in the types of products being sold, but also in exactly how that's going to be detected, and then what happens once it is detected; it's spelled out exactly particularly in the bill. And that was one of the things that I had heard repeatedly, how is this going to work on the ground? How is the Health Department going to do this? So the law spells it out very particularly.

I do want to address this issue of whether the XRF, the x-ray fluorescence analyzer is accurate or not. To say that it isn't detecting heavy metals in both the products we tested or in the products that will be tested under this law is just not accurate.

The XRF is an accurate device, it detects the presence of heavy metals in products. The toy industry did some testing on similar products that we tested and their initial screening agreed with most of what we found. But then what they did is they did their fake digester, as I call it, where they put parts of the toy into a beaker and then they try to figure out whether any of that toy -- any of the heavy metals in that toy object make its way into the liquid in that beaker. So that test is the one that we've always had an issue with and there's different results with that test. The XRF itself tells you whether or not the object in front of you has the heavy metal, comes right up on the screen. There is a question as to the accuracy or not when it gets to be very, very high levels, but much higher than the levels that are in the bill here; you're talking hundreds of parts per million, not, you know, dozens of parts per million.

So I just wanted to say that. It's used across the board not only by the industry itself, Crayola Crayons, the EPA, the Fashion Jewelry Association, HUD, U.S. CIS, Border Patrol. It's also used by the American Apparel and Footwear Association, Consumer Product Safety Commission, Health Candidate, multiple universities and museums use the XRF in the same manner we do to detect whether or not there's heavy metal present in the object in front of you. And that's the same way the Health Department would use it here.

So we do urge you to support this new version of the toxic-free toys bill. We're very excited by it and I'm available to answer any questions you may have.

**D.P.O. SCHNEIDERMAN:**
Legislator McCaffrey.
LEG. McCAFFREY:
Thank you. How does this address the issue that was brought up about the levels of -- that are in there that are just in there by nature, you know, and that -- I'm not a chemist, obviously. And if I could repeat that word -- ubiquitous; did I get that right? Ubiquitous to it. So what about that issue; I mean that it's just naturally occurring in those items?

MR. GOEKEN:
Sure, sure. Well, I'm not a chemist either, so I'm going to tell you my understanding of this.

The PQLs, which are the levels that were referred to by a previous speaker, have to do with what you can consistently and accurately detect in usually a laboratory, but every single time you do a test, you know, you can accurately detect that lowest level, whatever it is. Now, I'm going by what Washington State decided were their PQLs, which I believe stands for Practical Quantification Levels but, you know, I'll leave the scientist to tell us that or not. Washington State set levels far below for PQLs what's in this law, what's in this proposed law. Mercury was like 5%, most of them were -- or might have even been point five. Most of the heavy metals were around the 5 to 10% -- 5 to 10 PPM range, whereas in the proposed revision here to this law, we're talking 40 parts per million. So it's much, much higher than Washington State's Department of Health determined could be accurately detected repeatedly. So that's -- the intention of this bill was not to go to PQLs, the intention was to get to a level that was reasonable, that industry could comply with consistently. It wasn't to go to PQLs. Because we did hear back, and Legislator Hahn heard back from multiple industries including green industries that those PQLs are really hard to comply with. And the PQLs there I used just for their reporting, not for their bans.

LEG. McCAFFREY:
Are you familiar with the State legislation that's being proposed?

MR. GOEKEN:
I am very familiar with it.

LEG. McCAFFREY:
In a good way or a bad way?

MR. GOEKEN:
Well, we are in full support of the legislation. I'm happy to report that just today, two more cosponsors signed on in the State Senate, that would be Republican Senator Rich Funky and Republican Senator Nozzolio, whose first name escapes me at the moment. That brings up the total number --

LEG. BARRAGA:
Mike.

MR. GOEKEN:
Mike Nozzolio, thank you. That brings up the total to 39 cosponsoring in our State Senate.

LEG. McCAFFREY:
Okay, thank you.

MR. GOEKEN:
Sure.
D.P.O. SCHNEIDERMAN:
Chris, I have a couple of questions. I know we've been e-mailing, so some you may be familiar with. So the way the bill is written, the onus falls on the retailer. So the Health Department goes each quarter and randomly selects ten retailers, and if that retailer ten products are subject to this x-ray fluorescence. And if they don't meet these thresholds, the retailer is then, I guess, warned, because the bill basically focuses they shall not knowingly sell these things.

So they didn't know it, they bought it from a manufacturer who supplied these products. There's no way the store would know, they just assumed that whatever the teddy bear or the Mattel toy truck, or whatever it might be, is compliant and safe for kids. So what exactly now happens? So the Health Department -- let's say there's -- let's use the teddy bear example. So they check a teddy bear and it is over this threshold, are they prohibited from selling any of those teddy bears, or just that one that they tested? Is it assumed that all of those soft toys are not compliant or just that one that they tested? And then what does the retailer do? Can they send those soft toys back to the manufacturer and say, Send me a new batch? And do they know when they get the new supply if they're compliant?

And related to that, I know it's becoming a long question, let's say -- you know, let's say they get a new batch and they're also not compliant. Is that one violation, or is it a violation -- it says each one is a separate violation, so is each teddy bear is a separate thousand dollar penalty or a $500 penalty? How does that work?

MR. GOEKEN:
Well, I would say it would be very hard to get to that point because the law -- let me take a step back. So the Health Department's in there with the XRF, and let me explain how we arrived, in talking with Legislator Hahn's office and others at, you know, what we think is a very reasonable solution and why we're supporting it.

We've done this in product testing like this where we went out with an XRF and we only -- you know, we didn't buy a lot of stuff. We would just walk in the store with the XRF and hold it up against accessible parts only and determine whether or not they were selling -- they had products that had our targeted heavy metals. So we know about how long it takes to do this type of testing. We figured it was reasonable that for each toy selected it would take about ten minutes to maybe, you know, find the right spot, try different parts of the toy to see whether or not there were heavy metals present.

If you do about -- you know, so that's one toy for ten minutes, we figured then it would take a couple of hours in each store. So that's why we thought this was a very reasonable approach, it's setting a very low thresholds so that the Health Department can get started doing this. It's not going to take like three weeks to do testing, they're going to be out there for a couple of days every quarter. So it's not a heavy lift on the part of the Health Department.

To answer your question on this, what we're envisioning -- and again, I think a lot of this will come out in a way that the Health Department wants to enforce it, but it's my understanding that the Legislator's -- Legislator Hahn's intent was that the store would be informed, You have a problem with these teddy bears here; we're showing that they're in violation of the Local Law. Then the store owner, or the store manager depending on if it's a chain or whatever, would then be required to take them off the shelf and then they should get in touch with their manufacturer and say, I have toys on the shelf here you sold me and they're not in compliance with our Local Law. At that point, the distributor or the parent company should take those toys back and either replace them with new ones or try to make sure that the new ones coming in are in compliance.
A lot of the larger retailers already know what their products contain, because they're complying with the Washington State Law. They're already telling Washington State whether they sell something, if it contains actually a much longer list of chemicals than the ones you guys are looking at here. So it would be easier for them to comply with it, they'll be able to figure that out.

The smaller stores -- and this was an issue that was raised by Legislator Cilmi when we were talking about this was, you know, they're not in the same position as far as bargaining power. So the Health Department may be able to help them with some sort of form that they can send to their supplier saying, Look, this does not comply with their Local Law, you've got to make sure that you give these local retailers products that comply with this.

D.P.O. SCHNEIDERMAN:
But the law -- I mean, the law I suppose could have been written, maybe there was a reason why it was written the way it is, but it could have been written to prevent the manufacturers, wholesalers from selling those toys within Suffolk County to retailers that don't meet the standards. But instead, this is going to the retailers who don't know. I mean, I imagine the wholesaler, certainly the manufacturers do know, I would hope, what's in their toys, but the retailers don't. Was there -- can you explain why the law -- because I'm sure you were involved in the drafting of this law; why you chose to go after the retailers rather than the distributors?

MR. GOEKEN:
Sure. Two reasons; one is the retailers are the ones with boots on the ground, so to speak. Manufacturers and distributors may or may not have a nexus with the County that you would be able to enforce the Local Law, the retailers do. And this law also gives the retailers the ability to go to their suppliers and start making those demands that they want to sell products that don't contain these toxic chemicals. So it was really two. It's part of getting the retailers to start to care about this. They're the customer of the manufacturer and they have their own customers, but they're the customer of the manufacturer; to start them to get them to care about this is the way that this whole manufacturing world starts to change when they're like, Oh, wait a minute, I can't sell you this anymore. I guess I have to pay a little bit more attention to what I'm putting in my product and what's ending up in my product.

D.P.O. SCHNEIDERMAN:
So to the other piece. So let's say one Hot Wheel car that gets tested doesn't meet the standards; then are we to assume that all of the Hot Wheels cars for sale at that store don't meet the standard; is that the assumption?

MR. GOEKEN:
I think the Health Department will have to figure those types of details out. I can tell you that since most Hot Wheels are behind plastic and you can't get into the package without cracking it open in a way that makes it unsellable, they may not be able to test those. Because the intention isn't that they go in and buy all these products, the intention is that they test products in the store. They might decide later on that they want to come back to you and say, you know, what? We want a little bit of money so that we can go and buy some of these products that are behind cellophane or plastic. But the XRF can't be used through cellophane; at least the types that we're recommending.

D.P.O. SCHNEIDERMAN:
I'm trying to put myself in the shoes of the retailer.

MR. GOEKEN:
Yeah.
D.P.O. SCHNEIDERMAN:
So the Health Departments come and determine that this one particular toy that they tested. I need to know, now, if I sell the other ones, supplied by the same supplier, am I going to be in violation? Is that considered knowingly violated? I'm not going to sell the one that was over the threshold. I think that's important that we figure out that assumption. And maybe this is really a question for George; will each item be considered a separate violation? It looks from the law that it would be.

MR. NOLAN:
I don't -- well, to your first question which is, you know, if they test one item, would the other identical items also be presumed to be out of violation -- be in violation of the law; I would say I think that's a fair assumption to make. That it's composed of the same materials and I think the Health Department would be within their rights to say that all of those particular products would be in violation of the law. I don't think that the Health Department is going to go out and say, You have ten of these toys, so we're going to write you ten violations. I think they would probably write them one violation but, you know, I'd have to defer to the Health Department on that.

D.P.O. SCHNEIDERMAN:
And then my last area of questioning in terms of time. So the bill -- again, so each quarter, so every three months the health department does ten retail establishments, and in those ten establishments, ten tests and each test is around ten minutes you said.

MR. GOEKEN:
Uh-huh.

D.P.O. SCHNEIDERMAN:
So that's like an hour-and-a-half, a little bit over an hour-and-a-half, plus traveling --

MR. GOEKEN:
Figure two hours at each place.

D.P.O. SCHNEIDERMAN:
So is this a full-time job, then, for one person in the Health Department?

MR. GOEKEN:
It's a full-time job for one person for two or three days every quarter. And the XRF can be rented for about 350 bucks. You can get it on-line, there's actually manufacturers in New York State that support New York state business that will rent you a device. So the thinking was -- and this was based on our experience, that this is doable within a two or three day time period by one person. So one person would be trained on the XRF, the manufacturers supply that training for them.

D.P.O. SCHNEIDERMAN:
Are you including travel time? You know, the County is a big place.

MR. GOEKEN:
It's a big place and we did include travel time. We figured --

D.P.O. SCHNEIDERMAN:
All right. So let's say three days per quarter, so 12 days a year, so let's say a little over two working weeks, right?

MR. GOEKEN:
Uh-huh.
D.P.O. SCHNEIDERMAN:
Okay. And does the Health Department have the ability to have the staff power to do this? That's really not a question for you, I'm just thinking out loud.

MR. GOEKEN:
I would hope so. I mean, it's --

D.P.O. SCHNEIDERMAN:
Okay.

MR. GOEKEN:
Two weeks out of the year does not seem like a very heavy lift to me, but I'm not the Commissioner of Health.

D.P.O. SCHNEIDERMAN:
No. I mean, it's an important thing and it's public health, I'm not disputing that. I just know that we're short staffed.

MR. GOEKEN:
Sure.

D.P.O. SCHNEIDERMAN:
And, you know, there's a lot of important public health issues. But if the department says they can do it, then they can do it.

Okay, I don't have any other questions. Anyone else? Legislator Kennedy?

LEG. KENNEDY:
Is Dr. Tomarken here?

MR. NOLAN:
(Inaudible)

D.P.O. SCHNEIDERMAN:
Yeah, so we'll have time to talk to the County officials. At this point, it's just questions for the speaker, Mr. Goeken. Anyone else? Okay, thank you, Sir.

MR. GOEKEN:
Thank you.

D.P.O. SCHNEIDERMAN:
That's the last card I have on this public hearing. Was there anyone else who wanted to be heard who didn't fill out a card? Okay. I will turn to the sponsor; Legislator Hahn, what's your pleasure?

LEG. HAHN:
Motion to close.

D.P.O. SCHNEIDERMAN:
Okay, motion to close. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Seventeen (Not Present: Presiding Officer Gregory).
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D.P.O. SCHNEIDERMAN:
The hearing is closed.

Okay. We have one more Public Hearing, 1384-15 - Adopting Local Law No. -2015, A Charter Law amending and clarifying the procedure of filling County Treasurer vacancies (McCaffrey). Is there anyone who wishes to be heard? I have no cards on this issue? Anybody? All right, seeing none, this is Legislator McCaffrey's bill.

LEG. McCAFFREY:
Motion to close.

D.P.O. SCHNEIDERMAN:
Motion to close by Legislator McCaffrey.

LEG. CILMI:
Second.

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

MR. RICHBERG:
Seventeen (Not Present: Presiding Officer Gregory).

D.P.O. SCHNEIDERMAN:
Okay, I'm going to make a motion to set the date for the following Public Hearings on June 2nd, 2015 at 2:30 in the Rose Caracappa Auditorium in Hauppauge:

IR 1260, A Local Law to regulate "Board Up" Businesses in Suffolk County (Browning);

Also 20015-2016 Suffolk County Community College Budget.

Can I have a second?

LEG. BARRAGA:
Second.

D.P.O. SCHNEIDERMAN:
Whose second was that, Legislator Barraga? All right, second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Presiding Officer Gregory).

D.P.O. SCHNEIDERMAN:
Let's go back to page six on the agenda, Resolutions Tabled to May 12th:

We had skipped over, I think it was the first one, 1030-15 - Adopting Local Law No. -2015, A Charter Law to strengthen lobbyist registration and reporting requirement (Lindsay).

LEG. LINDSAY:
I'll make a motion to approve.
D.P.O. SCHNEIDERMAN:
Motion to approve by Legislator Lindsay. I will second. Any discussion? Legislator D’Amaro?

LEG. D’AMARO:
Yeah, on the motion. Thank you. Through the Chair, I just wanted to speak with the sponsor a little bit about this bill. I read it, and I want to commend him for trying to get some kind of handle on who’s lobbying, who’s not lobbying, and who needs to register and what are they permitted to do, how do they register, and I think this is providing clarification. But it seems to me that the way the law is written, you’re -- we’re redefining lobbying activities to include an attempt to influence by any -- well, attempt to influence any determination made by any department with respect to the procurement of goods, services or public work, and then any attempt to influence the awarding of a grant loan or agreement; but then in the next provision, it seems to exempt all of that.

So I was questioning exactly what is the intent of that specific prohibition and who did you have in mind when you passed the prohibition and then exempted out the entire procurement process.

LEG. LINDSAY:
I’m going to let Counsel give you the technical explanation.

LEG. D’AMARO:
Okay, that’s fine. Thank you.

MR. NOLAN:
Yeah. I mean, as we discussed at the last meeting, the big change to the lobby statute is it’s bringing procurement; that if somebody is trying to lobby on the procurement process, they would be required to register. But like the State law, which has a similar provision, there are exceptions for typical parts of the procurement process; the bidding process, where it’s out in the open. All the parties -- you know, various people who are seeking the County business -- are participating, so it’s the more open parts, the normal parts, written questions to an agency during the procurement process where all written questions or responses are disseminated to all the parties who are seeking the business, participation in an RFP conference. You know, if you just submit a response to an RFP proposal, you know, those are the type of things that are going to be exempted. I think it’s when somebody's working outside the normal -- what we would consider a normal procurement process or bidding process to influence, you know, the procurement of business, that's when it would be lobbying and somebody would have to register.

So all these exceptions were put in where there's the part of the normal procurement process that's open and all the parties who are seeking the business are participating and are aware of what's going on.

D.P.O. SCHNEIDERMAN:
Are you satisfied, Lou?

LEG. D’AMARO:
Yeah, I just want to follow-up. The law, Section 580-2, Definitions is what is being amended, and that’s where you feel it’s appropriate that anyone whose participating in the procurement -- or anyone who is operating outside of the procurement process. And I appreciate that the law, the exemptions are specific, George, that I guess you walked through the procurement process and these are the various steps; written questions, applications and whatever.

MR. NOLAN:
And these are standard exemptions, like in the City Statute and the New York State Statute which cover procurement and try to get people to register as lobbyists if they’re trying to affect
procurement, these are standard exemptions, most of them.

LEG. D'AMARO:
So -- okay. So anyone operating outside those specific exemptions would be deemed a lobbyist if they're engaging in any activity in an attempt to influence any part of that procurement process, but that doesn't preclude those exempted areas.

MR. NOLAN:
Right, and of course they're being paid to do so.

LEG. D'AMARO:
Now would a political contribution be considered lobbying in that context?

MR. NOLAN:
That's a separate law that bans lobbyists from making political contributions. So persons who are registered to lobby should not be also registered lobbyists; registered lobbyists should not be making political contributions. But if somebody writes a check to support a candidate, I mean, it doesn't forbid that, it just forbids it if you are a registered lobbyist.

LEG. D'AMARO:
What's the exemption -- forgive me, it's hard to maneuver my mess and hold this microphone. What does the exemption speak to -- Article 14 of the New York Election Law; is that where you're attempting to exempt political contributions from lobbying activities?

MR. NOLAN:
The existing lobbying law basically states, it exempts political contributions as lobbying. But we have a separate law that was approved by a voter referendum 15 or 20 years ago --

LEG. D'AMARO:
Right.

MR. NOLAN:
-- that said registered lobbyists are prohibited from making contributions and the County officials are prohibited from taking contributions from registered lobbyists.

LEG. D'AMARO:
Okay, that answers that. So if you're operating and you're with a company, you're trying to go through this process of procurement which includes submission of a bid, participation in conferences, written questions, things of that nature, that's not considered lobbying, but any other activity beyond that could be considered lobbying and you'd have to register.

MR. NOLAN:
Yes, it could be. If you're doing these things, they're specifically exempted, you don't have a problem.

LEG. D'AMARO:
That's just part of the process.

MR. NOLAN:
Part of the normal process.
LEG. D'AMARO:
Right. But getting the bid accepted in the first place, whatever activities you engage in to influence the department to award that bid could be deemed lobbying activity.

MR. NOLAN:
Could be. You know, and again, particularly if somebody is being paid to do that.

LEG. D'AMARO:
Right. Okay, that's good. The next question I had, I wanted to ask you about the existing code exemption. "Persons who participate as witnesses" -- this is Section C, 582-C; "Persons who participate as witnesses, attorneys or other representatives in public rule making and rate making proceedings of any County agency," which I guess would include the Legislature. And it's part -- "and such participation by such person which is part of the public record." So is that exempting from the definition of lobbying individuals who might appear before committees, boards, anytime you're on the public record?

MR. NOLAN:
Right, I think any -- you know, I don't know -- our law talks about rule making and rate making. I don't know that there's a lot of application to that section.

LEG. D'AMARO:
I wanted to ask, is rule making being used in the broad sense? We're always rule making. Or is it in the real sense of --

MR. NOLAN:
I think it's in the more specific sense.

LEG. D'AMARO:
More specific sense.

MR. NOLAN:
Yeah. Yeah, and I just think that's probably was standard language in lobbyist statutes when this was initially enacted, but I don't think it has much application to Suffolk County government.

LEG. D'AMARO:
Okay, I agree with that. So when you go back to the proposed bill, if a person appears before the Legislature on -- and has a position on legislation that we're voting on today, is that person -- is that person not a lobbyist or becomes a lobbyist only if they're being paid to advocate; is that the way it's viewed?

MR. NOLAN:
I think what it is is if all a person is doing is coming to a public meeting and testifying and taking a position, they're not going to be covered by the law.

LEG. D'AMARO:
All right, let me ask it this way.

MR. NOLAN:
It would be other activities --

LEG. D'AMARO:
I want to be clear, because it says -- in the bill, it says, "Any attempt to influence any determination made by the County Legislature or any member thereof with respect to the introduction, passage, defeat or substance of any local legislation"; that's lobbying. So where is the exemption that would
be applicable to various scenarios of coming before the Legislature or even coming to my office to talk to me about legislation? What do we rely on to say to those individuals, *You don’t have to register as a lobbyist?*

**MR. NOLAN:**
Bear with me for a second while I bring up the law.

**LEG. D’AMARO:**
Yeah. And again, I realize that the definition, it says, "Compensation; any salary, fee, gift, payment or anything of value promised to the lobbyist by the client," so it's a representative capacity. Is that the distinction? So we have a bill pending at the next Legislative session and four people want to come to my office and talk to me about that bill, all right? Are they lobbying me, are they required to be registered? I just want to be clear. I appreciate what this bill is trying to do and I agree with it, but I don't want to see everyone else get caught up in this, so we need to know what the exemptions are.

**MR. NOLAN:**
In terms of the exemption for persons who come here, I really -- I think we are relying on the Section C, which talks about persons who participate as witnesses, attorneys or other representatives. I think that section probably could be amended because it talks about public rule making or rate making proceedings in a County agency. Because I think the intention was to, if somebody is testifying on the public record, that does not trigger the registration requirements, and I don't believe it does. But I think that probably would be in a future amendment we probably should make to this section to make it clear that --

**LEG. D’AMARO:**
I agree. And, you know, that Section C talks about, *"With respect to all participation by such persons which is a part of the public record."* So if a Legislator or a department head is meeting with an individual but not on the record, then we need a separate exemption -- because that person obviously is trying to influence either a determination by that agency or a vote by a Legislator. We need something to rely on to be comfortable that we're not being lobbied in the sense that it would require a registration.

**MR. NOLAN:**
I think the other thing always to remember is, you know, there has to be that requirement that somebody is being paid. So most people who come here and talk to us without bills and take a position, they're just coming here and giving us their opinion, nobody is paying them to do that. So most people are not going to be lobbyists, it's going to be the typical people you would expect to be lobbyists who are being paid to influence us. And if they are, they're probably not just going to testify at a public hearing, they're probably going to also reach out in other ways, the Legislators, the department heads or whomever.

**LEG. D’AMARO:**
Well, a lobbyist is defined by a person who could be designated by a group or organization to engage in lobbying, so I'm not sure that it's clear enough with respect to compensation.

**MR. NOLAN:**
That's made clearer in other parts of the bill, that the registration requirement is triggered when somebody is being paid --

**LEG. D’AMARO:**
Oh, really.
MR. NOLAN:  
-- to influence, yes. It's not just in the definition of lobbying.

LEG. D'AMARO:  
So you could be a lobbyist under the definition sections, but it doesn't necessarily require you register.

MR. NOLAN:  
Correct.

LEG. D'AMARO:  
Okay, so we're not requiring every person who may lobby to register.

MR. NOLAN:  
Payment is -- that's indispensable to lobbying under this law.

LEG. D'AMARO:  
All right, I think it's just important to get that on the record.

I had one other question. Exemption C -- my other question was that it seems to exempt the -- any contract agency; is that the intent of the bill?

MR. NOLAN:  
That was an amendment that was made after the last public hearing to let out the not-for-profit human service providers if the entities we contract with to provide human services directly to the residents.

LEG. D'AMARO:  
Yeah, I saw that, human services as opposed to what other kind of services? You mean --

MR. NOLAN:  
I think we rely on non-profits to provide those -- it's defined in 189-40 all the various types of services that comes under the rubric of human services.

LEG. D'AMARO:  
Okay.

MR. NOLAN:  
You know, aging and people with disabilities.

LEG. D'AMARO:  
All right, so let's assume that an individual is being compensated to influence a vote of a County Legislator and they're lobbyists and they engage in lobbying activity; they're required to then register. You know, I see the registration requirement, but what's the -- what's the consequence should you fail to register? And I also see there's a reporting requirement?

MR. NOLAN:  
That's a current requirement. The current law requires a person to register and file periodic reports of their lobbying activity.

LEG. D'AMARO:  
Okay. And if you don't lobby -- I'm sorry, if you don't register, are you subject to a penalty?
MR. NOLAN:
If you fail to register, the current law is unchanged, that could be a Class A Misdemeanor.

LEG. D'AMARO:
I see.

MR. NOLAN:
It could also be subject to a civil penalty.

LEG. D'AMARO:
All right, so we have an existing law on the books, we have this proposed amendment to the law. Who are we capturing? Who is now going to register with the new law that did not register under the old law? Just in simple terms.

MR. NOLAN:
I think it's going to be people -- it's going to be procurement, I think that's the major change. It's people who are lobbying on procurement issues.

LEG. LINDSAY:
I think the other part of it, Lou, is the law that we had on the books wasn't really enforced, so nobody was registering, obviously, based on the number of lobbyists that we had prior to starting this. There was only, I think, four or five people registered, and we know that there's far more many -- there's far greater number of lobbyists out there than four.

A lot of the government affairs lobbyists that I've spoken to about it, they were under the assumption that they could just -- as long as they were registered with the State, they were in compliance. And their argument against this was why not just reply upon the State registration, and my counter to that is there's over 6,000 registered lobbyists in the State of New York. Before we meet with someone, are we supposed to comb through a list of 6,000 to see if they're on it? I think that puts an undo burden on the Legislators and people within the County to have to bear, where I don't think for them to register here with the County is of great difficulty or a big task for them to complete.

LEG. D'AMARO:
Well, that goes to why -- I mean, why do we need to register in the first place? Why do we need to know? If someone's lobbying you, they're lobbying you; why do I need to register?

LEG. LINDSAY:
Because I think just for transparency sake, we should know when they come in to lobby us. There have been times where I've had meetings, I don't know if it's a lobbyist or just an advocate or what their position is, if they're compensated for what they're doing without asking the question. And secondly, I think for the public, they should have a right to know who's meeting with their public officials and being paid to do so and how often are they meeting with them and what those meetings consist of.

LEG. D'AMARO:
So the distinction in your mind is really if someone is paid to meet with you or advocate for a position, that's a lobbyist.

LEG. LINDSAY:
Yes.
LEG. D'AMARO:
As opposed to having a constituent meeting.

LEG. LINDSAY:
Right. If we had a constituent come in and they just wanted to talk about an issue, you know, obviously they're not being compensated, they're not a lobbyist. But if we have an industry representative that's advocating for or against some new regulation, then in my opinion they're a lobbyist.

LEG. D'AMARO:
Okay. And George, you think this bill makes that distinction, registration requires that you be paid --

MR. NOLAN:
Oh yeah, no doubt.

LEG. D'AMARO:
-- for these activities.

MR. NOLAN:
Yes.

LEG. D'AMARO:
No doubt.

MR. NOLAN:
Yeah, it's clear.

LEG. D'AMARO:
Well, I think that -- I think Section C could use a little work, but I think that this particular bill does clarify and I appreciate what you're trying to do here. And I think you're right, I think it is good, if someone is being paid to influence a decision of a board, or if someone's being paid to influence our vote or our position or legislation, then I would assume that we have a right to know and the public has a right to know that it's not someone with a personal interest but a paid interest, and there's a distinction there.

So, okay. Thank you for answering my questions.

P.O. GREGORY:
Okay. If you don't mind, there is a list, but we do have the people from Hudson River here and they've driven a long way and I would like to try to get them in and out, because we have a long way to go. So if we could suspend debate on this and if we can go to the HRH bill; is everyone okay with that?

LEG. CILMI:
Why not finish this bill?

P.O. GREGORY:
I've got five people on the list, and it's probably going to go --

LEG. ANKER:
It's not going to be quick.
P.O. GREGORY:
Yeah, it's not going to be quick (laughter).

LEG. McCAFFREY:
HRH isn't going to be quick either.

P.O. GREGORY:
All right, all right. Well, I'm just trying to be courteous to our visitors, but if you guys want to finish. All right, Legislator Stern. (Brief pause). Stern, you're next.

LEG. STERN:
Hi. Thank you, Mr. Chairman. Although, for the record, I would have deferred to our friends from HRH.

George, I'm looking here at the changes, at the sections that are impacted by the change. Is there a filing fee?

MR. NOLAN:
Yeah, I believe it's 200 bucks.

LEG. STERN:
That's annual?

MR. NOLAN:
Annual.

LEG. STERN:
My questions here are procedural, and a lot of this really revolves around Mr. Clerk and his staff to make this system work. So I just want to make sure that I have the process down. There's an annual filing that's required and then there is a written monthly docket of statements, of registration containing information that needs to be done on a monthly basis. And then with that information, Mr. Clerk, you or a member of your staff is then charged with putting all of that information on line and that information is to be made public.

MR. LAUBE:
That's correct, it's on our website now.

LEG. STERN:
Okay. And all of that information is already there. And so I took a look recently and there are a few there, it's not that voluminous, so I guess the question is from a procedural perspective, how do you see this system working going forward? Do you see any substantial change in what you or your staff are doing now?

MR. LAUBE:
Unless the number of people registering goes up exponentially, then it could be a problem, but I don't -- and it's impossible knowing how many are out there that would need to register. It's very -- we spend very little time having to keep track of this, it's not onerous on us at all.

LEG. STERN:
There is a system at the State level as well. So is there any -- is there any part of what's being done at the State level that could be imported to make it an efficient system here at the County level? I guess my question is, is what we're doing here duplicative of what's going on at the State level, and is there anything that we could take from that system to make our system, both systems
more efficient?

**MR. LAUBE:**
I'd have to take a much more deeper look at what the State's doing. I have looked at what they do before, they require more than we do now; so to comment whether it's duplicative or not, I can't do that yet.

**LEG. STERN:**
Okay. Your understanding is that the State system might be a little more involved than what is being required here.

**MR. LAUBE:**
Currently, not so much for this bill.

**LEG. STERN:**
Okay. All right, thank you.

**P.O. GREGORY:**
Okay, Legislator Cilmi.

**LEG. CILMI:**
Thanks, Mr. Chair. I guess through the Chair to the sponsor, and this may open a can of worms, I'm not sure, and maybe Counsel can weigh in on this as well. When we're talking about influencing decision making here at the Legislature and getting paid to do so, such as a lobbyist would get paid to do, was any consideration given to our friends in the County's labor unions? I mean, there -- you know, we certainly accept contributions from -- political contributions from our unions and, you know, I'm happy to support our unions when I believe that they deserve that support and they're happy to support me when they believe -- or any of us, for that matter, when they believe that we deserve their support. But it occurs to me that, from time to time, we do have to vote on their contracts and, I mean, there may be some conflict of interest, at least the way it would be -- from the standpoint of the way it's being defined in this law, there may be an equal conflict of interest on that side. Can you comment on that at all?

**LEG. LINDSAY:**
You know, I don't think the law changes too much. We've already -- you know, if you go to the current list of lobbyists now, we have several members of the PBA already registered as lobbyists, and they have -- they were before we even started going down this path, so they registered based off of the findings of the old law. And we did take that into consideration when we were looking at the laws. We didn't want -- we didn't want anyone coming in from the trades, for example, who were just advocating for a project, either publicly or privately to have to get caught up in it, but we addressed it within the law that if they were meeting behind closed doors with members of the Legislature and they're advocating -- and they're being paid to advocate, which is the important aspect, that they should comply with the law.

**LEG. CILMI:**
So members of the trade should comply with the law and are required to comply with the law?

**MR. NOLAN:**
Yeah, sure, they're not exempted.

**LEG. CILMI:**
But the County unions are.
MR. NOLAN:
The County unions -- if the County union's negotiating a contract with the County Executive, that is excluded from the definition of lobbying. But if they're lobbying on issues, other issues that we're involved with, then they have to register. But that's their job, to negotiate a contract with the County Executive or the labor unions that represent the employees. So those contacts are not considered lobbying under this law, but, you know, and I know that the municipal unions, they do lobby the Legislators and the County Executive on many, many issues. So I think for the most part, their representatives should be registered with the County because they do lobby.

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

LEG. LINDSAY:
And again, this isn't a change in the law. The individuals themselves are exempt, they're not allowed to contribute to any political campaigns, but the organization itself can, and that's not changed.

So for, you know, Noel DiGerolamo, who's obviously the head of the PBA, he's not allowed to write a check personally to anybody's political campaign, but the PBA itself could contribute to a political campaign.

LEG. CILMI:
So let's just take one of the -- one of the lobbyists that was here earlier, then, to talk to us about either the microbeads issue or the toxic-free toys -- toxin-free toys issue. Let's take Mr. Rosario as an example. Mr. Rosario is a registered lobbyist, I assume, I hope, here in Suffolk County. If he's not, then --

LEG. LINDSAY:
There's only 11 people on the list.

LEG. CILMI:
I guess he may be running afoul of that, of our law, then. But let's just say for purposes of argument that he is. He personally could not make a political contribution to any of us, or the County Executive for that matter, but his firm could?

MR. NOLAN:
That's correct. That's a separate law, it has nothing to do with this law.

LEG. CILMI:
I understand. I'm just -- I think you have to look at it in a scope of the entire law, though, or changing it. We may as well look at it comprehensively and --

LEG. LINDSAY:
But I don't see that as being any different if this law passes as it was.

LEG. CILMI:
I'm not saying that it would be different, yeah.

MR. NOLAN:
I don't think we're trying to do too much with this bill, you know, what I mean? It was really --

LEG. CILMI:
So just sort of articulate in a nutshell, then, George, what this -- what this amendment to the law
does. You can make it a big nutshell if you'd like.

MR. NOLAN:
It comes down to procurement, that's the law. It's just that's --

LEG. CILMI:
Okay.

MR. NOLAN:
-- the big nut.

LEG. CILMI:
Okay. So when you say, though, that it comes down to procurement, basically, I mean, describe what you mean by that, that it comes down to procurement.

MR. NOLAN:
Because that's the change in the law. Right now, persons who are, you know, lobbying to procure contracts and consultant business, they don't have to register with us. If this is enacted, they'll have to. To me that's what it -- that's all it comes down to.

LEG. CILMI:
Okay. So ABC Company is looking to -- is looking to enter into a contract with the County to operate a concession at one of our parks, for example. Currently, they're not required to register as a lobbyist if they come to that podium and speak to us publicly and on the record, but under the new law, they would be required to?

MR. NOLAN:
Forget about speaking at the podium, because I don't consider that lobbying.

LEG. CILMI:
Okay.

MR. NOLAN:
But if you hire somebody or you designate somebody, you're paying somebody to lobby to get business from the County going forward, the first thing he does --

LEG. CILMI:
That person makes contacts with Legislators.

MR. NOLAN:
Right, or a Department Head, or somebody in the County -- the County Executive's Office as part of trying to get business, they're going to have to register and report their activities, what they're doing.

LEG. CILMI:
And that's the only change that's contemplated in this law?

MR. NOLAN:
There's other changes.

LEG. CILMI:
Other than the fact that I know that we -- and currently, we have our Ethics Commission, I think, keeping the records of registration, and now we're contemplating here having the Clerk's Office do
it; is that correct?

**MR. NOLAN:**
No. It's all with the -- there's one provision in the current law where I think the Clerk has to send copies of some documents to the whole Board, to the Board of Ethics, but the Board of Ethics made it clear to us while we were in the process of doing this law, they did not believe they belonged in the lobbying registration business.

**LEGAL CILMI:**
Right.

**MR. NOLAN:**
And they didn't want to be involved, so we -- they're not involved.
It's all now with the Clerk's Office.

**LEGAL CILMI:**
But they are now and --

**MR. NOLAN:**
Currently --

**LEGAL CILMI:**
And this law would reassign those responsibilities to the Clerk.

**MR. NOLAN:**
We're just sending copies of certain documents to them. I don't think the Board of Ethics is doing anything with those, I think they're just getting them and probably filing them, but we're not going to send those records to them any longer.

**LEGAL CILMI:**
Right.

**MR. NOLAN:**
That's all.

**LEGAL CILMI:**
Okay. So those are two separate and distinct parts of this bill that are -- that are --

**MR. NOLAN:**
I'm oversimplifying.

**LEGAL CILMI:**
-- significant.

**MR. NOLAN:**
There's other changes, but they're more technical in nature. I'm talking about the big substantive change --

**LEGAL CILMI:**
Right.

**MR. NOLAN:**
-- is the procurement.
LEG. CILMI:
Okay. Thank you.

P.O. GREGORY:
Okay. Legislator McCaffrey.

LEG. MC CAFFREY:
Thank you. Legislator Cilmi asked most of my questions, but I did just want to follow up on the labor unions.

I know there's an exemption for collective bargaining. What if in the event -- and I'll give a for instance. We have today, we have Hudson River here to advocate for privatization of one of our current facilities. AME, they're not lobbyists, but they come in and they want to meet with me to say maybe a different viewpoint where they may not want to privatize that, it may not be in their best interest. At that point, would they be considered lobbyists?

MR. NOLAN:
AME, if they came and were advocating against privatization, yeah, I would say yes.

LEG. MC CAFFREY:
So anybody -- so if I were to meet with somebody in my District Office from AME or outside of this podium and to speak about, you know, -- or they want to speak to me about what they feel are not the benefits to the County about it, then they would have to be registered lobbyists?

MR. NOLAN:
Yeah. And I think that's the current law, yeah.

LEG. MC CAFFREY:
Yeah, each one of the individuals there would have to do that. And I know currently that the PBAs got -- a couple of their officers are. Anyone that spoke to me from the PBA about anything that could be related to -- could be --

MR. NOLAN:
If the PBA designates a couple of people, two or three people to come in and lobby on an issue, then they should be registered, yes.

LEG. MC CAFFREY:
What's the -- here's the cloudy part, George, is the designation. You know, I agree, this is all good, but --

MR. NOLAN:
I agree, but that's the current language, Legislator McCaffrey, and that's -- I agree, that's sometimes a little --

LEG. MC CAFFREY:
Fuzzy.

MR. NOLAN:
A little fuzzy.

LEG. MC CAFFREY:
Yeah, okay.
MR. NOLAN:
But I'd also say to you, I don't think it's anybody's intention to hammer lobbyists or people who lobby. I think we could do a better job of educating people. A lot of people don't know that Suffolk County has a lobbyist statute, they just don't even know that. I've talked to people who clearly are lobbyists and they have no idea that they're supposed to be registered with us. So I think it's an education outreach. It's not looking to be punitive, I don't think that's anybody's intention. It's just to achieve the transparency, to get the people who's supposed to register, get them to register and to do their reports, that's all.

LEG. MC CAFFREY:
Right. And I just don't want to catch somebody -- somebody up in this. And another example might be like Adrienne Esposito was up here before for the Citizens -- for the environment, and now she clearly advocates quite often, and she gets paid as the Executive Director. Would she have to be a registered lobbyist?

MR. NOLAN:
If she -- if what she's doing meets the definition, then yes. We don't -- we're not exempting nonprofit environmental organizations from the law.

LEG. MC CAFFREY:
Well, using -- I hate to pick on Adrienne, but she could defend herself, but would she fall under this current law as is proposed now, would she fall under that requirement?

MR. NOLAN:
I don't want to address a specific individual to say whether or not they're in compliance with our law. You know, if she -- if somebody from an environmental organization is meeting with Legislators or meeting with the County Executive and advocating a position for passage or defeat of a bill, then, yeah, they're lobbyists.

LEG. CILMI:
Privately.

LEG. MC CAFFREY:
Privately. And last question, say a principal of a company comes to me, he's not a lobbyist, he owns the company, and I think Legislator Cilmi gave an example before about a concessionaire at one of our parks, and he doesn't have a lobbyist, he just says, "Hey, I want to talk to you about the benefit of me taking over your concession stand, or me providing services at this facility." Would he then be a lobbyist because he's lobbying on his own behalf?

MR. NOLAN:
I don't think a principal would fall under it, no.

LEG. MC CAFFREY:
Not a principal? It's got to be somebody that's hired to advocate --

MR. NOLAN:
A lobbyist has to have a client, in my mind.

LEG. MC CAFFREY:
Okay. Very good. All right. Thank you.

P.O. GREGORY:
Okay.
LEG. LINDSAY:
Mr. Presiding Officer, if I could just add something to that, too, to Legislator McCaffrey's point. I think we're all looking at this as if it only affects the Legislature, but I think it's important to note that if we pass something here and it goes to the County Executive, before he has the opportunity to sign it or veto it, we should, as Legislators, know what lobbyists he's meeting with to try to influence either the veto or the passage of that legislation. So I think it's all encompassing throughout the County. So just keep that in mind as we're going through the debate.

P.O. GREGORY:
Legislator Calarco.

LEG. CALARCO:
Okay. I think part of my question was asked and answered, but I'm just going to go through it again. George, so a small business owner, and I'll give you an example where -- I think it would take both parts of my question. I think like the ferries, we license and regulate the ferry companies. The ferry companies certainly come to us, especially those who represent the ferry companies, to talk about their needs, their rate increases when they're looking for them, reestablishing their licenses. If the principles of those ferry companies are coming to us, is that lobbying?

MR. NOLAN:
I don't think it encompasses the principal, no. I think the principal would have to -- if the principal hired somebody and said, "Go get me a rate increase," and then he engaged in lobbying activities and was paid for it, then he's a lobbyist.

LEG. CALARCO:
But if it's the ferry company owner, or the small business, like the pawn shop folks who were here a while back when we were doing legislation on them, all of these different small business, as long as they are acting on their own behalf only, and not as the representative of the business?

MR. NOLAN:
I think in unity, I really believe it presupposes -- a lobbyist presupposes there being a client who hires somebody.

LEG. CALARCO:
Does the law that's being proposed say that it's got to be a client, that they're working on behalf of a client? I mean, you keep saying this, referring back to this client issue. Does it say that specifically in the law?

MR. NOLAN:
It does.

LEG. CALARCO:
Okay.

LEG. LINDSAY:
It does, and they have to be compensated for it, too. You now, the purpose of the law, or at least my intention of it was when I'm meeting with the owner of a ferry company, I know what his position is going to be and what he's advocating for. If I have someone, an attorney or government affairs person that I'm meeting with who wants to talking about the ferry increase, I don't know who's representing. Is he representing the public? Is he representing the ferry owners? Is he representing himself? So that's the cloudiness that I'm trying to remove.
LEG. CALARCO:
Okay. I think I -- I think I understand that. Now I guess conversely, if he had a group of -- an organization, like I have a Chamber of Commerce that has a paid Executive Director. I know most chambers aren't big enough for -- to have that. Would that Executive Director be considered a lobbyist if he's coming to me to talk about things that are important to that chamber?

MR. NOLAN:
If he's paid, if he is paid by them to lobby, if part of his salary is -- you could ascribe it to his lobbying responsibilities, and he comes here and he tries to influence us, yes.

LEG. CALARCO:
He'll be working on behalf of the chamber, yeah. Okay.

MR. NOLAN:
You know, the definitional problems that everybody -- a lot of this stuff is that -- is the law. The stuff you're asking me about, about the principal and the client, that's the law. The changes to the existing law are, you know, really limited to what I've tried to emphasize, which is the procurement. So, you know, if people have problems with the definitions and so forth of the law, you know, we can talk, but that's not what this law is dealing with.

LEG. LINDSAY:
But going back to the question, if the chamber, and the threshold is $50,000, if someone is the head of a Chamber of Commerce and they're paid beyond the threshold, is behind closed doors and is advocating on one issue or another for one law or another, then they are lobbying by all definitions, and that's universal throughout the State and the City where their laws.

P.O. GREGORY:
Okay. Legislator Browning.

LEG. BROWNING:
You know, what, I don't know if I have a question anymore.

(*Laughter*)

P.O. GREGORY:
All right.

LEG. BROWNING:
I'm trying to figure it out, because I know, and I hate to point fingers at Adrienne, you know, being the Director of the organization she belongs to, she's here in behalf of the organization. I always kind of look at a lobbyist as someone who's hired. Now, if she hired someone to come and speak on behalf of her organization, I would consider -- that's a lobbyist. When it comes to the unions, I just kind of feel like we're getting to the point where everybody should just register just to cover themselves, you know, what I'm saying? And it's like where is the stopping point, that, you know, again, with our public employees, with those unions?

MR. NOLAN:
But this law that -- you know, I would just say that the question of whether or not Adrienne Esposito has to register or not is not impacted by this law, that's covered by what's on the books already.

LEG. BROWNING:
Okay. And I hate to mention another one, let's say Vision Long Island, Sustainable Long Island, those organizations, if they come to speak in support of this specific issue, are they lobbyists?
MR. NOLAN:
Kate, I missed the beginning of the question.

LEG. BROWNING:
Vision Long Island, Sustainable Long Island, those organizations, if they come to speak on a specific issue that the County's working on, you know, the bus transportation issue, you know, would -- are they lobbyists?

LEG. LINDSAY:
It's not lobbying, though, Kate, if they're doing it publicly. If they're meeting with you behind closed doors, it could be lobbying. But if they're coming here, and everything they're saying is in a public forum and on the record, there is your transparency.

LEG. BROWNING:
Okay. I don't -- I don't know if I'm getting the whole thing.

LEG. LINDSAY:
And just if you look at the recent current events and what's gone on in Nassau County, it's a perfect example of why you needed something like this in place, so you remove that ambiguity that's in place now that --

LEG. BROWNING:
No, I don't disagree with the whole registering as a lobbyist. Yeah, I mean, look what's going on. They should be doing it, and it's a shame how things have gone. But, again, I'm trying to figure out where's the cutoff point and who should and who shouldn't be. And, you know, again, our public employees, we have -- we have people here from AME today who are going to speak on a specific issue, and they're speaking on behalf of their members. Are they lobbyists or are they union reps for their members?

LEG. LINDSAY:
But the key is they're here speaking, so they're not lobbyists.

LEG. BROWNING:
But if they came to speak to me with their concerns about that issue, that means they're lobbying, right?

LEG. LINDSAY:
If they're being paid to do so. If they're just one of your constituents who happens to a member of AME, they're not compensated by the union to lobby, they're paid by the County to do whatever job that it is that they do. They're just a union member, they're just advocating, they're not a lobbyist, they're not being paid, that's --

LEG. BROWNING:
But they're advocating for their union members who may be in my district.

LEG. LINDSAY:
That's right, but that's fine. But they're -- if they're being paid to do that, that's the trigger. If they're not being paid, then they're not a lobbyist.

MR. NOLAN:
Kate, all they got to do is register.
LEG. LINDSAY:
If you look at the form, it's very brief and very easy to complete. It's three questions, so it's not --

LEG. BROWNING:
So how many of the unions do we currently have registered as lobbyists?

LEG. LINDSAY:
Right now, looking at the list, and I'm assuming it's up to date, and I'll defer to the Clerk to confirm that, but I only see -- I only see one, I only see the PBA.

LEG. BROWNING:
And we have what, six, seven unions?

LEG. CALARCO:
Eleven.

LEG. BROWNING:
Eleven. Sorry, yes. Yeah, so we currently have 10 of our unions that are not in compliance. That's -- are they even aware?

LEG. LINDSAY:
The law has been on the books since 1993, so I -- or '96, George?

LEG. BROWNING:
Okay.

MR. NOLAN:
Yeah. I mean, it's been on the books for a long time. We've to have to do -- I said, Kate, we've got to do a better job reaching out and educating people --

LEG. BROWNING:
Yeah.

MR. NOLAN:
-- about their obligations under the law, the existing law, not this law, but the existing law.

LEG. BROWNING:
Because I would have not looked at the public employee unions as being lobbyists. I would never have considered them to be lobbyists, but okay. Thanks.

P.O. GREGORY:
Okay. Legislator Trotta.

LEG. TROTTA:
I just want to get this straight. We have 11 unions, and only one is a registered lobbyist, and under the current law they all should be?

MR. NOLAN:
I'm not going to speak to any particular entity or person, whether or not they should be registered. We have one union that's registered right now, that has people registered.

LEG. TROTTA:
Is it your opinion as the Counsel that the other 10 should be registered?
MR. NOLAN:
I think it's -- you know, and I know that the unions weigh in occasionally on matters affecting their membership, so they probably should take a look at the statute.

LEG. CALARCO:
But you're not asking any one union to register, it's whoever the union has as their person to come and speak to us that needs to register.

LEG. TROTTA:
Yeah. So we're instituting another law and we're not even enforcing the current one.

LEG. LINDSAY:
No. We're trying to enforce the current law. That's what the purpose of this is, is to bring it to the light of day and to add some teeth to it and make it so that we do it, and I'll give it an example just from looking at the list. There was four people, now there's 11. So just from us going through the debate and the small amount of media attention we got on this, seven more people have registered that realized that they should have been registered before.

LEG. TROTTA:
Does the President of the College have to register?

MR. NOLAN:
We exempt the -- from public entities like that, they do not have to register, no.

LEG. TROTTA:
Is the exemption in the current law or the old law?

MR. NOLAN:
That's the current law.

LEG. TROTTA:
Not the changes that we have?

MR. NOLAN:
Right.

LEG. TROTTA:
How many people do you anticipate this is going to affect?

LEG. LINDSAY:
Like I said, there's 6100 registered lobbyists in the State of New York. How many of them are actively lobbying in Suffolk County? I have no idea, and that's the purpose of the law, because I'd like to know. So when I'm meeting with them, I'd like to know who's paying them to advocate for whatever issue they're advocating for.

LEG. TROTTA:
In the case recently, I had like the antique shop owners here, and some of them couldn't come, they sent their employees. Are they lobbyists?

MR. NOLAN:
They're not -- are they being paid to lobby? If they're coming here publicly, they're not lobbyists.

LEG. TROTTA:
No. To my office, let's say.
LEG. LINDSAY:
Okay. Are they being paid to do that? Is that the description?

LEG. TROTTA:
They're being paid to work for the company, and they're paid to come to my office to discuss it with me. Is that a lobbyist?

LEG. LINDSAY:
Yeah. If they're being paid to meet with you, then, yeah, they're a lobbyist.

LEG. TROTTA:
So, you know, there's got to be a better way to do this. It's got to be more clear.

LEG. LINDSAY:
Tell me what's a better way.

LEG. TROTTA:
I don't know. I didn't start to do the law.

LEG. LINDSAY:
Well --

LEG. TROTTA:
I mean, the better way would have been to enforce the current law.

MR. NOLAN:
It's the same law. The law is not changing for the most part. You're just -- I think a lot of people don't know about the law. A lot of people don't know we have a lobby statute. A lot of people don't understand it.

LEG. TROTTA:
What is the ultimate goal of this? I'm missing the whole point here.

LEG. LINDSAY:
The ultimate goal is that when we are working on passing legislation and there are people who are paid to lobby, are meeting with elected officials behind closed doors, that we should know about it as Legislators. We should know who's being paid and who's meeting with whom behind closed doors. It's to make things more transparent, not only for us as Legislators, but for the taxpayers as well. They should know who's being -- who's meeting with their elected officials and being compensated to try to influence their vote.

LEG. TROTTA:
Do we have to keep track of who we meet with and --

LEG. LINDSAY:
It's not -- the registration is not on us, it's on the -- lobbyists have to report who they're meeting with and what the issues were that they were advocating on behalf of.

LEG. TROTTA:
So is that -- is that currently from the ones that we have now, they currently had to do that?

MR. NOLAN:
Yes, yes. If you go onto the Clerk's site, you'll see the lobbying forms. It's four questions.
LEG. TROTTA:
No. But has anybody else reported to the Clerk, though, "I met with Legislator Lindsay on December 13th"?

LEG. LINDSAY:
You'd have to ask the Clerk to look at the reports on that.

LEG. TROTTA:
Clerk, do we have any --

MR. LAUBE:
Sure. Hold on.

LEG. TROTTA:
Has anybody ever done that in the history of the Legislature?

MR. LAUBE:
We keep -- you have to report quarterly and about monies spent, so I could review that real quickly. But there are from time to time reports on there, but not -- from my knowledge of looking over them over the last couple of years, I don't recall anything of someone saying, "Oh, I met with Legislator X on this day and we discussed this."

LEG. TROTTA:
So we have no, so we're going to -- here's another thing that we have. So we have 10 of the 11 unions not reporting, and even the four that do report have never once said to you that we had a meeting with someone?

LEG. CILMI:
They don't have to do that.

MR. NOLAN:
That's according to the law, we do. That's what he just said.

LEG. CILMI:
No. May I, Mr. Chairman? Correct me if I'm wrong, George. Don't get confused. When Legislator Lindsay and when George Nolan talks about they have to report, there are prescribed time frames during which they have to report their general activities. So they don't have to call, you know, Tim up every time they have a private meeting with Legislator Trotta and say, "I was just there, we talked about this, this and the other thing."

LEG. TROTTA:
No, he said quarterly.

LEG. CILMI:
Quarterly, but it's -- the quarterly report basically is just to say, you know, "Yeah, we're registered in Suffolk County, these are the issues that we were lobbying in Suffolk County on."

LEG. TROTTA:
So Legislator Lindsay just said that the public should know when they meet with someone. So how are they going to know?
LEG. LINDSAY:
After -- after they do their quarterly report. Here's the questions that are on the form: The lobbyist's name, address and telephone number; the client's name, address and telephone number; the subject matter, which is, "Please provide a description of the general subject or subjects on which the lobbyist has lobbied on behalf of client"; identification of those lobbied; compensation paid or owed to the lobbyist, their expenses, name of persons for whom expenses were greater than $50. That's it. Then they have to sign and attest to its accuracy.

LEG. TROTTA:
So quarterly, but it doesn't say who they met with?

LEG. LINDSAY:
Yes. Yeah, that was one of the questions.

LEG. TROTTA:
And the time and the date?

LEG. LINDSAY:
The date. Doesn't specify the exact time, but it's the date that they met with them, and a brief description what they -- "Please list below the name of persons, organizations or Legislative body before whom or which the lobbyist has lobbied on behalf of client."

LEG. TROTTA:
So, is this an existing thing, or is this something you're adding.

MR. NOLAN:
That's existing.

LEG. LINDSAY:
This is existing.

LEG. TROTTA:
So -- and you just said we haven't had any, you haven't gotten any of those.

MR. LAUBE:
I'd have to review the last almost ten years’ worth since I've been here.

LEG. TROTTA:
Oh, in the past three years, have we got any?

MR. LAUBE:
I don't recall any, no.

LEG. TROTTA:
None, zero?

MR. LAUBE:
I'd have to check. I don't list those online. I'd have to look who it was and -- there have been reports of different things, but I don't recall actual Legislators being named.

LEG. LINDSAY:
At the same time, you got to remember, there's only four people that were registered prior to us even taking up this issue.
LEG. TROTTA:
Is there a problem? I mean, is there some issue that is pending, that is like some reason we're doing this?

LEG. LINDSAY:
If you open the -- if you look at the newspaper and look at what's going on in Nassau County, I would say yeah, there is a problem. I mean, that's an obvious flaw that was in there, that they had no registration form, and you have lobbyists running around.

LEG. TROTTA:
I really don't think any problem in Nassau would have been solved by filling out a form.

LEG. LINDSAY:
Then I beg to differ. Why are they rushing to try and pass the same legislation right now?

LEG. TROTTA:
Show business, the same reason we're probably trying to do it.

LEG. LINDSAY:
No, that's not -- well, I'm the author of the law. So you want to try to pretend to know why I'm trying to pass this, that's incorrect. I am trying to pass this so that we have transparency, and I know when I'm meeting with someone if they're being paid to do so or not.

LEG. TROTTA:
We have the law and it hasn't been enforced.

LEG. LINDSAY:
And we're -- this is -- so either we ignore the law and not pay any concern to it or we try to get it enforced, and that's what I'm trying to do.

LEG. TROTTA:
We should just enforce the existing law, and we're making another law. We didn't enforce the one that we had to begin with.

LEG. LINDSAY:
And we're not -- we're making changes to the law. We're not making another law, we're just making some changes to the law.

LEG. TROTTA:
The existing law clearly wasn't enforced, so now we're going to do another law with some changes to it.

LEG. LINDSAY:
It's not another law, it's a change to the existing law.

LEG. TROTTA:
In hopes that it's going to get -- whatever.

LEG. LINDSAY:
The option is to do nothing and have nothing done at the same time.

P.O. GREGORY:
Okay. Legislator Barraga.
LEG. BARRAGA:
Certainly, I understand, you know, this particular piece of legislation with reference to procurement, but not too many years ago, three or four years ago, in the midst of another troubling time in Albany, the solution was to really crack down on those 6100 lobbyists, because there was a lot of interrelationship between lobbyists and members that once it hit the press, there was a problem. So those lobbyists today, like 6100, they have to adhere to very, very stringent restrictions. The whole world has changed up there with reference to what lobbyists can do with members and their interaction and it's all a matter of public record. And if I recall correctly, they're doing reports either on a quarterly basis, the lobbyists, or on a monthly basis in terms of their activities.

But even more important, I look at it from the standpoint of an elected official, and I'll use the microbead example. When someone comes in to see me on an issue, it's the issue that we're talking about. Whether or not that person is a lobbyist or not is irrelevant. I'm trying to make a decision on an issue. It soon becomes apparent when somebody is representing the industry, because if they're usually very reputable, they'll tell you. Even if they don't tell, you can tell by the knowledge base they're representing some corporation or company. But I don't have to know if he's a lobbyist or not a lobbyist. What I have to know from his knowledge base is whether or not he's making a case so I can make the determination on this specific bill.

Once this passes, the obligation lies with the potential lobbyist to register, not with me, not with me. When these people come in, we sit and we talk about the issue. That's the way you have to look at it, one issue at a time. You know, it becomes apparent who they're representing, but that shouldn't have any influence in terms of who they represent, it's how you're going to vote on the issue as they explain their position and the opposition, the opposing view explains theirs. I think we're just jumping headlong into this.

I am not going to take the time to get some sort of a registration or list to see if Joe Smith is a lobbyist. Bring him in. Let him sit down, let him explain the situation. Sooner or later, I will get the message that he's representing someone. Of even if he doesn't mention it, I'll at least sit there and be a -- and get a little more knowledge in terms of the issue, because he'll be well versed. But in the end, I'm the elected official, I make the choice, I make the decision.

So, if you want to pass this, go ahead and pass it, but it's not going to have really any affect on me one way or the other. And a crook is a crook is a crook, all right? So let's not get into what's happening in different parts of the state. Most of these people, the lobbyists are extremely reputable people, they're very knowledgeable people, they serve a purpose, and, you know, they do their jobs. But it's up to the Legislator, whether it's Albany, or here, or Federal, to sit and say, "Look, I've got an issue in front of me. I'm not that knowledgeable on the issue." I'm going to depend upon all sources to make the decision and they're part of that decision.

P.O. GREGORY:
You know, there were -- a few years back, I was -- I was on a committee that oversaw implementation of -- I was put on an Advisory Committee to oversee procurement lobbying, and it addressed this very same issue, but in New York State all through the -- you know, the benefit corporations through New York State, agencies and departments, and we had a much more rigorous process where you had to -- if someone called you and, you know, during a procurement process, you had a window, you had a -- when an RFP went out and when the RFP was to open, there was a no-contact period. You had certain people, designated contacts that you had to contact. And if I received a call and I wasn't a designated contact, I had to log, date, the nature of the conversation, the person I spoke to. And if I felt it was inappropriate, had to forward it to a person, because int the law, in the State Finance Law, it requires like an IG person, someone, an internal investigator, and if they determined that this person was trying to influence the outcome of the procurement, they could be barred from New York State contracts for up to four years. If they got two bars, they
were barred permanently. This is not that, but the intent is transparency.

It's -- and it's not necessarily, I think, to the benefit for the Legislators, because you can kind of feel who's a lobbyist, who's not after a while, it's the administrators. It's the people in DPW, when they get that call and they have a relationship with someone for so many years, and there's -- you know, there's a trust there. You know, they're giving you information. It's nice to know where that information is coming from and who -- and at whose behest they're providing it to keep them from, you know, getting into any legal quandaries.

So, I mean, this is all about transparency. We see what's going on throughout the State. You know, I can't see how we're advocating against transparency. It's not going to change my actions and how I deal with people. I won't imagine it would change anyone else's actions. But, as Bill mentioned, certainly I think he would like to know who he is, you know, communicating with, and this provides or just enhances the ability to do that. I certainly do think, and one of the problems that we had when we did the State Law, we had to provide an extensive education campaign, which we held workshops all throughout the State to implement it, because people just didn't know. It was a new requirement. The JCOP, or whatever, whatever it was named at that time, they were going through turmoil.

So there has to be -- we have to inform people. We can't be -- you know, can't create a -- a gotcha situation where people don't know what their requirements are and we're going to, you know, come down with some heavy fines. We have to let them know what the requirements are, educate them. I think, you know, talking to George and Tim, practically going out and reaching out to people that we think should be registered to let them know this is the law, so that they can comply with the law, that's certainly helpful. So to me it's all about transparency and letting those know who would like know who they're dealing with.

So, all right. Legislator Hahn.

**LEG. HAHN:**
This is incredibly complex, and I'm a little -- I am a little confused by the discussion. So I can't tell if we're talking about our lobbying law that's on the books, or if we're talking about the changes that this is making to it. So there's been all this talk about who's a lobbyist, what's a lobbyist, what's a lobbying activity, what's not a lobbying activity. And so now I'm confused as to if we're just asking about what's existing or what's not.

And so, you know, again, I -- when the example came up about the Chamber of Commerce person coming in, or, for example, the bagel store owner, you know, who's having an issue with a permit, or -- and they send -- you know, they send the guy who works in the bagel store down to talk to us about the process, the permitting process and why it's such a pain in the freakin' neck, and it's hard for small businesses, and, you know, they work for that employer, and they're coming in to explain to us the problems they're seeing, and, you know, with the intent of trying to change the process for the betterment of small businesses. And, you know, does that guy who works in the kitchen have to register as a lobbyist?

**LEG. CILMI:**
Not with this bill.

**MR. NOLAN:**
I mean, a normal constituent person coming to your office, asking a question about the process is not going to come under this, because it talks about -- the law itself talks about it would be having to influence what you do in terms of legislation, what you do in terms of legislation. That -- for a Legislator, that's what you have to be concerned about. That's when the lobbying kicks in. A guy
coming in saying they're having trouble with the Health Department, "Can you help me," you know, that, they're not going to have to register as a lobbyist.

LEG. LINDSAY:
And Legislator Hahn --

LEG. HAHN:
But to that, you know, Tom -- I'm sorry, Legislator Barraga had a carpet, or a furniture -- what was it, carpet or furniture sales that we once dealt with? And there was a guy up in Port Jefferson who, you know, contacted me about that law, and someone from his, you know, company came in to talk about how that would -- you know, so, once again, it's like, you know, did he go out and hire a lobbyist the way you think about a lobbyist? No. Did someone from his carpet business or furniture -- I can't remember. What was that law that you and I talked about, Legislator Barraga? You know, like --

LEG. BARRAGA:
That's when someone put a deposit down and the company went bankrupt and they couldn't get their money back.

LEG. HAHN:
Yeah. Right, right. So -- you know, so, in that sense, like in my mind, that guy wouldn't have been a lobbyist, like, but you're saying -- but he's paid for by the company, paid to come in and talk about a specific bill. You know, he wasn't paid just to do that, he had all his other jobs, and then they just said, "Take ten minutes out of your day to go down and tell Kara how this would affect us."

MR. NOLAN:
Legislator Hahn, you had asked at the beginning, you know, about what's the current bill, what's everything. Eighty percent of what we talked about today has nothing to do with the bill we talked about.

LEG. HAHN:
I know, but now I'm just so confused. I just know --

MR. NOLAN:
So I think what -- if people --

LEG. HAHN:
I'm sorry.

MR. NOLAN:
You know, people have a lot of questions about it. I think they should take a look at our lobby statute, and if they think other things need to be made, there are parts that they don't like, I understand that, and we could -- you know, I'll be glad to prepare legislation, you may want to change something. But, really, you know, --

LEG. HAHN:
Because I kind of agree with --

MR. NOLAN:
We're going way far afield of what the bill --

LEG. HAHN:
You know, I agree with what Legislator Browning was saying about if it's -- you know, if you're a member of the organization, and the organization, you know, is clearly for and against it, you know,
it's like so different from hiring a lobbyist, like, and so I think that is something that needs to be clarified.

LEG. LINDSAY:
But that's not -- that's not what we're changing here, Legislator Hahn. There's four things that basically this law changes. It just centralizes the responsibility for administrating law to the Office of the County -- the Clerk of the County Legislature. It exempts officers and employees of other local governments, while discharging their duties, for the law's requirement. And it states that the reports filed by the lobbyists are not confidential, that they're all public information. And it empowers the Clerk -- this is probably the biggest element of the enforcement side of it -- it empowers the Clerk of the Legislature to penalize lobbyists who fail to register or file their reports. In a nutshell, that's the difference between what we currently have in place and what this law does. All the other things that you're talking about --

LEG. HAHN:
But to that point, if we all are sort of in complete -- I can't even come up with the right word. Like we're so confused by what a lobbyist is, but now we're empowering our Clerk, Legislative Clerk, to go after people who are lobbyists for not registering as lobbyists. And you're telling me that the bagel store clerk could be required to register as a lobbyist, and the Chamber of Commerce President is required to register as a lobbyist, and the -- you know, environmental advocacy organization, every single one of them is required to register as a lobbyist, along with every public safety, and every cultural affairs and arts group person, and any -- you know, and every small business owner that thinks that the bill that we might pass could affect them, it starts -- it just -- you know, it sort of worries me that we -- you know, we could be trying to get fees here or something. Like are we empowering him to go after -- like what does it mean to go after people if they don't file a --

MR. NOLAN:
Legislator Hahn, the -- right now, it's a Class A misdemeanor, that's not changing. Under the current law, the Board of Ethics have the authority to issue the civil penalties. Board of Ethics said, "We do not belong in this area." Somebody has to be authorized to do a civil penalty, and the Clerk is administrating the law, so he's given the authority. But I think, you know, and I know that the Clerk is not looking to be punitive. I think he's going to work with people. We're going to try to educate people. These are the requirements of the law, and you've got to figure out should I be registering. The law is not changing all that much.

LEG. HAHN:
Okay. I think that what we've seen in Albany, you know, is very concerning, and I think that we need to get this right. Yeah. I just don't know that this solves that problems, but it probably solves a problem that you found and feel is important, so.

LEG. LINDSAY:
It solves the problem that no one's empowered at this time to administer the law, to enforce it. So even if you are a lobbyist and you in good faith want to lobby and are compensated to do so, there's no enforcement, there's no body that's enforcing it.

LEG. HAHN:
But I would argue that maybe we need a comprehensive look at what the current law is, and is it -- are things defined properly before we empower someone? You know, I mean, I'm not -- I'm not saying it shouldn't be, it should enforced, but it's just -- I think we're all sort of confused here, or it sounded like it anyway, by our questions and how off topic we went.
LEG. LINDSAY:
I think we're making it much more complicated than it actually is, and it's a five-question form for somebody to fill out. If they're compensated to influence lawmakers behind closed doors or to influence decision-makers within the County, then they have to file a form.

P.O. GREGORY:
Okay. Legislator Stern, then Legislator D'Amaro.

LEG. STERN:
Asked and answered.

P.O. GREGORY:
Legislator D'Amaro.

LEG. D'AMARO:
I want to answer Legislator Hahn and then Legislator Barraga, and I'm going to try to clarify. You can be a lobbyist, the head of the Chamber of Commerce, the person that came to talk to Legislator Barraga about his bill, you can be a lobbyist. Doesn't matter how many people are lobbyists, what matters is whether or not you're required to register as a lobbyist. And the law makes it very clear that if you -- if you do not receive in excess of $1,000 a year for the purpose of lobbying, you don't have to register. So all of those people you talked about, they're lobbying, they're influencing, they're talking to you about legislation, or they're talking to an agency head, you know, "I'm concerned," a civic leader, "about my community and this bill would really help us out." But any compensation that they're receiving, let's say you said the guy that works in the kitchen at a store, or small business owner, they're not being paid to lobby.

LEG. HAHN:
That was my --

LEG. D'AMARO:
So the law makes it very clear. Everyone can be a lobbyist. By definition, anyone who goes up to that podium is a lobbyist. Anyone who calls you on the phone or sends you an email is a lobbyist. The question is do I have to register? And if you look at the law, it says unless you're receiving at least $1,000 a year or more to lobby, you do not have to register. So that's the first example I want to give.

The second, Legislator Barraga, I agree with everything you say. It's not going to make a difference to me when I'm making decisions on legislation or policy, and I want to talk to everyone I can possibly talk to. I don't care if you're paid, not paid. I want to hear what the industry has to say, nothing wrong with that, and I think they do a great job in informing us. The question is, though, you should be able to talk to whomever you want, but your boss, the voters, want to know who you're talking it to. That's what this law does. This law says talk to anybody you want, but when the constituent is out there and says, "Oh, you know, that guy, those public officials, they're influenced by lobbyists every day," I don't even know who they are, how do you fight against that, they have a right to know, and I think that's the purpose of the law, I think that's what it's about.

P.O. GREGORY:
Okay. That's all I have.

LEG. KRUPSKI:
That's it?
P.O. GREGORY:
All right. Do we have a motion.

MR. RICHBERG:
Yes, we have a motion and a second to approve.

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

MR. RICHBERG:
Seventeen. (Not Present: D.P.O. Schneiderman)

P.O. GREGORY:
All right. I'm going to make a motion to take I.R. 1273, Requesting legislative approval of a contract with Hudson River Healthcare, Inc. (HRHCare) for the operation of the Brentwood Family Health Center (Sponsor: County Executive), out of order; seconded by Legislator Martinez.

LEG. D'AMARO:
Mr. Presiding Officer, please note my recusal on the record, as per my statement filed with your office. Thank you.

P.O. GREGORY:

MR. RICHBERG:
Seventeen. (Not Present: D.P.O. Schneiderman)

P.O. GREGORY:
I.R. 1273, on the motion? Motion by Legislator Martinez. I'll second for purposes of discussion. Motion is before us. Does anybody have any questions? Questions, statements? I do have representatives from HRH here that have driven a long way to be with us to be available. Legislator Spencer has raised his hand. Legislator Trotta wants to move things along. Legislator Spencer.

LEG. SPENCER:
Very briefly. As Chair of the Health Committee, we did have a special presentation and an opportunity to thoroughly vet this proposal. And I feel that we asked very detailed questions just with regards to how the mergers have been going, and looking at the track record of some of the previous mergers, and addressing, I guess at this point, some of the issues that may have arisen from some of the previous partnerships that we've entered into. And I think that there was a very vigorous question and answer session, and centered around concerns with regards to how we can keep our constituents at the forefront, and making sure that they are getting the best quality of care, protecting our County employees who have made a career working at our health centers, and making sure that there's a grievance process that the County can have an opportunity to weigh in to be able to address those concerns on specific issues relating to certain services, such as like HIV, and people who are paying for, I guess, services and what those fees should be, and I really think we had a very vigorous discussion. And I just wanted to represent this all-important issue that has an impact on how the County's going to be moving in the future as Chair of that committee. And I think the committee voted and it was pretty -- it was an overwhelming result, that we feel that this is a good proposal, and I think that we should support this.
P.O. GREGORY:
And as Chair of the Health Committee, Doc, you've kind of overseen, you know, -- what are up, at number seven now, I guess, with the health centers?

LEG. SPENCER:
Certainly. And speaking as a physician, and understanding that any time you're dealing with health care, health care is such a personal issue, it's relating to life and death matters, and it's very -- it's an issue that really gets right to the heart of our families. And I really think that Hudson River has demonstrated a real compassion, passion for health care, but compassion for the communities that it cares for. And when I look at Reverend Phillips and her mission, I think that her leadership as one of the founding people I think continues, even though Hudson River is becoming a very large and complex operation. I think that -- I think that as they are moving into communities with this federally qualified model, that it is a patient-first model. And I think that that's really my primary interest, is to make sure that we're not looking at something that's just become kind of a way to save money. You know, it could be easily, you know, we're going to save $2 million. To me, that's important, but it's secondary to -- I would not vote to save a dime if I felt it meant that we are sacrificing any quality at all relating to our patients. In fact, I feel that their being in the business and having the resources and the infrastructure, I am of the conclusion that quality is actually enhanced in what we're doing.

So I don't think we're going to make everyone happy. I think there are going to be isolated incidences of problems that we have to address, but I feel that there's a mechanism in place, that those concerns are appropriately vetted and not ignored. And I have confidence that we are doing something that is appropriate by continuing with these mergers.

P.O. GREGORY:
Okay. In a way, you're starting to sound like a lobbyist. Are you registered? No.

(*Laughter*)

No. So, you know, I really respect your position as the Chair, and as a physician, of the Health Committee. And, you know, my experience with my two health centers, you know, there was a little bit growing pains at first. You know, people are used a certain system, and there was some change and -- but I haven't -- I haven't heard any complaints. And, you know, obviously, when you have thousands of patient visits, there are going to be people that complain, but, you know, it's not systematic, it's not, you know, a lot of people that are complaining. I certainly got more complaints or concern, expressed interest of concern when the rumors that we were going to shut down the Tri-Community Health Center. You know, you hear the negative, but you don't hear the positives. I'm not hearing any negatives, so I'm assuming it's good. And I do have people that I do communicate with in those centers and things are -- things are well. And they're -- you know, they're doing some renovations and stuff, and I hope the same. I'm sure they -- I think they have a track record now. I'm assuming it will be the same with the Brentwood facility, and I guess the Riverhead facility will be next.

LEG. SPENCER:
You make a very valid point, Mr. Presiding Officer, because I'm a convert. I have to say that I was extremely skeptical of the plan to convert these centers. I was waiting for the other shoe to fall. I was waiting for things to fall apart at the seams, but the model seems to be sound. And I have no obligation or allegiance to them whatsoever. I'm speaking truly as a health care professional and a physician that has an office with 50,000 patients. So I think that, you know, it seems to be working.

P.O. GREGORY:
All right. I do have a list to start. Legislator Browning.
LEG. BROWNING:
I do have a question. I mean, I asked about security, the fact that you don't have full-time security at the Shirley Health Center. What have you done to address that since my last -- since last week, not too many days ago.

However, there was another question. Something was brought to my attention that 1199 has approached the members, and I know that we had spoken about card check recognition and that it's in your contract. So I'm just -- I'm hearing that there's been conversations with 1199 organizing the health centers, and do you guys know anything about that?

MR. SINKOFF:
No.

LEG. BROWNING:
So, I guess for the record, they said no. And security, is there any -- the concerns of employees with the -- not having security there on a regular basis, like that happened in the past?

MS. NOLON:
We'll bring the team up here. We have Allison Dubois, our Chief Operating Officer, Jim Sinkoff, Chief Financial Officer, and I'm here, Ann Nolon, the Chief Executive Officer. So I will ask Allie to address the security question.

MS. DUBOIS:
Sure. So we are -- we take security and the safety of the health centers for staff and patients very seriously. We have reviewed all of the history of incidents or concerns prior to any of the transitions, and been working to establish a system that provides very strong support for each of the health centers, the installation of panic buttons within the -- within the practice, connection with local Law Enforcement, establishment of a position that we're calling a Concierge Officer, who is really an individual who is within the waiting room, is monitoring those waiting rooms to address any situations that might come up before they become out of control or in need of any additional intervention.

And so, you know, the combination of approaches has been very effective across the system, and we really evaluate each of these transitions independently to put a safety plan in place. Again, all employees are trained on any emergency codes and on how to respond in all those situations.

LEG. BROWNING:
Do you not have security guards on staff at the health center, yes or no?

MS. DUBOIS:
We do not have security guards.

LEG. BROWNING:
No security guards, okay. What about Coram, no security guards?

MS. DUBOIS:
That is correct.

LEG. BROWNING:
Okay. Because, as, you know, it's right next door to the DSS Center, and we've had a lot of incidents there. And I'm sure that being right next door, I'd be concerned of, you know, some of the clients that go to DSS, knowing that there's been problems in there as, you know, filtering back over to the Coram Center, Health Center. So I really feel it's necessary. I do believe that our health
centers should have full-time security.

**MR. SINKOFF:**
If I might just add, Legislator Browning, we certainly take the security issue pretty seriously, but there's also a cultural issue here. You know, in underserved populations, there has been -- you know, what I think community health centers have done, and certainly what we believe, is that, you know, making something that's patient-centered is about creating a very trusting environment, and there's always a balancing act between safety for all of us personally, but also creating an environment, one where one can feel trusting.

And so in our -- in trying to break down barriers, also trying to create an environment where healthcare is a safe place where people can enter and feel safe and feel secure, there's always going to be a balancing act between the two. We've been really, really successful in creating an environment where people feel that it's a trusting safe environment where it won't be a place of risk.

And so, you know, obviously we evaluate it on a day-in-day-out basis, and so on and so forth, but, you know, community ownership through our Board governance, you know, creates this environment that it's a safe place, and that it should be shielded from some of the ills and travails of our society. And so I think we do really appreciate the perspective, but I think we also really strive to create an environment where people know that it's theirs, and that they, you know, should and do respect it as being their medical home.

So it is always -- it's always a touch-and-go issue, but I think it's so important to us to also try to create a different environment where people don't feel that there's, you know, a security presence and so on and so forth. And it is touch and go, because --

**LEG. BROWNING:**
However, I mean, Brookhaven Hospital, you know, they felt the same way, just what you just said is what they would have said when they were operating the Shirley and the Patchogue facilities. But, at the same time, never say never. Again, I would like to think that if you start to see that there's occurrences going on, and the last thing I want to see is we're getting numerous 911 complaints, and Suffolk County Police Department has to continually respond, that maybe it's something you could have handled without have to call 911. But now you don't have your own security, it's going to be a burden on our Police Department to have to respond. So, you know, what I will do is I'll follow up with the Police Department on calls, and, obviously, now over the next number of months, over the next year, we'll see, see how it goes without security. Okay?

**MR. SINKOFF:**
Sure.

**LEG. MARTINEZ:**
Through the Chair, I just want to piggyback on what Legislator Browning said. It's something that we discussed in prior meetings as well. And no one's saying that the way you're going to establish your facility is going to need security, but, also, you do have those circumstances that may arise, and we're just asking -- we're just asking for you to be vigilant of that, because I know this -- the Brentwood facility, obviously, in my district, and we have one -- we have -- I'm not sure if it's one or two security guards, but we do have security guards currently at that health center. And speaking with members of my community, they feel safer if there were to be security there. And no one's saying that the way you're going to establish yourselves is not going to be, you know, a ruckus and you're going to need one, but people also feel safe knowing that there is security there. So I think that's kind of what we're trying to convey here, so -- and in speaking with you, you know, that was a concern of mine as well.
P.O. GREGORY: Legislator Krupski.

LEG. KRUPSKI: Thank you. We're voting today to schedule two public hearings?

LEG. BROWNING: This is Brentwood.

LEG. KRUPSKI: Oh, okay. So we'll talk about the Riverhead one later. Thank you.

P.O. GREGORY: Okay. Legislator Martinez.

LEG. MARTINEZ: I go again. All right. Now another concern that came to me after we met a couple of days ago was regarding the current landlord of the facility. I know you'll be taking over, but we still have a landlord that we are going to have to deal with. Now my question to you is if something is in need to be fixed or in need of repair, whatever it may be, have you, one, met with the landlord? Have you established a rapport with them? What did you think? And how do you think you're going to move forward if repairs are needed?

MR. SINKOFF: So, as you may know, in this particular transaction, we're a subtenant, so the overlord, if you will, is the County of Suffolk, so that's similar to Elsie Owens. So when we want to make planned renovations or we want to do some other enhancements to the facility, we present those plans to the County of Suffolk, and the County in turn has the direct conversation with the landlord, and we expect the same process to be used.

LEG. MARTINEZ: I'll get back to you.

MR. SINKOFF: Sure. I'm not going anywhere.

LEG. MARTINEZ: Is anyone from the Administration here that could just piggyback on what HRH has said?

MS. SANTERAMO: About the lease?

LEG. MARTINEZ: About the lease and how we currently deal with the landlord.

MS. SEIDMAN: Hi. Phyllis Seidman from the County Attorney's Office. We do have provisions in the lease with the landlord, and we have provisions in the lease as -- with HRH as a subtenant of the County. And as for the day-to-day operational issues that occur at the health center, HRH is going to responsible for that, as well as custodial, and most of the things that go on day to day. You know, they are basically in our stead for those types of things. You know, they'll have service contracts for HVAC and things like that. They're on the premises, so they're the eyes and ears and they're dealing with it, which, you know, relieves some of the burden for DPW for things that the landlord is not
You know, for the most part, and I know you approved an extension to our lease at the last General Meeting, you know, for the most part, the County has dealt with the landlord since we are the tenant in the facility. And I'm not certain whether HRH has had an opportunity to speak with that landlord. Anne is nodding.

**MS. NOLON:**
Yes.

**MS. SEIDMAN:**
Yes. But, you know, generally, we try to bring HRH on board because they're part of this process.

**LEG. MARTINEZ:**
So what would you -- I know last summer, when we had the storm, the rain, I know the health center was closed for quite a few days, and I know the County, you know, made, alternative accommodations for the clients. But like in that case, all right, in case of a major repair that is not going to be under HRH jurisdiction, what is the turn-around time with the County and the landlord?

**MS. SEIDMAN:**
I don't think there's specific turn-around time. It all depends on the type of incident that we're dealing with. And maybe DPW could better answer that question, since they oversaw all the repairs. And I know that the landlord was responsible for making repairs, and DPW did an excellent job with overseeing the repairs. But I really think it's on a case-by-case basis, and it depends on what damage we're talking about.

**LEG. MARTINEZ:**
Commissioner, do you mind just shedding some light on this, please? And, just for the record, I just want to make sure, when things do happen at the health center, that someone does take full responsibility and that is done in a timely manner.

**MS. SEIDMAN:**
Yeah. Well, we're still responsible as the primary tenant, the County, so, you know, we're always front and center. We're not released from any obligation. Though we may have, you know, subbed it out to HRH, we're still primarily responsible for the facility as to the landlord.

**COMMISSIONER ANDERSON:**
Yeah. What was the question?

**LEG. MARTINEZ:**
For example, if a repair were needed to be conducted at the health center currently, let's say the air conditioning went out, you know, what's the County's responsibility? What's the turn-around time from the complaint to the actual repair?

**MS. SEIDMAN:**
Well, I can say in this case, HRH, I believe, has a maintenance contract with an HVAC, or will have a contract.

**LEG. MARTINEZ:**
Okay. So I guess maybe the question is what would the County be responsible for in terms of repairs, and what would HRH be responsible for repairs?
**MS. SEIDMAN:**
Well, there is a whole laundry list, so I don't know if it would be possible for me to go through it. But if you looked through the backup to the resolution, there is a copy of a draft sublease, which in the back has a summary of the responsibilities, and I think that might answer some of your questions. And, you know, as to the ones that refer to the proprietary lease, the main lease between the County and the landlord, there are a lot of functions that the landlord is responsible for, for example, in terms of the common areas, the parking areas, the landscaping in the center where the health center sits.

**LEG. MARTINEZ:**
I don't have that backup behind my resolution.

**MS. SEIDMAN:**
I'll provide that.

**LEG. MARTINEZ:**
So, if you don't mind.

**MS. SEIDMAN:**
If I give it to you, I may not be able to answer questions.

**LEG. MARTINEZ:**
That's okay. As long as I just have it. You know, I just want to make sure what the County's responsible for, and then what HRH would be responsible for, because when I get the call, "This needs to be fixed," I need to know who to go to.

**MS. SEIDMAN:**
Okay. We'll provide you a copy with that -- of that.

**LEG. MARTINEZ:**
Thank you.

**MS. SEIDMAN:**
You're welcome.

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

**LEG. KENNEDY:**
Going back to the question about security, following the committee meeting, where we discussed this issue, I received another phone call that said -- I'll make it very general -- you do not adequately have the ability to treat the chronically mentally ill. What do you do if someone walks in that you can tell is obviously mentally ill?

**MS. DUBOIS:**
So that is accurate, that we are not an article 31 licensed provider. And so for any individuals coming in with behavior or health concerns, those individuals, again, assuming that they have an appointment, would be seen and if -- and referred appropriately. If we know who their mental health provider is, we certainly have that included in the record and we make an effort to make those connections for patients to provide that information and ensure we have communication back and forth. We do have good relationships with both the County Mental Health and the other regional providers through our role as a health-owned, but also our increasing role in primary care provision. And so, again, it is one of making an initial assessment, and making a referral, and following that up
to we can ensure that individuals are appropriately cared for.

LEG. KENNEDY:
Okay. Thank you.

P.O. GREGORY:
And that's great, because under the prior system, we didn't offer any mental health services. So now there's -- you provide that service. It may not do all levels of mental illness, but you do address that -- those issues.

I don't have anyone else on my list. Is any -- Legislator Hahn?

LEG. HAHN:
Hi there. I'm not on the Health Committee, so I didn't get to hear the discussion that happened there. I had heard that, you know, in Coram, there's been a very high level of turnover and decline -- again, this is just sort of hearsay, so I'm not claiming this to be true -- decline in the, you know, quality level of doctors and nurses that are there, that there's a high level of turnover and since the changeover. So I'm wondering if you could just kind of address staffing levels, staffing turnover, experience, and/or qualifications of the staff that you have there.

MS. NOLON:
I've asked our Chief Medical Officer, Dr. Carmen Chinea, to sit down beside us and give you an answer to these questions.

DR. CHINEA:
So since we acquired the Coram Health Center, we had three providers retire, and so there was nothing, absolutely any issues in terms of either quality or complaints. The providers decided that that was their time to move on and they've since retired. Two providers were offered a position at Stony Brook, one to be in the teaching program as teaching faculty, and she had wanted to do that for a very long time and accepted that position. The other provider was offered an administrative-only position, leaving clinical practice, and he chose to do that also. The replacements have all been Board Certified experienced physicians, and we have not had any quality issues with any of them.

LEG. HAHN:
How do you define experienced?

DR. CHINEA:
So our credentialing process is very rigorous. We -- I call references personally myself as far back as supervisors and residency programs. We look at everything from their licensing to any malpractice suits to any complaints in prior positions. And then we monitor their quality on a monthly basis. Every provider gets a quality report card. We look at everything from their blood pressure control to their complaints by any patient. We do CAP surveys, which is a nationally recognized patient satisfaction survey, and there are five questions specifically about provider, provider talking to them and explaining the medications, how do providers explain their medical problems. And so we have the CAP surveys, we have complaints to connect and get right on the site if a patient is unhappy during the practice. And we have report cards for providers on a monthly basis on 15 to 20 different quality measures, and this is after they've already been credentialed and all their reference and licenses have been certified.

LEG. HAHN:
Two more questions. How about -- okay. Oh, actually triage and assessment, how are you with staffing at the triage and assessment?
MS. DUBOIS:
So our model really is one where we try to minimize the need for triage, the open access scheduling that we have and the availability of same-day appointments. So it's really our priority. If anyone has a question or concern and feel that they need to talk with the medical team, that we have them come in for those appointments whenever and as much as possible. And so the need and the focus on triage is more -- is a smaller scope of what it is that our teams are doing. Triage actual assessment is done by RNs, that's a licensure requirement, and so those calls or that need is directed to registered nurses.

LEG. HAHN:
And the waiting time for patients?

MS. DUBOIS:
So waiting time is variable, and so again, at the points of transition, we did and do experience a little bit of a longer wait time, because all the patients need to be registered within the HRH Care system and to go through that reregister process. We monitor cycle time and we have, you know, some variation between, you know, 45 minutes and, you know, potentially up to two hours, if it required a visit to the lab, or it had some additional components to that visit. And so it's something that we do monitor on a site-by-site basis and track overtime.

LEG. HAHN:
So you're saying everybody waits 45 minutes at least?

MS. DUBOIS:
Well, cycle time is defined as the time from you walking in the door until when you're finished with your visit. And so a cycle time of 45 minutes means actually a wait time that is, you know, really quite minimal. That includes everything from the registration, the few minutes until you're called back, the -- you know, the vitals, the visit with the provider, a stop at the lab.

LEG. HAHN:
Yeah, that's very different than waiting in the waiting room for 45 minutes. Yes, okay. Okay. Thank you.

P.O. GREGORY:
Okay. Oh, Legislator Stern.

LEG. STERN:
And I apologize if I missed it. The calls, the calls come in, and so I understand, that they might be referred out for triage purposes. But the calls come in to who? Who's taking the calls?

MS. DUBOIS:
Our phone calls are answered by a position within our organization called Patient Representatives, and so those are individuals who are trained to answer those calls, make appointments and register patients on the phone.

LEG. STERN:
They are HRH personnel, they're not outsourced?

MS. DUBOIS:
That's correct, they're within the health centers.

LEG. STERN:
Okay. Thank you.
P.O. GREGORY:
Okay. All right. I guess that's it.

MS. NOLON:
Legislator Gregory might I just say a few words since I didn't get to talk.

P.O. GREGORY:
Oh, sure.

(*Laughter*)

MS. NOLON:
Purposefully. I have good people. I just wanted to say thank you for your kind comments, Dr. Spencer, for the great care. It was reported in of the intensity of the conversation at the Health Committee, which we very much appreciate, because we had an opportunity to explain much of the detail, and some of the changes, and what the model looks like, and so with the new members of the Legislature that's really important. And we're very proud of the accomplishments over the three-year period, since May of 2012. We have now seven health centers under our auspices that -- or six, and in those three years, we have seen 30,000 -- we had 30,000 patients actually in one year, and with 55,000 visits. And there was a question that came up about complaints, and out of all those in the last year, 16 complaints out of 55,000 visits. So we tried to figure a percentage, but it was too low to be able to report to you. We're very proud of that, as well as the many compliments that we do receive in writing and in person at our site. So we -- we also have our PCMX Status Level 3 attained by the sites, the newest sites that were eligible, so we're really very pleased that we were able to achieve that level of quality. And thank you for your compliments.

P.O. GREGORY:
Okay. Legislator Krupski.

LEG. KRUPSKI:
You just said that, you know, how many customers you've had in the past. How does that compare with the previous County-run facilities? Is there a tracking on that, you know, a couple of years worth of data from the old way it was being run to the new way?

MS. NOLON:
Jim is saying we wouldn't know. And I have to say, we couldn't tell what had happened with some of the County -- as the County was phasing down some of its services because of the cost. There probably was not the height of patient utilization in the last year when we started to roll the health centers into our service. But I could say that because it was such a cutting-edge system over time, this County among very few in the country had a primary care system that you put money into, and I think at its height and the value for so many patients, it could have exceeded a 40, 50,000 mark, and now we're building that back to what we hope to be the quality and the needed service and the accessibility. Because, if you'll recall, our aim in this transition is to increase access, so more patients can get access to care to a broader level of service, and I think we're doing the best we can. We're doing a pretty good job.

LEG. KRUPSKI:
Thank you.

P.O. GREGORY:
Okay. All right. We have a motion and a second, right, Mr. Clerk?
MR. RICHBERG:
Yes, we do.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Okay.

MR. RICHBERG:
Correction, 17.

LEG. D'AMARO:
Yeah, recuse. Just that vote’s 17, not 18, right?

MR. LAUBE:

Yes, seventeen.

LEG. D'AMARO:
I thought I heard you say Eighteen.
You did.

MR. RICHBERG:
I did and I corrected myself.

LEG. D'AMARO:
Thank you.

D.P.O. SCHNEIDERMAN:
If I might indulge the Legislature, I had missed the vote before on Bill Lindsay’s lobbyist bill. I would have liked to have voted in the affirmative, if somebody would make a motion to reconsider.

LEG. LINDSAY:
Motion to reconsider.

D.P.O. SCHNEIDERMAN:
Thank you, Bill.

LEG. CILMI:
Second.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Okay.
LEG. LINDSAY:
Motion to approve.

P.O. GREGORY:
Motion to approve by Legislator Lindsay, second by -- I'll second. Oh, actually -- yeah, I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Okay. All right.

D.P.O. SCHNEIDERMAN:
Thank you.

P.O. GREGORY:
I.R. 1251 -- we're back on tabled resolutions -- Appropriating funds in connection with reconstruction of CR 97, Nicolls Road (CP 5512) (Sponsor: County Executive). Anybody?

LEG. HAHN:
So, Commissioner Anderson -- yes, thank you. I'll make a motion for the purposes of discussion.

P.O. GREGORY:
Motion?

LEG. HAHN:
Motion to approve, yeah.

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

LEG. HAHN:
Hello. If my colleagues will recall, I asked your indulgence to table this last cycle so that we could hold a community session and talk to the community about this. We did that last night, so -- and I don't -- I don't necessarily feel, you know, that we had adequate time to truly reach out. So I have a couple of questions. What I wanted to understand was this doesn't etch in stone the exact plan; does this bill do that?

COMMISSIONER ANDERSON:
No, it doesn't. This simply asks to appropriate the 600,000 that we need to construct the improvements that we're proposing at this time.

LEG. HAHN:
So, if after that community meeting that was held last night and the local paper runs an article, and we get a complaint or an idea that is truly valid, and some point it raised, we can -- there may be tweaks that can be made to your plan?

COMMISSIONER ANDERSON:
Yes.
LEG. HAHN:
You had also mentioned that at the community meeting, and possibly last week, but I don't -- two weeks ago, but I don't recall, that this won't make the traffic worse.

COMMISSIONER ANDERSON:
Absolutely not. Yeah, this will -- this is a public improvement project, it's a public safety project, and we anticipate that it certainly will not hinder any traffic along 25A.

LEG. HAHN:
So how will we know that? Have you taken counts? Can you take counts as there'll be a base line?

COMMISSIONER ANDERSON:
We would rely on State information. Again, the basis for that concern is the turning lane, and the length of the turning lane, and the length of the turning lane will be the same or will have the same starting point as it currently does now. So anybody who's looking to make that right turn will still be able to get to the right, follow that turn lane, and make the right turn at that point.

LEG. HAHN:
Right, except for it's not a free-flowing slip lane, it's -- they'll be with -- you know, it will be -- it will act a little bit different.

COMMISSIONER ANDERSON:
Right.

LEG. HAHN:
And the 15% of the time when they have to stop, it will back up. And so our concern in the community is that, as, you know, you probably drive on this every day, is that at, you know, 5 o'clock, traffic is backed up for miles there, and so we don't want to exacerbate that situation.

COMMISSIONER ANDERSON:
No. And I believe both our engineers and those at the State who we've been working with on this project are comfortable with what we're doing. Certainly, if there's all of a sudden an increase in backup, we will look to see if this was the impact. But from years of traveling on this, I can tell you that in the evening, heading eastbound, the real culprits are the lights further to the east, you know, on Old Town and in front of the shopping centers. I'm sorry, Bennetts Road.

LEG. HAHN:
So you're probably right, but unless we have counts that establish baseline now, we won't be able to say that accurately. So my request here is sort of is there a way to get traffic counts to be able to talk about that?

COMMISSIONER ANDERSON:
We can have base -- we can have traffic counts taken.

LEG. HAHN:
Thank you.

COMMISSIONER ANDERSON:
You're welcome.

LEG. HAHN:
Okay.
P.O. GREGORY:
All right. Anyone else? Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
I.R. 1251A, bond resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $600,000 Bonds to finance the reconstruction of CR 97, Nicolls Road (CP 5512.312). Same motion, same second. Roll call.

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

LEG. HAHN:
Yes.

LEG. MURATORE:
Yes.

LEG. KRUPSKI:
Yes.

LEG. BROWNING:
Yes.

LEG. ANKER:
Yes.

LEG. CALARCO:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. TROTTA:
Yes.

LEG. MC CAFFREY:
Yes.
LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. SPENCER:
Yes.

D.P.O. SCHNEIDERMAN:
Yes.

P.O. GREGORY:
Yes.

MR. RICHBERG:
Eighteen.

BUDGET AND FINANCE

P.O. GREGORY:
I make a motion to table. Anybody?

LEG. CILMI:
Second.

LEG. TROTTA:
Second.

P.O. GREGORY:
Second by Legislator Cilmi. Actually, is Connie here or someone from the Administration?

MS. SANTERAMO:
She's on her way.

P.O. GREGORY:
Okay. All right. So we'll pass over this for now.

All right. I.R. 1280 - Amending The 2015 Operating Budget to transfer $25,000 from Parents For Megan’s Law Crime Victims Center to Parents For Megan's Law (Sponsor: Kara Hahn).

LEG. CILMI:
Motion.

LEG. HAHN:
Motion.

P.O. GREGORY:
Motion by Legislator Hahn.
LEG. CILMI:
Second.

P.O. GREGORY:
Second by Legislator Cilmi. On the motion, I have a question. Mr. Lipp, this is $25,000. Where is it coming from?

MR. LIPP:
The offset is a different Parents for Megan's Law line.

P.O. GREGORY:
What line?

MR. LIPP:
So it's coming from the Police Department. It's called Megan's Law Crime Victims Center. Apparently, I believe the Legislator could speak better than me, but I believe the title is wrong on that and it's correcting that, that the contract agency wouldn't be able to receive it for the proper purpose otherwise.

P.O. GREGORY:
But it's transferring from one department, one program to another?

MR. LIPP:
Correct. Well, it's -- they're both -- no, they're both in the Police Department, actually. I'm looking at the -- they're both fees for service accounts in the General Fund portion of the Police Department.

P.O. GREGORY:
So it's my understanding, on the contract database, it's money from -- it states that it's money from the Hate Crimes Advocate?

MR. LIPP:
The sponsor would have to speak to that, I'm not sure.

P.O. GREGORY:
Okay. I thought you guys had the information.

LEG. HAHN:
I actually don't know the answer to that. I was just told, and I believe Analyst Ortiz confirmed that there was like a mistake made as to which one was -- you know, this was given to you when the process was done originally, so we're was just correcting.

MR. LIPP:
Yeah. So the bit of information that I'm aware of from talking with Analyst Ortiz was that the intent on the part of the contract agency had -- was a different name, and that -- that wasn't translated when we did the omnibus resolution last Fall.

P.O. GREGORY:
All right. So there's some confusion here. There -- so the Executive Director is saying that there was a mistake in the Working Group process, which I'm not aware of. So --

MR. LIPP:
Well, the title that we were given when we made the amendment was the title that we were told. That being said, after the fact, my understanding is that wasn't the intent, it was just a
misunderstanding perhaps. We put in the right amendment, given the information we were given at the time.

**P.O. GREGORY:**
Right, and I agree. So it's my understanding this is the Hate Crimes money, the Hate Crimes Advocate money, because there was -- I believe Legislator Hahn had asked me, or someone had asked me about 50,000. There's 25,000 in there, but I was told that this is the Hate Crimes Advocate monies. This, I'm talking -- I'm going back to last budget cycle. Can we confirm that somehow?

**MR. LIPP:**
So the only thing to do is I'll look at the details of the Fiscal Impact Statement, and if it has it in there, I will let, you know.

**P.O. GREGORY:**
So I guess my question is, if we approve this, is there monies still remaining for a Hate Crimes Advocate, which is something that the Justice Department, we made them aware of. They're full on board with that. There was a report by the Southern Poverty Law Center that says that New York is the third highest in the country with hate crimes groups. I would hate to see that we eliminate funding for a Hate Crimes Advocate. So I want to make sure if we have monies left over for a Hate Crimes Advocate and that this is not money being transferred.

**MR. LIPP:**
Yes. Once again, I apologize, I can't answer that question. I'll look to see in our data files if there's any information on that.

**P.O. GREGORY:**
Okay. All right. So you want to us to get back to you?

**MR. LIPP:**
I'll let you know when --

**P.O. GREGORY:**
All right.

**MR. LIPP:**
-- if I find something.

**P.O. GREGORY:**
*All right. Let's move on.* 1281 - Amending the 2015 Operating Budget to provide funding for the Nesconset Chamber of Commerce *(Sponsor: Robert Trotta).* Motion by Legislator Kennedy, second by Legislator Trotta. Anyone on the motion? All in favor? Opposed? Abstentions?

**MR. RICHBERG:**
Eighteen.

**P.O. GREGORY:**
*I.R. 1285 - Amending the 2015 Operating Budget to provide funding for Family Service League - East Hampton *(Sponsor: Jay Schneiderman).*

**D.P.O. SCHNEIDERMAN:**
Motion.
P.O. GREGORY:
Motion by Legislator Schneiderman.

LEG. D'AMARO:
Second.

P.O. GREGORY:

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
I.R. 1286 - Amending the 2015 Operating Budget to provide funding for the Star Playhouse at the Suffolk Y JCC (Sponsor: Steven Stern).

LEG. STERN:
Motion.

P.O. GREGORY:
Motion by Legislator Stern.

LEG. D'AMARO:
Second.

P.O. GREGORY:

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
I.R. 1315 - Amending the 2015 Adopted Operating Budget to re-allocate 100% County funding from Federation Employment and Guidance Service, Inc. (FEGS) to the Jewish Board of Family and Children’s Services, Inc. (JBFCFS) to provide mental health clinic services to adults and children in Suffolk County (Sponsor: County Executive). I make a motion to approve. Do I have a second?

LEG. SPENCER:
Second.

P.O. GREGORY:
Seconded by Legislator -- who was that? Legislator Spencer. Anyone on the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
I.R. 1316 - Amending the 2015 Adopted Operating Budget to re-allocate 100% State Aid from Federation Employment and Guidance Service, Inc. (FEGS) to the Jewish Board of Family and Children’s Services, Inc. (JBFCFS) to provide mental health services to adults and children in Suffolk County (Sponsor: County Executive). Same motion, same second.
Okay? All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
I.R. 1343 - Establishing a pilot program to reduce property crimes in Huntington Station (Sponsor: William Spencer).

LEG. SPENCER:
Motion.

P.O. GREGORY:
Motion by Legislator Spencer.

LEG. D'AMARO:
Second.

P.O. GREGORY:
Second by Legislator D'Amaro. Anyone on the motion?

LEG. BROWNING:
Motion to table.

P.O. GREGORY:
Motion to -- who was that, Browning?

LEG. BROWNING:
Motion.

P.O. GREGORY:
Motion to table by Legislator Browning.

LEG. TROTTA:
(Raised hand).

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

LEG. KRUPSKI:
(Raised hand).

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

LEG. KRUPSKI:
We did hear from some people this morning about this. The people in the front row, are they registered lobbyists for the County?

LEG. BROWNING:
For a start.

LEG. KRUPSKI:
Should they be registered lobbyists? I'll ask our Counsel.
MR. NOLAN:
The folks who were here earlier on the health center?

LEG. KRUPSKI:
No, no, no, no, no. The folks who were -- the vendors for the DNA testing system.

LEG. CILMI:
If they reached out to you privately and somebody's paid.

MR. NOLAN:
Legislator Krupski, earlier, you know, I tried to steer away from specific people and organizations. It's kind of hard on the fly to make that judgment.

LEG. KRUPSKI:
Fair enough. So getting -- and so getting into the nuts and the bolts of this, could I ask the sponsor through the Chair if he could explain the value of the system and how this should be -- should this be provided to everyone in the County, or is this just for one section?

LEG. SPENCER:
Well, thank you very much, I appreciate that. And the purpose of any time that we have a pilot program is to take something that we're looking at that offers great promise, introduce it in a small area, and assess its value, and then be able to spread it and use it countywide. So that's one of the reasons for the pilot program. We do that on a lot of different levels.

So just on this particular piece of technology, something I've been working on for a year, and what we wanted to do, we wanted to do it right. So I'm definitely looking for any sort of solutions that we can use to enhance our ability to keep our community safe. This was something that I became aware of, and we went through all the proper channels. We met with the -- I reached out to the Executive's Office. I reached out to our Public Safety Chair. We reached out to our Police Chiefs. We reached out to the DA's Office. We reached out to the community, and we all said, you know, this is something that could offer promise. And what we did, we got a consensus and we wanted to look for a method to be able to bring this particular technology here to Suffolk County.

Here's why I think it's extremely important: DNA is the gold standard for being able to identify a chain of custody, ownership or identity. And this is a company that we see that's right here in Long Island, it's an international company that's had with this type of program outstanding results. We've seen an 85% reduction in commercial theft, and a program over in Stockholm for copper. We've seen in communities where any time that this technology has been utilized to recover an item, 100% conviction rate.

And so when I look at it, it seemed to me, as far as the pilot program is concerned, it was an opportunity to get something for Suffolk County at cost, pretty much given to us, except for the actual cost of the equipment, where we have the opportunity to look at a very defined area and be able to measure its impact on crime and will quickly be able to expand that to the rest of the County.

I think that one way to look at the particular program itself is that with one kit, that within a household, between 100 to 200 items can be marked, and in this pilot program we're looking at 500 homes, marking between 100 and 200 items a piece. So for round numbers, we would be able to protect or mark close to 100,000 items.
If you look at the deterrent property of a pilot program of being able to, one, prevent one crime, but if you look at a crime where there is a stolen item that's recovered and to have -- for the detectives to have to try to track the source of that item, it takes hours and hours of police work to do it. On average, for any theft, to solve that crime, it takes about $22,000 per crime. So if we -- without even mentioning the potential crimes that we could prevent. If out of the 100,000 items that we're able to mark, if one item is recovered, then we've already made our investment. But one of the -- the training, as it goes into effect for this program, even though it's a pilot, our police will be trained for all of Suffolk County. A pilot allows us to be able to look at a defined area, match the numbers and see at the end of the day how effective it is as we look, if it's worthy to move forward.

So I think that I've tried to bring something here that is reasonable, it's a company that fits. It's a Stony Brook, Suffolk County based company. It's a cutting edge technology. We're getting it 1/20th of the price of what we did with ShotSpotter. We have done other pilot programs, Narcan, which I think was one of the finest pieces of legislation that we passed, that was a very specific pilot program. This is a fraction of the cost that could have major longstanding implications.

So I've done my homework on this. I've talked with each of my colleagues. I humbly ask that you support this. Thank you.

**LEG. KRUPSKI:**
Could I ask a question? And I guess it would go to Dr. Lipp, where the money comes from. And also, did you know, that when we did the pilot program for the septic systems, that the vendors, because they wanted to do business in Suffolk County, donated 19 systems in order it get their foot in the door and didn't charge the County for those?

**LEG. SPENCER:**
Well, I'll let him answer and then I'll respond to that.

**LEG. KRUPSKI:**
And, also, is this -- Dr. Lipp, is this $25,000, is this coming out of the Police District budget, or is this the General Fund? Because this is only going to serve the Police District.

**MR. LIPP:**
I apologize. I just want to make sure I'm getting this right, because I was looking for the answer to the other question. So which IR is this?

**LEG. KRUPSKI:**
1343. So is there an offset?

**MR. LIPP:**
Right. So the offset here, the original -- okay. So the original offset was the gasoline. It was amended, though, on the 4th to use the County Executive's contract agency as an offset. So, apparently, the County Executive's Office was willing to give up some funding for their contract agency line item in order to fund this.

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

**P.O. GREGORY:**
Are you done, Al?

**LEG. KRUPSKI:**
Thank you.
P.O. GREGORY:
Oh, okay. Legislator Lindsay.

LEG. LINDSAY:
Thank you, Mr. Presiding Officer. My plan is to support this legislation. I have actually been present for a demonstration by this company and their product is very exciting. I think there's extensive application for it throughout the County, especially with the dramatic increase in bank robberies. They currently use this system in London and parts of Europe to mark currency. There's no way to fake it, there's no way to wash it off, it lasts in perpetuity and it enables them to track the cash after ATM machines are broken into and robbed. So my intention is to support this and hopefully it leads to other programs in the future within the County.

I applaud the sponsor for bringing it to the table. We all agree that we have a crime issue right now, especially with the drug epidemic. And short of hiring more Police, this is an effective way to use technology to try to increase our capabilities.

LEG. SPENCER:
Thank you.

P.O. GREGORY:
Okay. Legislator Browning.

LEG. BROWNING:
Okay. I believe we do have a representative from the Police Department, I don't know if it's why he's here. But, you know, I have a couple of questions. Yes, we have ShotSpotter. We did not do a pilot on ShotSpotter because ShotSpotter was already proven to be effective, and that's why we made that decision and moved forward with it.

I heard the comments about it's being used around the world, outstanding results, so why are we doing a pilot if we have -- if we know that around the world it's effective and it's outstanding? So -- and how do we measure this pilot? How do we measure success? We're taking 500 homes, so we're going to kind of hope that somebody gets robbed to prove its effectiveness, that they'll get their stuff back? And then is it going to guarantee catching the criminal? So these are my questions.

And again, this is a private enterprise. This is not -- we're spending $25,000 of taxpayers' money for a private enterprise, and I'd say that's great, that they are who they are. And me as a private individual, I could go to them today, I'm assuming, and, you know, obviously the Police Department could work on providing the blue light, they could be provided with the blue light if they want to do it, and any Suffolk County resident could buy that product to tag their goods. So what I'd like to know is does the Police Department see that this is an opportunity, that it's guaranteed to catch criminals, a guarantee that any stolen items will be provided? And how are you going to measure success if nobody gets robbed?

LEG. SPENCER:
I would like to respond to your questions. And one of the reasons to do a pilot program; if no one gets robbed, then one of the things that we're looking at, especially in intelligence-led policing, are robbery stats and crime stats. And so, one, my assertion is that this has a deterrent property associated with it, so if we look at numbers in this defined area and we see that those crime numbers or robbery numbers continue to go down, that's one measure. Two, we're looking at the deterrent properties. Part of the reason it deters is because there is -- there are markings that you would put in a particular community, say a DNA protected community, that sends a very clear message to robbers. And so we're looking at the deterrent as one of the ways we're going to be able to assess it.
As far as with the money is concerned, we've spent hundreds of thousands of dollars to study water quality, algal blooms. This has a study property, but once we get the training, it goes beyond that. We did do a pilot program with Narcan and Narcan was a proven substance that worked around the world, but yet we used it to see how it was going to work around here. So there is precedent that we have used pilot programs and technologies that have been established to see how it would work with our Police Department, how they would utilize it. So there is a precedent to be able to do pilot programs and proven technology.

LEG. BROWNING:
However, this company, if this pilot program turns out to be successful, it could eventually become even more successful and be able to make a lot of money if we were to come back and say, This is great. We support this and now every Suffolk County resident can go buy this. So I do have concerns about spending our taxpayers' dollars for a private enterprise to make money, and I don't think that's something that we should be doing.

And again, ShotSpotter was not a pilot program, we decided to invest in it. And I guess if the Police Department can tell me, will this guarantee catching criminals?

DEPUTY INSPECTOR NIEVES:
Deputy Inspector Ted Nieves, Commanding Officer of the Precinct Detective Bureau. It's another tool we can use to achieve the goal of catching criminals. Obviously, its effectiveness can only be judged once it's been utilized.

LEG. BROWNING:
And can you --

LEG. SPENCER:
Yes, Legislator Browning, I guarantee you this will catch criminals.

LEG. D'AMARO:
I say yes.

LEG. BROWNING:
(Laughter), I don't know. What if I steal something, I take it to a pawn shop, it's -- you know, how many hands did it pass through before it gets to the pawn shop? And are you going to guarantee that if somebody -- and again, what if none of the homes get robbed? What's the deterrent if no one gets robbed? How do you prove that it worked, that it's a deterrent?

LEG. SPENCER:
It's interesting, and I appreciate you bringing this all out now. I reached out to you as our Chairwoman, as a colleague, and we didn't even -- in fact, while you were not available, you're Aide came to the presentation. And, you know, I'm glad that you're able to bring these out now, I would have appreciated a phone call. And I did, as the leader of our Public Safety Committee, look to you for your leadership and guidance, and I appreciate you bringing those out now at the final vote. But in any case, I will try to do my best to respond to your concerns.

LEG. BROWNING:
And I believe I extended my opinion on that to your office. I did reach out to your office and give my opinion on it, and I did speak with the Chief of Police with regards to it. My Aide came back and told me, I believe I was away, he went to the meeting, he told me about it. I asked a lot of questions and he couldn't give me all the answers.
LEG. SPENCER: Okay.

LEG. BROWNING: And again, that was my understanding from that meeting, was it's no guarantee that a criminal will be caught. Because how many hands could that stolen item go through? And, you know, 500 homes, so I hate to say it; I wouldn't want to hope that somebody could be robbed to prove that it works. I just think it's something -- you just said there's outstanding results --

LEG. SPENCER: Uh-huh.

LEG. BROWNING: -- around the world. And Bill mentioned that they have it in London, it's an outstanding program.

LEG. SPENCER: And we should train our cops to use it.

LEG. BROWNING: So let's -- well, and let's have our Police Department purchase the blue lights and move forward with it instead of wasting the money, or do we have to purchase these blue lights?

LEG. SPENCER: We would have to spend the money regardless, Legislator Browning, they're being trained.

LEG. BROWNING: How much are the blue lights?

LEG. SPENCER: Twenty-five thousand.

LEG. BROWNING: For one blue light?

LEG. SPENCER: No, the entire program is $25,000.

LEG. BROWNING: No, that's the pilot program.

LEG. SPENCER: The training is the training. It costs much more. We're able to be able to work with the company because they're looking to try to work in Suffolk County, so we're getting it at much below cost. We're being considerate to the taxpayers and we're also keeping them safer, too.

LEG. BROWNING: Okay. And this is an international company that stands to make a lot of money. And again, if they want Suffolk County to do it, I would say do it for free.

LEG. SPENCER: It's a Suffolk County company, going to bring jobs to Suffolk County and they're going to -- you know, it's --
LEG. BROWNING:
Okay, but they have been doing this around the world. And let's say to them, Okay you want us to do it? You stand to make a lot of money. If it's that successful -- because every household is going to want to buy your product in Suffolk County, we have 1.5 million people here and there's a lot of people that are going to want to buy this product for their own safety and to hopefully retrieve their goods. I can tell you --

LEG. SPENCER:
I'm not sure --

LEG. BROWNING:
-- if I had been familiar with it, my son's guitar would have been tagged with it that got stolen.

LEG. SPENCER:
You just expressed concerns, can you guarantee it's going to keep us safe, but then on the other hand you're saying, Well, it's proven that it works.

LEG. BROWNING:
I don't know if it's going to keep us safe.

LEG. SPENCER:
I'm hearing two different things. So what I'm trying to do is, you know, the pilot program will allow us to definitively see how it works with our Police, with our programs here. You know, you say can you guarantee, which means that's a particular question, so I don't know if you are convinced. I'm convinced that it will, but I think the pilot program gives us the evidence that we need to move forward, but I think we do need a defined program to be able to analyze the data.

LEG. BROWNING:
I just feel that since they stand to gain a lot of money, if this works, they could do it for free and do it with those 500 households. And if a Suffolk County resident wishes to purchase their product, which I believe is less than $100, they stand to make a lot of money.

LEG. SPENCER:
Legislator Browning, I appreciate your points. I think that, you know, very well spoken and, you know, I'll just have to live with your vote.

P.O. GREGORY:
Okay, we have a long list. Legislator Cilmi is next.

LEG. CILMI:
Yes, thanks, Mr. Chair. I have really two prime issues with this; there are more, but I have two prime issues with this bill.

Number one, it's being put forth as a deterrent. And I would suggest to you that the thousands of Suffolk County residents, myself included, who have burglar alarms in their homes, put those burglar alarms in as deterrents, and we pay for them.

LEG. SPENCER:
Uh-huh.

LEG. CILMI:
So if we're going to utilize this technology as a deterrent, especially in select communities, then it seems to me that, you know, those of us who have alarm systems should be able to have the
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County pay for those alarm systems as well. Now, obviously I wouldn't ask the County to do that, but this seems to me to be on a parallel with that.

Secondly, if we're selling this as a means to reconnect residents with their private property, I think that's great, except that if residents perceive that there's enough value in this technology that they could accomplish that goal if their home is unfortunately burglarized, then they should pay for it themselves.

The testimony that we heard in committee with respect to this bill was that although the cost for 500 homes is $25,000, part of that cost is in training for our Police Department to utilize this technology, but they also testified that the kits were very simple, self-explanatory kits. Now, even if the entire $25,000 was for the kits, if you do the math, I think --

LEG. TROTTA:
Fifty bucks.

LEG. CILMI:
It's fifty bucks apiece. So it's not a heck of a lot to ask for a resident to protect their personal property to spend $50. It's certainly less expensive than it costs to have an alarm system in your home.

So those are really the two key issues that I have with this bill. I don't think -- for both of those reasons, I don't think that this is something that the County should be paying for.

LEG. SPENCER:
Legislator Cilmi, when we put up signs for a bike trail we spent more than $25,000. This includes not only the training for the Police, but the signage, the hardware for the signage. I mean, we just --

LEG. CILMI:
On people's personal property, though.

LEG. SPENCER:
Well, no, but as far as there has to be a professional management component within our Police to be able to know how to process this property, and that's also being included. This is less than the cost of the radio in a Police car. We're talking about $25,000 to be able to train our Police, that if our -- if our citizens did want to go out and they purchased these, we still would have to have a Police force that would have to be equipped to be able to handle this. So for $25,000, even if it's -- it takes off and it's the most important thing in the world, we still have to train our Police force how to handle this.

LEG. CILMI:
My sense is that if this product became popular enough that this was something that the Police force was going to have to deal with, my sense is that -- I mean, it's certainly in the company's best interest to make sure our Police Department is trained in its use because then let face it, our Police Department is going to advocate for its use. And so, therefore, people would be -- you know, more people would be encouraged to purchase this product to protect their own personal property. That's not what Suffolk County is supposed to do.

LEG. SPENCER:
The training for the 25,000 is virtually for free, and you still would need the UV torches to identify that each of the precincts would have to have, you still would need the signs and the hardware. When we look at what we expend, if you look at economies of scale, we're talking about less for the
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entire County than it takes us to outfit one Police car.

**LEG. CILMI:**
But $25,000 here, $5,000 there, $100,000 here, a couple of million here; it adds up, and it adds up to some pretty big numbers.

**LEG. SPENCER:**
And our overtime is a huge number and if we can take about -- it takes about 17 hours per theft, of Police work, to crack one crime. I have some statistics here. We're talking about if you were able to take one of these 100,000 items and you were able to swab and immediately identify the owner, where as a Detective, who picks up a piece of stolen property -- I was robbed. I was cleaned out. My wife lost all of her jewelry that -- my wife's Mother was a survivor of the Holocaust, some of the things were irreplaceable. The Detectives came to our house and said, you know, what? Ninety percent of your items are within ten square miles of your home. Some of it's in our evidence room. Almost 33% of all stolen property is recovered, 90% is never reunited with its owner. We have an opportunity now to be able to not only crack and solve crimes, not only to prevent crimes, but to be able to reunite our citizens with their properties. You know, it's such a vulnerability. You never --

**LEG. CILMI:**
Would you agree, though, Legislator Spencer, that identity theft is a big problem?

**LEG. SPENCER:**
I would.

**LEG. CILMI:**
And would you agree that it probably costs law enforcement quite a bit of money to deal with the results of identity theft? Not only that, but it costs individuals a lot of money to sort of --

**LEG. SPENCER:**
Absolutely.

**LEG. CILMI:**
So would you suggest, then, that we pay for identity security, you know, for people throughout Suffolk County?

**LEG. SPENCER:**
Well, we do, we have a Cyber Crimes Unit. But if we had an opportunity --

**LEG. CILMI:**
Well, but we have a Police Department as well.

**LEG. SPENCER:**
If we had a technology such as this that would help us perhaps make a dent in identity theft for $25,000, I would absolutely support it. You know, there's a vehicle here that we have before us that represents a unique break in technology. Any company -- DNA was founded right here in Suffolk County.

**LEG. CILMI:**
But Legislator Spencer, $25,000 provides that security measure that you're talking about for 500 residents.

**LEG. SPENCER:**
No, Sir, it provides the training that -- the 500 residents would be the pilot program to be able to
analyze this, but those Police are trained. It doesn't -- it's not limited there. Once they're trained, they're trained.

**LEG. CILMI:**
You said before that the training is a very small component of this whole thing.

**LEG. SPENCER:**
It is, but the training is still -- it's a very small, but it's still a very critical component.

**LEG. CILMI:**
And I maintain that they could do the training absent the $25,000 expense. We obviously respectfully disagree on this one. I don't think it's something that we should be spending our money on.

**LEG. SPENCER:**
Thanks, Tom.

**P.O. GREGORY:**
All right. Legislator Trotta.

**LEG. TROTTA:**
If I was a customer -- to the guy who is here from the company. How much -- let's say this goes great and now you're offering it to the customer. How much a year from now, if I wanted to buy this and put this on my house, would it cost me?

**MR. NIZICH:**
To buy one kit?

**LEG. TROTTA:**
Yes.

**MR. NIZICH:**
It would be 69.95.

**LEG. TROTTA:**
All right. I'm just sitting here watching Newsday.com and it says, "Long Island company to close office, move hundreds of jobs off Long Island." And then yesterday was Paul Corporation, they'll be gone soon; First Data; Nature's Bounty earlier this week was another 250 jobs. You know, you're a Suffolk County company. You know, I was a cop for 25 years, I worked in the Detective Division and I handled property crimes. The one thing that you said that sort of lit a light under my head is the Property Section. I mean, we're not allowed to go into a pawn shop and shine this light around. You're not allowed to, it's just the way it is. But if they recover jewelry from some burglary somewhere and they happen to bring it to the Property Section and the Property Section takes this light and shines it across it, do I think this is going to go anywhere? Probably not, but I think that if this company can get something going and you can sell this to a certain number of people and recovering the property at the Property Section, which is probably the place because they do auction off a lot of jewelry, that it will ultimately be found and returned. You probably won't ever arrest anybody for it, but at least they'll be able to get it back. And if this could spark your company to sell this around the country to do this and it would create jobs here, I think, begrudgingly, I think it might be worth the 25 grand. But I still think you should do it, but if the County Executive wants to give up the money, and I hope the County Executive has 25,000 more for each one of us for something like this --
LEG. CILMI:
I'm going to send him my alarm bill.

LEG. TROTTA:
You know, I understand what you're saying, believe me. I'm not totally sold on this idea because I
don't think it's just practical, but I think -- when you said Property Section, I've been to some of
those auctions when they're doing that, and if someone could get their -- you know, it not my -- it
shouldn't be the Legislator or the County's responsibility to tag people's stuff, but if they buy it and
choose to do it, I think the Police Department should at least scan through it and use the
technology.

LEG. SPENCER:
Thank you.

LEG. TROTTA:
So while I think I'd rather have the company pay for it, but, you know, we give everyone IDA grants
and everything else, you know, this might be something that, you know, could take off for this
company and we need companies on Long Island to do this. So begrudgingly, I will probably
support this.

LEG. D'AMARO:
A little vague, but we'll take it.

P.O. GREGORY:
Okay, Legislator Muratore.

LEG. MURATORE:
Thank you. To the owner of the company, what is it, Applied DNA? This is a product that I could
buy over the counter if I wanted to?

MR. NIZICH:
We do have a website, yeah.

LEG. MURATORE:
I could buy it. So to the Doc. So, in essence, we're working for this company, yet we're paying
them. We're going to be marketing their product by telling -- we're going to get it started in our
districts. Because I think we're all going to get $25,000 for our district for this, so each district can
have this program, can have 500 homes in its district to get it going?

LEG. SPENCER:
Well, once we get it going with the pilot, it's trained, they're in place. I think that -- I look at -- my
feeling is I think one of the best pieces of legislation we've ever passed was Narcan, and Narcan was
very specific to a particular company, Naloxone.

LEG. MURATORE:
I don't know if that's the same, Doc.

LEG. SPENCER:
Well, I mean, what I'm saying is as far as like looking at it, there's only one thing that's Narcan.
And I think it's the best piece of thing, I think we've saved hundreds of lives, and I see the
difference. But I'm saying as far as this unique technology being able to take it and have a way for
us as a partner in government to be able to bring this to our constituents, I think there's a lot of

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promise here. And when, you know, we see the District Attorney that has vouched for that it would be something that would hold up in terms of in court and the chain of custody, but I think it offers us another tool. I think it's out-of-the-box thinking, I think it offers us -- is it going to solve all the problems, Tom? No.

LEG. MURATORE: That wasn't my question, Doc. My question was are we working for these people? Are we marketing this product for them?

LEG. SPENCER: No, I think they're working for us.

LEG. MURATORE: But it's their product.

LEG. SPENCER: They are. And as far as -- you know, they're part of our incubator. I think that we're in a situation where they are going to be giving us the technology, the expertise, the training, pretty much at less than the cost of the materials. So as far as us paying anything particularly directly to them that they are getting for their labor or anything like that, we're pretty much paying the cost for materials. So I don't -- you know, and I think that ultimately we're putting something in place that will help us, and I think that that is kind of the nature of public/private partnerships. So I don't think we're working for them. I think they happen to have the technology that fits, that could be a real practical solution for something that we need.

LEG. MURATORE: I just -- you know, I don't know that I could work for this company and I don't want to pay them. I mean, I would like to see the residents of my district get paid for this in the form of, Well, you're going to get one of these systems for your home. So I would like to see 500 residents in my district, and I know my colleagues would like to see 500 residents in their district also get these kits. So right now I don't think I can support this.

P.O. GREGORY: Okay. Legislator Krupski.

LEG. KRUPSKI: Thank you. I've got a question. Could you -- because in all fairness to you, you never had more than three minutes this morning to speak.

MR. NIZICH: Sure.

LEG. KRUPSKI: Could you go through from step one -- briefly, please.

MR. NIZICH: Sure.

LEG. KRUPSKI: -- how your product works? You go into someone's home, what happens? How do you work with the Police? Because you never had a chance to go through that. And then what happens if something's stolen.
MR. NIZICH:
Sure, absolutely. Thank you for that. My name is Mike Nizich from Applied DNA Sciences; with me is Judy Murah, the CIO of Applied DNA Sciences.

So the company is a biotech company, and what we do is we take DNA and we chop it up and we basically make unique signatures for each and every household. The mathematical permutations allow us to have a unique signature for everything in the world, nonetheless any person in the world. So what we do is we prepare these little kits for each home, you register that kit to your home. The bottle, the fluid in the bottle, marks a hundred, 150 items, somewhere around there, depending on how much you put on. Jewelry, small items, tiny items, electronics, anything that's at risk of getting stolen that's valuable to you, you would mark; collectables, whatever it might be. If those items do get stolen or lost and recovered, the Police now have a way, through our training which is part of the pilot program, All seven precincts in the Marine Division, which is what we proposed, will have a way to identify through the UV mark.

It's kind of hard to see, but if anybody could see my tie clip, if I -- it doesn't look like anything is on there, but if I shine the light on there it turns red. It's very easy to see in the light. You can't see that?

LEG. KRUPSKI:
I'm not good with red.

(*Laughter*)

MR. NIZICH:
I'm sorry. Okay. Well, I don't want to walk over, but --

LEG. KRUPSKI:
You're going to put me on the case.

MR. NIZICH:
But basically, the bright red glow will identify a piece of stolen property, okay. So that piece of property can be swabbed very simply by us and identified, and then we identify them to the rightful owner of that property. It gives the Police a lead on where to go for the property, also it could link the criminal to the crime to that location if they have it an unsolved crime. So the pilot program involves not just 500 kits being distributed to the homes in a certain area, it's also the street signs and the Police training for the seven precincts in the Marine Division.

LEG. KRUPSKI:
So there's a couple of things. So I buy the kit, I mark the pen -- or the taxpayers of the County in this case buy the kit -- the homeowner marks the pen, somebody breaks in and they steal the pen, and then -- I'm not sure what happens next. So the criminal's got the pen and he's using it; what happens?

MR. NIZICH:
Well, if the criminal is addressed in some way in a criminal investigation, if they're a suspect for some reason and that property is found on them, or the property is recovered even if it's in a pawn shop, regardless of what Legislator Trotta had mentioned, they do get recovered from pawn shops during normal operations. In that case, the property can be identified that it's marked, and also the actual owner of the property can be identified in those situations.

LEG. KRUPSKI:
What's the timeline on your product? How long is it active for?

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MR. NIZICH:  
The mark is a permanent mark. It's nearly impossible to get off from the physical identify and we need one molecule DNA to make the authentication. So for anybody to really remove it is impossible.

LEG. KRUPSKI:  
But it doesn't degrade over time.

MR. NIZICH:  
No. No.

LEG. KRUPSKI:  
All right. And I think that could be great, but one of the objections I have is so we're going to fund this from the General Fund for the County; but only for the five towns, and the East End towns, it's really not --

LEG. BROWNING:  
No, no, no.

LEG. KRUPSKI:  
Oh.

LEG. BROWNING:  
No, it's only for Huntington.

LEG. KRUPSKI:  
Only Huntington for the pilot, right. But it's only going to be funded through the -- it's not going to be funded through the Police District.

When Suffolk County did a pilot for alternative wastewater treatment, there were four vendors that came in and they offered six different systems. But then we had a lottery for each district and every district got a pilot to see how the system would work under different environmental conditions. These systems were more expensive than $56 a home, but the vendors came in and they offered those for free to get their foot in the door and they did it County-wide, they didn't just do it in one location.

MR. NIZICH,  
Right. So the cost of this --

LEG. KRUPSKI:  
And I think -- so the question is would you be willing to do a pilot program County-wide? I'm not saying 500 homes in each district, but at some -- some number of homes in each district.

MR. NIZICH:  
Right. So the point of doing a pilot, to answer the first part of the question for me, is that by taking a concentrated area of homes with a known crime area -- I mean, Suffolk County has 28,000 crimes, property crimes alone a year. So by taking an area and actually designating that area and saying, Let's make a difference in this area, we find out a lot of things, not just about the community but about the policing. They get trained, they get the equipment, things become like very, very fluent under that situation, under a pilot with concentrated distribution, which is what Legislator Spencer is proposing here.
That pilot, which costs us nearly $50,000, is being given to you for $25,000, which is where we are not making any money as a company. So I respectfully actually agree with all of what you're saying, I do. I live here, I live in Oakdale, I don't want -- this is my money (laughter). But what I'm saying is that this has already been addressed with us by doing an absolute below-cost offering of this so that we can put together and put in a concentrated effort for crime deterrence, with signage and education and training for all the precincts so that we can actually measure the results, which is what the proposal says, which is what the actual proposal says; we're going to take stats before and after and we're going to try to take a chunk out of those 28,000 property crimes a year.

**LEG. KRUPSKI:**
Thank you.

**MR. NIZICH:**
Okay.

**P.O. GREGORY:**
Okay, Legislator Barraga.

**LEG. BARRAGA:**
Mr. Nizich?

**MR. NIZICH:**
Yes, Sir.

**LEG. BARRAGA:**
Just a couple of questions. You've already invested $50,000, that's the cost associated with this, and the County will be picking up 25 of the 50. What about the feasibility of your company just picking up the other 25 and we let the program that Doc is proposing in Huntington just go forward?

**MR. NIZICH:**
The problem with that is if we try to take an approach where we let people buy them here and there -- not that we don't think that's going to happen, it's happened elsewhere, it's that we don't know -- we can't concentrate the area so we can actually make the difference.

**LEG. BARRAGA:**
Well, the area of usage would be the 500 homes designated in Huntington Station. Now, over and above that, there's a risk you take as a businessperson that this program is successful. Now, the open market, the free market says there are people out there who will buy that service; obviously there's money to be made there. But if you've already eaten 50% of it, just eat the other 50% and see what happens if this program goes forward. Because you can see how complicated this gets. If he has 500, he wants 500, he wants 250, he wants 300, there's no funding for this. But if you go ahead with the program in Huntington Station and say, *Look, you know, instead of eating 25, we'll eat the 50.* *Let's just get the program in place, let's see the results.* And then from a marketing perspective, based on the results, that's when you have the potential of making profit for your company. Otherwise this thing's in trouble. Okay, Mr. Nizich?

**MR. NIZICH:**
I understand the question, I just don't have the answer for you.

**LEG. BARRAGA:**
Maybe you should have some time to think it over.
LEG. SPENCER:
I understood the point that you're making. What I'm trying to relay as far as like -- as far as the company and the training and the kits, pretty much that is coming to a pilot program for free. What's part of it was with the training is that there is --

LEG. BARRAGA:
I understand that, Doc. But I have to ask --

LEG. SPENCER:
-- equipment with the -- they would be donating --

LEG. BARRAGA:
What is your annual volume in your company? What's your annual sales?

MS. MURAH:
Two million.

LEG. BARRAGA:
Two million a year.

MS. MURAH:
Two to three million.

LEG. BARRAGA:
All right, that's pretty -- how long have you been in business?

MS. MURAH:
2000 -- the latest year is about 2006.

LEG. BARRAGA:
So you've been in business for about nine years. And your annual sales --

MS. MURAH:
2007, say, eight years.

LEG. BARRAGA:
You do about two million a year? So it's just a question of taking a portion of that two million, 25,000 more and going ahead with this program.

LEG. SPENCER:
That's not profit.

LEG. BARRAGA:
What's the profit? What's your profit?

MS. MURAH:
We're not profitable right now.

LEG. BARRAGA:
You're not profitable.

MS. MURAH:
No.
LEG. SPENCER: They're not making any money.

LEG. BARRAGA: Two million in sales and you're not making any money.

MS. MURAH: It's a startup company, pretty much; bringing new technology to market and hoping to prove it in places like in Suffolk County.

LEG. BARRAGA: Well, but you've been in business for nine years. Have you made any profit in nine years?

MS. MURAH: No, we have not. We've had many outside investments put into our company. We're a public company, so you can see the financials if you'd like. We have just a very interesting technology, we hope to -- we will go on the path of selling to the public. I think it's just a matter of speed. You know, if we can do something a little quicker in one area of the County, it will prove it and help the County, help the community. It's just speed.

LEG. BARRAGA: All right, thank you.

P.O. GREGORY: Legislator Anker?

LEG. ANKER: Okay, so just a couple of questions. And again, I'm trying to understand the reason that -- I know the Legislators, we have some that are pro and some that are con. And I think Legislator Spencer mentioned a public/private partnership, and that's how government saves money.

You know, you mentioned Narcan, but I'm thinking even the red light. You know, we're working with a company for that, it's actually generating revenue. Again, if this moves forward, that's something I think we can look into. But everything we have here that costs money comes from a private company, no matter -- whether it's the computers that are sitting on our desks, these nameplates, the not-for-profits that are actually helping us, the health care centers, everything government has physically it has cost money. So now we need to take this and see, Well, how much of our investment dollars -- this is how I'm seeing it, I think as well as Legislator Spencer -- are we going to invest in new technology that will hopefully, ultimately help our constituents? That's the bottom line; how much money. So we're going to invest $25,000 into a pilot program.

And again, I'm comparing it with some of the other stuff that we have here in Suffolk County. Everything costs money, the stuff costs money. Food, computers, whatever it is, services, it all costs money. What we need to do as Legislators, what we try to do is make sure the money that we take, you know, we get from the taxpayer and is put back into the County, as Legislator Trotta had mentioned, maybe this will create jobs, okay? That's a positive outcome of investing into your company.

Can you talk about, briefly, because this has been going on for quite a while, but briefly about other projects that you're working on. Are there other municipalities that you're working with as far as with this new technology and the hopes of it improving our law enforcement ability to track down stolen items.
MS. MURAH:
Yes, there have been many discussions with various municipalities. I'm going to ask Mike to talk about them.

MR. NIZICH:
Sure. So for several months now we've been talking to -- we presented to the Suffolk County Chiefs of Police Organization, made sure they were aware of the whole program; Fairfield, New Jersey. There's about 180 Police Departments in New Jersey that are now aware of the program. Fairfield has been the first one to officially sign up, and I'm actually doing a Chief's meeting tomorrow in Essex County and Warren County next week. So these are starting to -- you know, starting to evolve the same way. So most of the success we talk about, our company is a U.S.-based company, but it's overseas. Our product's in Sweden and London and Belgium. In France they're doing a bunch of different types of marketing with the same technology. What's that?

MS. MURAH:
(Inaudible)

MR. NIZICH:
In Nassau County we have, as Judy just mentioned to me, in Nassau County we have done a successful tactical, the same product in a tactical fashion for drug buys and things like that, marking money is used. So the technology isn't the challenge to us, it's not the usage, it's the overall solution. In this case we propose as a pilot an overall solution of training all the Police Departments in Suffolk County to understand, to make sure the property rooms understand where to look and how to use the technology. Sorry, I got distracted.

LEG. ANKER:
No, no, that's okay. And Legislator Spencer, you've reached out to our Police Department and you've discussed this with them and they're on board?

LEG. SPENCER:
I tried to be a good Legislator and reach out to our Police, our Executive, our DA, our civics, our town; I've tried to reach out to everyone, and they're very excited to give this a try.

LEG. ANKER:
Thank you.

MR. NIZICH:
Thank you.

P.O. GREGORY:
Okay, Legislator Trotta.

LEG. TROTTA:
Yeah, I want you to explain to me how, you know, that you can pick this up in a pawn shop and I don't.

MR. NIZICH:
I'm sorry, Sir?

LEG. TROTTA:
You mentioned before that, you know, contrary to what I said, you can't just walk in -- a cop can't walk into a pawn shop with a light.
MR. NIZICH:
Oh, the pawn shop. No, things like in Westchester County, they actually have a procedure, a County-wide procedure, it's County-driven, that they have a normal tactical procedure that they go through and they go and they do investigations, they spot check, they have a -- every pawn shop owner has an actual log and they have a rule set.

LEG. TROTTA:
Yeah, they are allowed to look at the log; believe me, I'm intimately familiar with this. You can't go in a pawn shop and say, Give me that jewelry, I want to shine this light on it.

MR. NIZICH:
What I'm going to comment on is my experience in law enforcement for 14 years on the technology side, and building systems for them to make sure they can do this. I'm not going to argue at all with you, I'm just going to say that's my experience.

So on the pawn shop side, to have an item that's under discrepancy and under discussion, from a criminal investigation point of view, there is something in place on the law enforcement side; and I won't comment on that because I'm not a cop, but there's something in place that they can. So --

LEG. TROTTA:
I've gone into them and they say, Get out, and I've call Property Section and they said, You can't do it.

MR. NIZICH:
Right now gold in Westchester County has to be held for ten days before it's melted, that's from a law enforcement point of view. They put these things forth to make sure that these operations stay in a non-nefarious kind of operation mode. To the extent of my knowledge, and I don't want to --

LEG. TROTTA:
Yeah, you just can't go in there. As a matter of fact, they're against you going in there.

MR. NIZICH:
I understand, Sir, and I'm going to end my argument because I can't argue further with you, so.

LEG. TROTTA:
I mean, the only thing that got me was the Property Section. When they auction it off at the end, when they arrest a guy and there's a ton of jewelry and they have no idea whose it is, it goes to the Property Section, and maybe you can get that -- your grandmother's watch or your grandmother's ring.

MR. NIZICH:
Sure. Well, I've been to 190 property rooms in New York State from my prior life, and they're filled and stocked with stuff they would love to return and they can't. We simply have a deterrent Level I and Level II way to return property.

LEG. TROTTA:
I'm not -- you know, my concern more is to make you to get money until you can hire people, because people are fleeing this Island, so.

MR. NIZICH:
Yes, they are.
P.O. GREGORY:
Okay, Legislator Muratore.

LEG. MURATORE:
Yes, thank you, Mr. PO. I don't know if you noticed that Doc was talking to me and he did -- are you a registered lobbyist? Because he lobbied me and he convinced me that I should support this. So I'm changing my comment and I will be supporting you on this, and hopefully -- but on the record, I'm going to ask the County Exec for $25,000 for my district also so 500 families can get -- or maybe, what did you say, it's like $69? I'll try and get you 35,000 for my district, okay? That's $70 for 500 people. Okay, that's what I'm going to do. Thanks, Doc. Thank you.

LEG. SPENCER:
Thank you.

LEG. TROTTA:
I'd like to say one more thing. This is it. I mean, in terms of $25,000, this is a pilot program for the public. I will never vote for a dollar again for a private company.

MR. NIZICH:
I understand.

LEG. SPENCER:
Thank you.

P.O. GREGORY:
Okay, Legislator Hahn.

LEG. HAHN:
Can you just explain one more time what comes in the kit?

MR. NIZICH:
Sure.

LEG. HAHN:
And -- okay, yeah, start with that.

MR. NIZICH:
Sure. So the kits are put together in a small package, there's an alarm sign similar to like an alarm system, you can put, "It's a DNA-marked community", "DNA-marked home", stickers on your front and back door and your vehicles. So there's two vehicle stickers and there's two home stickers, because you can mark everything in the vehicle as well. In the kit there comes a vile that is -- I know we're running out of time, but there comes a vile that -- it comes with an applicator that you can mark with a clear fluid that will bond with anything you're marking with, so your jewelry and things like that and any electronics. Once it's marked, it will glow under the UV light. So if it does get stolen or lost or for some reason it winds up under investigation, that mark should be seen under a UV light.

LEG. HAHN:
So everything in that bottle has a unique marker.

MR. NIZICH:
Every -- the whole bottle itself, all the fluid, it has the same mark but it's your mark; you register it to your home.
LEG. HAHN:
Right, so it's a unique marker. I'm just trying to think, you know, maybe other applications is -- I
don't know how it would work, but, you know, maybe jewelry stores --

MR. NIZICH:
Sure.

LEG. HAHN:
-- when they sell you jewelry, they can -- part of it, either an up-sell or value-add to their product
would be the marking or electronic sales or --

MR. NIZICH:
That is true.

LEG. HAHN:
-- other value, because they could -- but, you know, again, I don't know how then they would get it
back to you, but I'm sure they keep some kind of record of what was purchased by who and when.
But there are other avenues as well, not just --

MR. NIZICH:
Sure.

LEG. HAHN:
You know, not just the consumer angle, marking all the products in your home. But when you buy
something new, at that point, you know, that might be another avenue for this as well. Okay. I
think that's all I wanted to ask about.

P.O. GREGORY:
Okay, Legislator D'Amaro.

LEG. D'AMARO:
Okay. I'm not going to join the debate, really. I want to talk to you. I think that it's amazing that
you've taken this technology and put it to such a great practical use. And even though you are not
profitable yet, I suspect that you will be in the future. It takes an awful lot to go from the laboratory
to the consumer market. You're trying to do something that usually only major international
corporations can do, it's not easy to do. So I -- from a business perspective, I admire what you're
doing, I think it's fantastic.

MS. MURAH:
Thank you.

LEG. D'AMARO:
And I appreciate the fact that even though you're not profitable yet, you are still discounting the cost
of running this program for the County. Will you benefit from that? I hope so, I hope you do.

MS. MURAH:
Thank you.

LEG. D'AMARO:
Because I know we certainly will. As someone who has to vote on whether or not to go forward with
our pilot program and work with your company, I think it's important that we run the program to
find out does the technology work as you represented that it does; what would be our Police
professionals opinions. You know, what, they're going to have hands-on use now of the kits, or they're going to have hands-on training, they're going to know how to respond and what to do with property that's recovered, how is it tracked, who do we contact. I mean, there's just all kinds of things that the Police need to know in order to utilize your technology.

It's new technology. They've never had their hands on it before, they don't know yet exactly what their procedures are going to be. This is what a pilot program is about. We're going to feed that data into our Police Department, they're going to extrapolate and think about it and come up with an opinion and a point of view on all of this. And I think that the 25,000 cost is nominal, considering the potential benefit to you as a business and to the County and to the residents of this County. I can't understand why, with new technology and a new crime-fighting tool that requires some police training, that anyone would oppose paying such a small amount in order to protect so many people County-wide.

I mean, if I have a constituent that gets robbed and they take something that maybe has sentimental value or something very expensive and I've now done this pilot program, or because of that my cops can immediately -- if they get recovery of that property, know how to return it to the rightful owner, I mean, how could you be against something like that? So I would encourage you to continue doing what you're doing, and I'm certainly going to support the pilot program.

MR. NIZICH:
Thank you.

MS. MURAH:
Thank you.

LEG. D'AMARO:
All right, thanks.

P.O. GREGORY:
Okay, Legislator Browning?

LEG. BROWNING:
Okay, let me clarify pros and cons. I did not say I'm opposed to this idea. I'm not opposed to what you do. I support every Suffolk County resident who wants to purchase your product. I was reading some information about your pilot program in Stockholm, I've seen a little bit about your stocks. I think what needs to be clear is why are we paying for this?

I'd like to ask the Police Department. There was a program called LoJack; tell me how that's working. I kind of look at that as similar to this. We used to -- LoJack was such a great idea, it came to us; are we still using LoJack?

DEPUTY INSPECTOR NIEVES:
To my knowledge, no Ma'am, we're not.

LEG. BROWNING:
Okay. And that was something that was presented to us as great technology, wonderful thing to do, recover cars, right?

DEPUTY INSPECTOR NIEVES:
I wasn't involved in the genesis of that program, but I know the company, I believe, is no longer viable, so we're no longer involved in that program.
LEG. BROWNING:
Right, right. So we can only hope that Applied DNA will be viable in 15, 20 years. I wish you a lot of luck. I hope you’re successful. But again, in the event that you’re not, we’re investing money in a new LoJack, that’s what I see. And again, why are we spending Suffolk County taxpayers’ money for another -- a pilot enterprise for the opportunity to make a lot of profit?

And again, I will say, Doc, I know we'll agree to disagree. You know, what? If they came and they said, We're going to do this for free, you know, -- and again, why are we doing a pilot? It has outstanding results around the world, let’s do it, and let Suffolk County residents purchase it. Okay?

P.O. GREGORY:
All right. Legislator McCaffrey.

LEG. McCAFFREY:
Thank you. I know enough has been said about this, I'll be very brief. I had been going back and forth in my mind about what I wanted to do with this. I came into this saying absolutely not am I going to vote for this. I've heard all the compelling arguments. I think the biggest one I heard was from Legislator Trotta when he -- yeah, that's hard to believe, isn't it?

(*Laughter*)

(*Laughter*)

When you mentioned about, you know, all the companies going out of business, and we spend so much money on economic development. I think more for that reason, I am going to be supporting this. I hope that they spread this throughout every one of our Legislative Districts and the County Executive can find the money to come through and be able to support all of us. Thank you.

P.O. GREGORY:
All right. Let’s call the vote before everyone changes their minds. All right, so we have a motion and a second?

MR. RICHBERG:
You have a motion to table as well as a motion to approve.

P.O. GREGORY:
Okay. Who was the motion to table?

LEG. BROWNING:
I did.

P.O. GREGORY:
Are you going to withdraw your motion to table?

MR. RICHBERG:
We have a motion and a second on both.

LEG. BROWNING:
No, I'll withdraw my motion.

P.O. GREGORY:
All right, we got a withdraw the motion to table. We just have a motion to approve. All in favor? Opposed? Abstentions?
LEG. KRUPSKI:  
Opposed.

MR. RICHBERG:  
Fourteen (Opposed: Legislators Krupski, Browning, Cilmi & Barraga).

LEG. SPENCER:  
Thank you, guys.

P.O. GREGORY:  
Okay, motion passes. We have IR 1365 -- that was only 50 minutes.  
**IR 1365-15 - Amending the 2015 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (County Executive).**

LEG. D’AMARO:  
Motion.

P.O. GREGORY:  
Motion to approve by Legislator D’Amaro. I’ll second. Anyone on the motion?

LEG. CILMI:  
Which one is this?

P.O. GREGORY:  
This is 1365, a liability case.

LEG. CILMI:  
Okay, 1365.

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

MR. RICHBERG:  
Eighteen.

P.O. GREGORY:  
**IR 1365A, Bond Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $110,000 Bonds to finance the settlement of a general liability case against the County),** same motion, same second. Roll call.

(*Roll was called by Mr. Richberg - Chief Deputy Clerk of the Legislature*)

LEG. D’AMARO:  
Yes.

P.O. GREGORY:  
Yes.

LEG. KRUPSKI:  
Yes.
LEG. BROWNING:
Yes.

LEG. MURATORE:
No.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. CALARCO:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
No.

LEG. TROTTA:
No.

LEG. McCAFFREY:
Yes.

LEG. STERN:
Yes.

LEG. CILMI:
Change my vote to a no, please, Mr. Clerk.

LEG. SPENCER:
Yes.

D.P.O. SCHNEIDERMAN:
Yes.

MR. RICHBERG:
Fourteen (Opposed: Legislators Muratore, Kennedy, Trotta & Cilmi).

P.O. GREGORY:
Okay. Connie Corso is here, we passed over IR 1248, we'll go back to that.
This is the 5-25-5 law. Hi, Connie. How are you?

**MS. CORSO:**
Hi. How are you?

**P.O. GREGORY:**
Good. I just wanted -- I was told that this -- there’s one or two items or things that we're looking at doing, it's not a lot of money, potentially, and that you guys weren't necessarily -- had to pass, not pass? I just wanted to --

**MS. CORSO:**
Until Gil caught me in the hall and said, "Are you" -- *(laughter)*. You forgot about roof replacement and minor roadwork."

**COMMISSIONER ANDERSON:**
Dredging.

**MS. CORSO:**
Dredging, line markings, anything under -- the law here is anything, small projects under 100,000 then can't be bonded. What I was discussing is we only have two resolutions that we're going to bring forth for projects that you would have to approve moving forward. So my -- it's my apologies. When I spoke to Gil, I had forgotten about the roofs and the smaller road projects, so we won't be able to do the smaller road projects under a hundred thousand.

**P.O. GREGORY:**
But isn't part of the 5-25, isn't it 25,000? That's what I thought.

**MS. CORSO:**
There are like seven different categories, if you look at the bill.

**P.O. GREGORY:**
Okay.

**LEG. CILMI:**
Dredging projects of 100,000 or less.

**MS. CORSO:**
Repair and maintenance not significantly extending the useful life of the asset; dredging projects, 100,000 or less; road and equipment repairs, roof replacement, and then comes that 5-25-5 section. So there are seven sections.

**P.O. GREGORY:**
Gotcha. Okay. Counsel is grumbling over here, he may disagree. So Legislator D’Amaro, you had a quick --

**LEG. D’AMARO:**
Well, yeah, I just want to thank Ms. Corso for coming in and clarifying that, because at the committee --

**MS. CORSO:**
Sorry.
LEG. D'AMARO:
You know, that's fine, so you thought about --

MS. CORSO:
My apologies.

LEG. D'AMARO:
Yeah, no, it's fine, no apology necessary. So if we don't waive the rule, then these other projects that we're talking about now could not get done because we would not be allowed to bond for them, we don't have the cash to do them.

MS. CORSO:
Right.

LEG. D'AMARO:
Okay.

P.O. GREGORY:
Legislator Cilmi?

LEG. CILMI:
I have just a general question, it sort of relates to this. You know, we've repeatedly, as has been testified year after year after year, voted to waive this law that we have in place, that we've had in place for many, many years, to constrain our borrowing, so we voted to waive this law to free us up. And what I'm hearing is that there are certain circumstances, and they're very limited circumstances, that we need to do that on throughout the year. So what I'm wondering is -- and it doesn't really -- we can't really -- or maybe we can implement it now. Could we change our policy such that in the event there are projects that would fall within the confines of this 5-25-5 law without waiving the 5-25-5 law all together, with those certain projects that are that important, rather than require a 12 vote, let's require a 14-vote or something like that. I'm not sure if that's possible, but it seems to me that if we did something like that, we could hear on a project-by-project basis and we don't have to continually ignore a law that was passed with great intentions many years ago, over and over and over again. Any thoughts?

LEG. D'AMARO:
I have a thought.

LEG. CILMI:
DuWayne?

(*Laughter*)

P.O. GREGORY:
Is that directed at me?

LEG. CILMI:
No, I would direct that to our Counsel, I guess, or to the County Executive's Office.

MR. NOLAN:
Personally, I think this is --

LEG. CILMI:
Let me change that; and to the County Executive's Office.
MR. NOLAN:
I just think this law is so confusing as it is. If it were up to me, I'd say get rid of it, because it is impossible to understand what it means.

LEG. CILMI:
Okay, that's honest. And what about --

LEG. ANKER:
Add it to the list.

LEG. CALARCO:
(Inaudible)

LEG. CILMI:
What about you, Connie?

MS. CORSO:
I have to agree with George. Every year we have to -- I've been, you know, here doing this, passing this law since 2000 -- waiving this since 2004, and I gave Lou wrong information because there are so many sections that you have to interpret. And unfortunately, this is one of the Local Laws that the County put on themselves maybe at a time -- maybe its time has come now to relook at it, but there isn't anything I can do about it now. It is one of those laws that really needs to be looked at, clarified, maybe even, you know, --

LEG. CILMI:
Say it.

MS. CORSO:
Gone (laughter), rescinded, you know,. It is very -- and the thing is we -- the County has been waiving this since 2002. I think there was one year they didn't waive it. Even in years where we had $10 million budgeted for pay-go, we waived the law. So it doesn't -- you have that -- you're giving yourself that flexibility, but you're really -- you tie your own hands. So you're untying your own hands.

P.O. GREGORY:
Okay, Legislator Kennedy.

LEG. KENNEDY:
If I remember correctly, this law was put into place in 1994; is that correct, George?

MR. NOLAN:
Yes.

LEG. KENNEDY:
And it was put into place because we didn't have enough cash to pay our bills. So virtually every time we waive this, what we're doing is taking the imaginary credit card and just swiping away. It would be better if we did do, as Legislator Cilmi just said, case-by-case, that we evaluated each one individually rather than waive the law.

MR. NOLAN:
You could do that can. Except to waive the law, because it's a -- it's in the Charter, it would have to be a Charter Law every time we waived it. Unless we changed this to say that the Legislature could waive this by a resolution, by a majority or two-thirds or whatever the Legislature would want to do.
LEG. CILMI:
So if I may, my --

MR. NOLAN:
But I really think this law needs a total overhaul.

LEG. CILMI:
So my suggestion would be to look at the 5-25 law, clean it up so that the exemptions are clear, put a provision in there that says that on an individual basis, resolution-by-resolution basis, the individual resolutions may be exempted from those criteria with a 14-vote super majority or something like that. I mean, I'm not saying keep the current 5-25-5 law in place because, as you said, it's confusing. Let's revise it and then let's put in some -- a component that allows us to, on a case-by-case basis, override those requirements.

MR. NOLAN:
I would just say, you know, we were talking about this in committee the other day, that the local Finance Law tells us, you know, the things that we're allowed to bond; there's only certain things that can be bonded that we can borrow for. And, you know, if a bill comes in saying we're going to appropriate the money for this purpose as a Capital Project, we get a chance then to pass on whether or not we want to spend bond proceeds to pay for that particular item. And as, you know, the Bond Resolution requires 12 votes. So, you know, if they come in with a resolution, the Administration comes in with a resolution to bond an expense, dredging or something that they think is covered by 5-25-5, the Legislature gets a bite at the apple and it's a two-thirds vote.

LEG. CILMI:
So maybe then it's a question of transparency in terms of indicating -- maybe we don't preclude ourselves necessarily from bonding in these cases, but maybe rather we change the law to require some sort of an indication in the bill, you know, that it fits within the criteria set forth in such and such Local Law, so that we know when we're voting on it, it's readily apparent when we're voting on it that this is not, you know, a normal bonding resolution; you know, that it falls beneath certain thresholds.

MR. NOLAN:
At the end, for me, it is a definition of recurring expenses, and things we shouldn't bond. But the stuff that's in there, they say dredging is one of the things that's mentioned in this definition, and dredging is always a capital expense and I think everybody would agree that's a valid use of capital proceeds. So I just think this whole law is just -- I don't think it's workable, and maybe that's why it's been waived, you know, every year for -- when you waive a bill every year for 15 years, maybe it's time to get rid of the law.

P.O. GREGORY:
Okay. Legislator Krupski.

LEG. KRUPSKI:
I do understand the value of having a 5-25-5 policy, because it does restrain you and this is a County that needs restraint. And I would like to -- so the question is if we rewrite it -- and Legislator Cilmi had a good suggestion of needing 14 votes for approval. But could we limit it -- and if you or someone else undertook a rewriting of this law, would you consider only maintenance, you know, or the roof's leaking, you know, the roof needs doing. Not projects like, We'd like to fix that corner because it would be nice if we spent money and fixed the intersection. Because you don't really have to, people have been using it, you know, since 1684, you know,. Could it be better? I guess everything could be better, but you don't necessarily have to fix it, and yet we go ahead and
we routinely borrow money to do -- make improvements. I'd like to ask the Comptroller Kennedy if he could --

(*Groans From Legislators*)

(*Laughter*)

**LEG. KRUPSKI:**
Because he's got --

**COMPTROLLER KENNEDY:**
I don't know. I'm not --

**LEG. KRUPSKI:**
On a serious note, I'd like to ask Comptroller Kennedy to come in. Through the Chair, if he could comment on what he thinks about this. Should we -- in his opinion, because he's been there for a while now, should we adopt this law? You know, should we give it a pass for another year, or should we relook seriously and consider rewriting this law so that it would be meaningful and useful.

**P.O. GREGORY:**
All right, since you're here.

(*Laughter*)

**COMPTROLLER KENNEDY:**
Since I'm here.

**LEG. CILMI:**
Why are you here? (Laughter).

**P.O. GREGORY:**
Yeah, what are you doing here? Rob said you speak more now than when you were here.

**COMPTROLLER KENNEDY:**
Oh, come on (laughter). Oh, come on, come on. Good evening, Ladies and Gentlemen. John Kennedy, the Suffolk County Comptroller.

Towards your question, Legislator Krupski, let me give you a couple of observations. First of all, as much as I like to think that I'm still involved with policy, actually I have joined the other side, the other branch of government and the lion's share of what I do is ministerial.

When I left the office, we are in the final phases of assembling our Spring bond. And subject to review -- is Connie still here? Where's Connie? She's still here. Why don't you come on up here, we'll talk a little bit about what's going on right now with the Spring bond. So it begins with a solicitation of requests from the various departments. And we had, what, about 75, 76, 77 million? Yeah, about 77 million, I guess, that was submitted for the range of everything that we wind up doing, from dredging to roofs to all of the multitude of things that have previously been bonded.

Now, there's a process that goes on with that. As far as ascertaining, do we have the resos in place, are they still alive, has a project been underway? And then there's another process that we kind of work with with the Budget Office where ultimately there's a bit of involvement that comes in from the Budget Office's review as well. We're probably down somewhere now between 65 and 70 million, in looking at what, in fact, we will go out for in about, I guess, three weeks.
MS. CORSO:
(Nodded head yes)

COMPTROLLER KENNEDY:
And so the money will get raised and the various things that we've talked about, there's dredge projects in there, there's roof work, there's vehicles to be, you know, obtained for the PD and the whole gamut of things.

Are there items in there that are head scratchers? Yeah, there are items in there that are as small as 22 or $23,000. Would I think that that would be an item that ordinarily we would think that a department should be looking at from its Operating Budget? Again, that's a policy perspective. Is that what I think ultimately 5-25-5 was designed to try to address? I'd go back to Counsel who, you know, was here, I guess, when some of the discourse went on back in '94 in the first instance. But I think it is the constant struggle, if you will, to meet the whole gamut and range of functions and needs that we have, and yet the ability to go ahead and to meet those objectives out of the Operating Budget as compared to what we do with bonding.

So I can't tell you should we have it or not have it. But I can tell you that there's a -- you know, it from town government. Go to your experience in town government; it was basically what you could pay for you would do, what you couldn't pay for you didn't do.

LEG. KRUPSKI:
Thank you. I have one -- through the Chair, I have one more question for Dr. Lipp, because he's been giving us sound advice all along. What is your opinion of extending this policy and what is your opinion of trying to -- Legislator Cilmi's idea of trying to rewrite it into something that could be more effective or meaningful?

MR. LIPP:
So Budget Review Office was, I guess, the main architect of the law back in 1994, and at the time the finances were significantly better and it made a lot of sense. I would say that the point that the Budget Director and Counsel to the Legislature were making is a valid point, since we have been suspending it, I think with the exception of one year, since 2002, it doesn't seem like, based upon past current practice, that it makes sense to keep the law.

That being said, in terms of 14 votes, I don't -- I mean, it would be, yes, granted, very difficult to pass anything with 14 votes, as you would know better than I. That being said, I guess my preference would be we could redraft the law. There is a lot of confusion in it, and we even recommended a few years ago doing to be doing that, but no one was interested at the time. You know, the opinion that I had then after that was, Well, I guess we might as well just eliminate the law.

That being said, we are providing a list of projects that may be considered as pay-as-you-go as part of our review of the Capital Program, just to give you a sense of what that would amount to. And very preliminarily, I think we add up to, depending upon how you look at things, as much as $30 million.

That being said, I think a better approach is either, number one, eliminate the law; or number two, to create a sort of new resolution where you would package different groups of bonds as potential pay-as-you-go items and then you would have to package that in the beginning of the year as whether or not you want to force it to be that or not, more aggressive or less aggressive. That way if you're looking at individual resolutions, it's really on a piecemeal basis and it's not an overarching policy.
That being said, I think at this point we're not ready to go there. And if I was being asked whether or not to adopt this law, which is a little uncomfortable for me to even speak about, I would say at this stage I don't know what else we should do, at least for now, other than to pass the resolution and then revisit it.

**LEG. KRUPSKI:**
Thank you.

**P.O. GREGORY:**
Okay, Legislator Stern?

**LEG. STERN:**
Connie, we had had a discussion during committee when we were talking about what you see, past history, recent and even further back, and ultimately the relationship between the 5-25-5 and pay-go. They are not mutually exclusive necessarily, it really depends on facts and circumstances. And I think more than anything else, what we need, of course we need responsibility, we need fiscal responsibility, but we also need flexibility in a time of challenge. I was wondering if, again, if you can speak to that in the relationship between this policy and pay-go.

**MS. CORSO:**
Right, that's correct. So in years, there were years, many years that we had money in pay-go and we waived it anyway just in case, you know, something came up and you needed the money for something else. So, I mean, I could get you all the years, but in many years we waived it just to give ourselves that flexibility. So that's correct.

**LEG. STERN:**
Thank you.

**P.O. GREGORY:**
Okay. All right, we have a -- do we have a motion?

**MR. RICHBERG:**
We have a motion and a second to table.

**P.O. GREGORY:**
Okay. Who made the motion?

**MR. NOLAN:**
You made it.

**LEG. D'AMARO:**
So wait a minute. DuWayne?

**P.O. GREGORY:**
I made the motion? All right, I withdraw my tabling motion.

**LEG. D'AMARO:**
DuWayne, can I ask a question?

**P.O. GREGORY:**
Legislator D’Amaro.
LEG. D'AMARO:
I just want to understand what we're voting on. So if we're -- if we vote to -- if we do not vote to waive this, then all of the items that are included on that laundry list in this bill, we would have to pay cash.

P.O. GREGORY:
Right.

LEG. D'AMARO:
Or not do them.

P.O. GREGORY:
Right.

LEG. D'AMARO:
Not dredge, not fix the road or whatever's on that list. Dr. Lipp, you said that could be as high as 30 million, did you say?

MR. LIPP:
Correct.

LEG. D'AMARO:
Okay. So if you vote against this, you don't want to bond to do vital projects that affect all of our districts because you insist on paying cash. Before I cast my vote, I want to know where am I going to get that cash?

MR. LIPP:
Is that a question to me? I'm not sure.

LEG. D'AMARO:
Well, there's the three financial gurus sitting in front of me, someone answer the question.

MS. CORSO:
I'm going to say we're not going to get that stuff done.

LEG. D'AMARO:
You would say we would not get it done.

MS. CORSO:
We would not be able to proceed.

LEG. D'AMARO:
Rob?

MR. LIPP:
I believe that she's correct, and I'll go one step further. Even if I thought that she would be wrong -- not her, but the County Executive, and she's the County Executive's agent -- would make a determination if there's any of it that they would absolutely need; in all likelihood, that would be the approach, given the fiscal problems.

LEG. D'AMARO:
Okay. Commissioner Anderson, is he still here? You had mentioned with Connie that there were dredging projects. Can you just give me an idea where they are?
COMMISSIONER ANDERSON: I don't have that information, but generally it would be, you know, work either where we would have to bring in contractors to do the north shore, along the Great South Bay.

LEG. D'AMARO: Right.

COMMISSIONER ANDERSON: Generally we do the Peconic.

LEG. D'AMARO: What were the other items on the list that you were concerned about?

COMMISSIONER ANDERSON: It was roof replacement, striping, repaving; you know, the maintenance work, if you will, that we do.

LEG. D'AMARO: So what I'm told by the financial managers of our budget is that if we don't waive this rule and we require cash, there isn't sufficient cash. I want to know from you whether or not these projects can be put off.

COMMISSIONER ANDERSON: In my opinion, no, they can't be put off.

LEG. D'AMARO: They can't. Okay. So -- all right, thank you, I appreciate that.

COMMISSIONER ANDERSON: You're welcome.

LEG. D'AMARO: So I'm -- I don't -- I'd rather pay cash, but if we have vital projects that need to be done and we don't have it, then I just want to know how else would we pay for this besides bonding? And by the way, I don't have to decide that today, because when that roof project or that dredging project comes here, it'll be proposed to bond it and if I want to vote no on the bond, maybe I can find the cash within the budget. So I'll have that opportunity. So I don't really see a problem with waiving this. All right, thank you.

P.O. GREGORY: Okay. Legislator Kennedy.

LEG. KENNEDY: I have a question for the Commissioner. Sorry, Gil.

COMMISSIONER ANDERSON: Yes, Ma'am.

LEG. KENNEDY: Hi. I'm confused on a couple of things. Is it roof replacement or roof repair?
COMMISSIONER ANDERSON:
Generally it's roof replacement, but it depends on the size of the work. If it's something that we can get a contractor or do ourselves, we will do the repairs ourselves. In many cases, such as in this building, the areas get to a point where they're so worn down that they have to be replaced, and that is where we would have to bring in a contractor to do that work.

LEG. KENNEDY:
Well, that's another issue we'll discuss at a later date about warranty. But you said some road repair?

COMMISSIONER ANDERSON:
Correct. Generally the pot holes, the smaller patches we do with our own crews, but once it gets to a point where we need to bring in contractors, whether it's an enlarged patch -- and, you know, it could be a 50-foot section of road -- or an entire length of road, we can't do those in-house and we have to bring contractors in so.

LEG. KENNEDY:
Okay. And what was the third thing?

COMMISSIONER ANDERSON:
There was striping, which is another --

LEG. KENNEDY:
Striping, which is paint.

COMMISSIONER ANDERSON:
We do a lot of the striping ourselves, but the -- there are certain things that we can't do in-house; the horizontal bars, the stop bars, you know, the amount that we need. So, you know -- and again, if we repave a road, we have to now come back in and restripe it, so that's all part of that.

LEG. KENNEDY:
Okay, and some dredging projects.

COMMISSIONER ANDERSON:
Correct, and roofs.

LEG. KENNEDY:
And that's $30 million?

COMMISSIONER ANDERSON:
Yeah.

LEG. D’AMARO:
Not cheap.

COMMISSIONER ANDERSON:
No.

LEG. KENNEDY:
Oh, okay. Thank you.

P.O. GREGORY:
Okay. All right, so we don't have a motion and a second, right?
MR. RICHBERG:
That is correct.

P.O. GREGORY:
I make a motion.

D.P.O. SCHNEIDERMAN:
Second.

P.O. GREGORY:
Second by Legislator Schneiderman. All in favor?

LEG. KRUPSKI:
On the motion?

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

LEG. KRUPSKI:
I just would like to say that, you know, there is that fiscal reporting law, and we're anxiously awaiting for the report, and three of the four horsemen are here in front of us who are diligently working on that report, and this is the kind of debate that we all need to have to show a little bit of restraint once in a while, because you see it kind of in the paper, it's like, Oh, we're -- it's our fake number. We're $160 million in debt, or we're $70 million in debt; or whatever it is.

LEG. D'AMARO:
Projected.

LEG. KRUPSKI:
And then it's like, Well, what do we do? Well, we'll just borrow the money, it's fine. Okay. And then we'll talk about toxic toys for hour-and-a-half and then it will be fine.

So I would look forward to amending this 5-25-5 law and look forward to working with all of you amending that.

COMPTROLLER KENNEDY:
Mr. Chair, if I can just speak to Legislator Krupski, because he's been very understanding. Part of going through the Audit Committee process, which, by the way, I believe I did vote on last year and supported. In the first part of the year when we first convened, we had a variety of things that we were looking at. Very quickly thereafter, we had the joint Budget Committee presentation that went on.

I'll point out that we also had the opportunity in my office, in particular with the '06 refunding that we undertook, that actually took up quite a bit of work in the first part of the month there. I will not speak for the other parties to the Audit Committee, but I think that we have assembled a fairly comprehensive and broad direction.

I think we're set to convene in the first week in June, I believe it is, June 5th. So my expectation is that we will be, if it's the committee's will to do so, we'll be coming to you in joint fashion to go ahead and present and to speak at length about what it is we've been able to ascertain so far.

LEG. KRUPSKI:
Thank you. I appreciate that.
COMPTROLLER KENNEDY:
You're welcome.

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

(*Opposed said in unison*)

MR. LAUBE:
Twelve (Opposed: Legislators McCaffrey, Trotta, Kennedy, Barraga, Cilmi & Muratore).

P.O. GREGORY:
Okay, Economic --

MR. NOLAN:
We skipped 1280.

P.O. GREGORY:
Oh, right, we also skipped IR 1280. Robert, you were going to look up some information. Actually, you sent me some information.

MR. LIPP:
Okay. So to the best of my abilities, I'm not the head of the agency, so, you know, I don't know what specifics she could provide. But in terms of the offset, which is 25,000, we had -- the recommended budget included 25,000, we upped it to 50,000, and that was to provide a bilingual hate crime advocate. For whatever reason --

(The following was taken by Lucia Braaten - Court Stenographer & was transcribed by Kim Castiglione - Legislative Secretary)

LEG. HAHN:
But did that person cost 25,000 previously? Like I think what happened was the extra 25,000 just mistakenly got put in that line.

MR. LIPP:
It wasn't a mistake. It might have been that --

LEG. HAHN:
Right, mistaken by whoever asked for, you know, not saying you.

P.O. GREGORY:
Just to clarify my position, because I created the -- I was part of creating the advocate when we did the Hate Crimes Task Force. It has been funded at -- it started at 50,000, it went to 25. It has been funded at 25 for several years now, so my coming from it at the 25,000 level thinking it was zeroed out, but it's at 50,000, it's going to 25, which it has been.

MR. LIPP:
Correct.

P.O. GREGORY:
I'm okay with that, because I thought we were eliminating the position.
MR. LIPP:
Right. And the one that it's going to is, I guess, like -- it's a combination of lots of different services, the extra 25,000, including their help line, sex offender e-mail alerts, collaboration with police, community sex offender registration, Tips Program and website, crime prevention and crime victim advocacy. I can go on. It's a bunch of services in that one.

P.O. GREGORY:
Okay. All right. So we have a motion on it?

LEG. CALARCO:
Second.

MR. RICHBERG:
Yes. We have a motion and a second.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Okay. All right. Economic Development. We have a long way to go so I'm going to try to whip through this real quick. IR 1283 - To appoint Stephen H. Long as a member of the Suffolk County Citizens Advisory Board for the Arts (Schneiderman).

D.P.O. SCHNEIDERMAN:
Motion.

LEG. SPENCER:
Second.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1346 - Establishing a Suffolk County Business Leaders Task Force (Lindsay). Motion by Legislator Lindsay, second by Legislator Calarco. On the motion anyone? All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Education and Technology. IR 1287 - Authorizing execution of an Intermunicipal Agreement pursuant to § 119-o with the Town of Brookhaven for shared computer network infrastructure (Co. Exec.).
LEG. MURATORE:
(Raised hand).

P.O. GREGORY:
Motion by Legislator Muratore, second by Legislator Anker. On the motion, Legislator Hahn.

LEG. HAHN:
Yeah. So there were some questions that I think were going to be asked in committee about what exactly this means to be providing this shared computer network infrastructure. What do we give to the town and what do we get back in return are my questions.

P.O. GREGORY:
We have the Director of IT, Mr. Mezzanotte.

LEG. HAHN:
Excellent.

Mr. MEZZANOTTE:
Basically what we're going to do is provide the Town of Brookhaven with space within our Hauppauge Data Center where they could house equipment and their data in a secured environment so it could be accessed should they lose the ability to connect to their data center in Farmingville.

LEG. HAHN:
So actual physical space, not space on a server or on a network.

MR. MEZZANOTTE:
They'll provision their own equipment, hardware, even the data circuits coming in will be through the Town of Brookhaven.

LEG. HAHN:
And do we have room for growth?

MR. MEZZANOTTE:
Yes, we do. We have the capacity to actually do the same approach for all towns.

LEG. HAHN:
And what are we getting in return?

MR. MEZZANOTTE:
In return, we have the ability to connect to our network from their facility should we lose the ability to get into one of our locations. So it's a business continuity solution for the County.

LEG. HAHN:
Okay. Thank you.

P.O. GREGORY:
Okay. We have a motion and a second?

MR. RICHBERG:
Yes, we do.

P.O. GREGORY:
All in favor? Opposed? Abstentions?
MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Okay. I’d like to recognize Legislator Browning.

LEG. BROWNING:
Yeah. We have some of the new administration from AME is here, so I’d like to take Procedural Motion No. 10 out of order, and make that motion.

LEG. MC CAFFREY:
Second.

P.O. GREGORY:
Okay. Second by -- who was that?

LEG. MC CAFFREY:
(Raised hand).

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

MR. RICHBERG:
Eighteen.

LEG. BROWNING:
And I’d like to make a motion to table.

LEG. MC CAFFREY:
Second.

P.O. GREGORY:
Motion to table by Legislator Browning, second by Legislator McCaffrey, on Procedural Motion No. 10. I make a motion to approve.

LEG. BROWNING:
Can I request that the --

P.O. GREGORY:
Hold on.

LEG. D'AMARO:
Just note my recusal. Thank you, Mr. Presiding Officer.

P.O. GREGORY:
All right. So we have a motion to table. I made a motion to approve. Do we have a second on the motion to approve?

LEG. SPENCER:
Second.
P.O. GREGORY:
Okay. The caption reads Procedural Motion No. 10 of 2015 - Setting public hearings for proposed transition of Riverhead Health Center to FQHC status and operation by Hudson River Healthcare, Inc. So we have a motion and a second to approve. A motion and a second to table. Legislator Browning.

LEG. BROWNING:
On the motion, yeah. Obviously they are new. They have not quite taken office yet, and I believe that the President has a scheduled meeting tomorrow with the Administration. I know that Kathy is here and Dan, I cannot remember your last name. Could we indulge and allow them to have a minute to speak on this? They were not aware of this procedural motion and I guess there's another bill laid on the table for the transfer, so I would like us to give them an opportunity to speak.

P.O. GREGORY:
Okay. It's a little unusual if we have questions, but go ahead.

MS. MALLOY:
Thank you, Kate Browning, and all your colleagues. My name is Kathy Malloy. As an AME member and a 30-plus year Suffolk County retiree, and today representing the newly elected AME President, Brian Macri, I ask that you hold off on making a decision today on Procedural Motion 10-2015, to go forward with the Mary Hibberd Law in scheduling two public hearings, the 27th and the 28th, on the privatization of the Suffolk County Health Center in Riverhead.

Many of you sitting on this Legislature know me. I pre-screened many of you when AME regularly held their PAC screening interviews for Union endorsement some years ago. When we met then, I was always very impressed by your humanness. I know how many children many of you have. I know some of your work and community histories and interests. I know it because you told me. And many of, you know, the same about me because I told you, and that's good, because it makes politics more human and puts a face on a career. However, successful politics also means intensive networking, to seek out and become more educated on issues of importance. You all, better than anyone, understand the hard work and often the chaos in elections. Can you imagine if any one of you had an eight-way race?

The new AME Executive Board Team, led by Brian Macri and Dan Levler, has been studying and training and meeting with our members since 2013. They are ready to sit down and talk and provide their valuable input on this very, very important issue and its potential impact upon our County workers, who are our AME members. We ourselves have many questions, but perhaps we have some answers for you as well, but our team does not become official and gain any authority to speak until July 1st.

What we ask on this date is to give you -- is to give this motion, the Procedural Motion 10-2015, the time it deserves to know all the facts, not just some of them. You are our Legislators and you are educated in government, but we are the union leaders, we are educated in labor and the government workers. We want to work with you, not against you. We've been here before, been here, done that. We have pledged to do it better.

You have heard the side of the motion's proponents, County Executive Bellone and Hudson River Health. We ask you now to please allow AME to have a seat at this table to educate you as to another side of this very multi-sided issue, and allow us to ask questions and also provide vital information to you regarding privatization and the potential ramifications and the safety of our members, who are your County workers. In fact, earlier today at this very meeting, when the discussion was about lobbyists, my friend, Legislator Barraga, stated that he liked to talk to all people and hear all information, and that he's not educated on every issue. Well, we agree. All we
ask is that you and I remember our own humanness and step back from the rush and take the time necessary to do our due diligence, to table this motion until after July 1st, and, please, give us the time we need, all the time we need to help you to make a good decision.

Brian Macri and Dan Levler will use the time, now to July, to meet with you individually and in groups, and provide important information to help you make a wise decision, an educated decision, on this very important motion. Thank you very much, and I'm here for any questions that you may have. Yes, Mr. Trotta.

**LEG. TROTTA:**
No.

**MS. MALLOY:**
Oh, was that just a wave? Are we good?

**LEG. CILMI:**
I'll ask a question, if I may.

**LEG. BROWNING:**
DuWayne.

**P.O. GREGORY:**
I'm sorry. There's a whole list. Legislator Browning had the floor.

**LEG. BROWNING:**
Okay. So, again, I did speak with the President Elect, and clearly he is -- I believe he said he was scheduled for a meeting tomorrow with the Administration. Unlike some of the other health centers, this is County owned, County operated, 100% County workers. Shirley, Patchogue, Brentwood, you know, all of the other ones were contracted. So I think the fate of the employees and the members, I think we should respect the new leadership and allow them to have an opportunity to meet with the Administration, to find out where their members are going in the event that we privatize Riverhead or not. That's clearly going to be a decision to be made here by the Legislature.

So, again, I request that we give them an opportunity. I do question, there was a late starter laid on the table to turn over Riverhead Health Center to HRH, and we haven't even had the public hearings. So is this a done deal? I'd like to know, is the Administration saying this is a done deal, no discussion? We haven't even had public hearings. Are the public hearings going to be closed? What if they're not closed? What do we do? So it doesn't make sense. I think we should follow the process. Shocker, John, he's still in the room. I believe in the process and making sure that we do what's right. , you know, Kathy talked about the Mary Hibberd Law. Are we following the Mary Hibberd Law and following the process.

So, again, I'm just asking that we give this union an opportunity to have the meetings, to discuss where are the County workers today that were in the former County owned and operated health center? Are they all still working in the County? Did some resign? Did some retire? We don't even know that, and I'm sure they don't. And I think out of respect for them, I think we should hold off on this. Thank you.

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

**LEG. CILMI:**
Thanks Mr. Chair. Hi Kathy. How are you?
MS. MALLOY:
I'm well, my Legislator.

LEG. CILMI:
Good. So basically you're asking us to hold off on approving or setting a date for these public hearings until the new union leadership can kind of wrap their hands around this, wrap their brains around this a little bit.

MS. MALLOY:
Yes.

LEG. CILMI:
And give you all an opportunity to chat with all of us. That's basically it, right?

MS. MALLOY:
That's basically it and I'm not asking for a lot of time, because we have the ability right now to meet with all of you. This team just doesn't have the authority yet to do anything about it. So we're asking -- we're saying we'll take the time between now and July to do the meetings and to do the work and to do the notes and to maybe give you the answers that you need, and maybe we can get some of the answers we need, so that after July 1st then we can start the Mary Hibberd process and we would be much more educated, and I'm hoping you would be, too, and we can work on this together and see what needs to be done.

LEG. CILMI:
So, you know, more than anybody that I've supported the County's road with these health centers. I've supported the Hudson River's -- the various -- the previous resolutions that we've had --

MS. MALLOY:
Yes.

LEG. CILMI:
-- to do these, and I've actually spoken at meetings, you know, at your union headquarters about how generally speaking I support this concept given the nature of health care today. But I think your request is a fair request.

MS. MALLOY:
Thank you.

LEG. CILMI:
, you know, and so I think -- I think it's fair to ask for some time for the new leadership to, you know, to at least chat with us and, you know, share some back and forth. I don't see that as a bad thing. I don't know if there's any rush, you know, any necessary rush to do this. But it seems like we've heaped a lot on Hudson River Healthcare in a very short period of time. Sounds to me like they've responded very well with that, but I don't see the need to totally jump head first into this right now. I think, as I said, your request is fair and I'll support that.

MS. MALLOY:
We also have been meeting with -- as a matter of fact, I have been put back on the Welfare to Work Commission, and I represented AME last Friday, and I was lucky enough to be witness to a very excellent presentation by Hudson Healthcare, so that was nice, which I brought to Brian and Dan Levler. So, thank you.
P.O. GREGORY:  
I have a question.

MS. MALLOY:  
Yes.

P.O. GREGORY:  
Kathy, I think -- I respect your request, I respect the position that you're in, but I think it's given our time frame, it's unworkable. And I--

MS. MALLOY:  
What time frame is that?

P.O. GREGORY:  
Well, you're asking for July, right?

MS. MALLOY:  
Yes.

P.O. GREGORY:  
So whenever July 1st or somewhere in July. We meet July 28th, we're off in August. I think the transition was looking to happen in September. So we couldn't do it under that time constraint. So the public hearings are just that, they're public hearings. I think we can proceed with that and delay the final decision until July 28th, which would give you and the new board, the Administration, opportunity to get caught up. I think we can hold the public hearings and that wouldn't affect you all that much, so we can proceed in a manner that we can be within our time frame that we need to should we choose to move forward.

MS. MALLOY:  
The only problem with that is that the current President is not approving any administrative leave time, so that this new team is still at their worksite. The only reason Brian Macri and Dan Levler were here was because they put in for vacation time. So they may not even, at least the entire team may not even have the ability to attend these public hearings, and these are very, very important. Even if you put them off until June, sometime in June so that we could at least take the next 30 or 40 days to meet with our Legislative representatives as small groups or individually. I understand your limitations, but we have no availability. I mean, it's just me and I'm a retiree volunteering.

P.O. GREGORY:  
Right. Okay. There are several more speakers. Legislator Barraga, I think I had you on the list.

LEG. BARRAGA:  
I understand your situation with reference to the new Administration. Now, let me ask you a question.

MS. MALLOY:  
Yes, sir.

LEG. BARRAGA:  
It's my understanding you have a meeting with the Chief Deputy Executive tomorrow, Dennis Cohen?
MS. MALLOY: Brian Macri is meeting with Dennis Cohen and he is meeting with our Executive Vice President Dan Levler.

LEG. BARRAGA: All right. So I would take it that it would be a type of meeting where there would be a complete briefing by the Chief County Executive to your new administration?

MS. MALLOY: I wasn't -- I'm not privy to it, I don't know. I don't want to guess to give you the wrong information.

LEG. BARRAGA: Because, you know, certainly I want you to get as much information as you possibly can receive, you know, by the time we have these public hearings on the 27th and 28th.

MS. MALLOY: And we want you to have as much information as you can receive from us. That's why I'm speaking today.

LEG. BARRAGA: So there's no chance that your people would be up to par on this issue by the 27th and 28th?

MS. MALLOY: That's two weeks away. They haven't even been approved administrative leave yet. That's the problem. They're all stuck at the worksite, unless they use their vacation time. And, believe me, that's not a problem, but three of our people are in DSS and Medicaid and their supervisors are not ecstatic that they're going to be leaving soon enough. They have a workload that they --

LEG. BARRAGA: I take it they're looking for input. Now, they have a regular workday. Are they available to meet with individuals in the evening?

MS. MALLOY: I'd have to ask them.

LEG. BARRAGA: Would they be wanting to meet with individuals within the Administration for more information besides the Chief Deputy County Executive?

MS. MALLOY: Well, they are starting there, and they were invited by Dennis Cohen. He set that up.

LEG. BARRAGA: But if the Administration was willing to meet with them in the evening to discuss the issues further, would they have a problem with that?

MS. MALLOY: I'm sure we could meet in the evening.

LEG. BARRAGA: Is there a representative from the Administration? Can you come up a little bit? Can you come up? They're meeting with Dennis Cohen tomorrow. Is there any problem in the next couple of weeks if
they wanted to meet with certain key people in the Administration to meet with them in the evening?

**MS. SANTERAMO:**
I think we can arrange to make them available.

**LEG. BARRAGA:**
Why don't we do it that way? Why don't we do that? In two weeks they'll know a great deal about this whole issue. They should be able to come on the 27th and 28th and, you know, they can testify at the public hearing.

**MS. MALLOY:**
And we have 18 Legislators to meet with as well.

**LEG. BARRAGA:**
Well, is it that important that you meet with me and 17 other people? Isn't it more important that you get as much information as possible for your group, because it's a new group, from the Administration?

**MS. MALLOY:**
Legislator Barraga, the Suffolk County Legislature has equal power with the County Executive.

**LEG. BARRAGA:**
I know that.

**MS. MALLOY:**
We hold you in very high regard. And as you said a little while ago --

**LEG. BARRAGA:**
I know what I said.

**MS. MALLOY:**
-- that you like to have all the education, all the information, and we want to sit with you.

**LEG. BARRAGA:**
I'm trying -- keeping in mind what I said before, I'm trying to put you in a situation where you get as much solid, good information in the next two weeks, and you're not going to get it, frankly, from me, you're going to get it from the Administration. And I think that if they're willing to meet with you in the evenings, you know, I think at the end of two weeks you'd be pretty well versed on this issue. I don't sense that they're going to postpone the public hearings.

**MS. MALLOY:**
Well, I've asked. All I can do is ask and the decision is up to all of you.

**LEG. BARRAGA:**
All right. But if the Administration made themselves available, you don't have a problem as far as meeting with them several nights over the next couple of weeks?

**MS. MALLOY:**
No, I don't think so.
LEG. BARRAGA:
All right. Thank you.

MS. MALLOY:
You're welcome, sir.

P.O. GREGORY:
Legislator Krupski. I'm sorry, Legislator McCaffrey.

LEG. MC CAFFREY:
Thank you. Hi, Kathy.

MS. MALLOY:
Hi.

LEG. MC CAFFREY:
It's been a few years for me, but I do remember that period of time when I was elected to union office and the period of time before I took office, and it was a very crazy time and we had many things going on similar to what you have right now. But this is very important to you and your members.

MS. MALLOY:
Very important.

LEG. MC CAFFREY:
This is the only -- I think it's the only or one of the few County owned health care centers that is now looking to be privatized as opposed to before, it was just transitioning to -- from one outsource to another. And I know one of the issues we have out there is in terms of where are we going to put all these people? These are all County employees and we may have run out of places to go. And as you said, you could meet with the Administration, they could meet with you at night, but I think, and my sense is that you want to put as much information in front of us Legislators as possible and have an opportunity to do that. And if there's a shortened time frame before you can actually speak as the people that are the actual representatives of this organization -- of the AME, that would be difficult to do.

MS. MALLOY:
Yes.

LEG. MC CAFFREY:
That would be fair to say.

MS. MALLOY:
We also have to meet with the AME members that it involves and we are so new they don't even know who we are. It's more than just meeting with the lawmakers. It's meeting with the members as well.

LEG. MC CAFFREY:
I understand. I don't know if we have a timetable that we needed to privatize this by a certain date. I don't know whose timetable we're meeting, whether we're in a rush to meet Hudson River's timetable or we're in a rush to make sure that our employees have a fair shake in this whole process. That's what's important to me and I think it should be important to all of us. Thank you.
MS. MALLOY:
Thank you, sir.

P.O. GREGORY:
Legislator Krupski.

LEG. KRUPSKI:
Thank you. I have a question actually for the Administration. And this is -- this is transitioned to the -- Hudson River started taking place two years ago and it's been progressing through the County's health care system ever since. I made up a long list of questions because I thought we were going to discuss it in detail, more detail tonight, and I was told no, we'll have public hearings, one actually in Riverhead, where people who live and work there will have a chance to comment. So my question is why -- why the rush? And I understand the union seems to be in a period of transition, and it seems fair for them to try to be organized and answer their people's needs. And that was one of my questions that I had written down, you know, making sure the people who work there are going to work somewhere, you know,? That was extremely important. So can you tell us why the rush on this process.

MS. SANTERAMO:
I also -- I don't agree with it being a rush. We actually, the Health Department had Riverhead as transitioning in the first quarter of this year. We did not do that. There were some delays in the process. Right now if we transitioned on June 2nd, if you approved this on June 2nd, that would give us the September 15th date of or approximately September 15th to move. And I think Legislator Spencer can explain this a little bit better than I could, but we have an October 1st deadline because there's a national -- it's something called the IC-9, IC-10. Is that right?

LEG. KRUPSKI:
Let me rephrase that. Not why the rush, but rather why now, why today. That's a better question.

MS. SANTERAMO:
Because we have to -- we have to set our A-96 hearings. We can't go through committee until A-96 hearings are done. This is what held up Brentwood last cycle, is the Legislature does two A-96, we do two A-96's. So this is setting the public hearing to allow the process to move forward so that we can then go through committee and then go through the General Meeting like we just did. It's the same exact process we've done for all of them. We're not rushing it. We're doing the same exact four A-96 hearing process.

LEG. KRUPSKI:
Is there are -- so could you, or Doc Spencer, someone define the advantage of doing it now rather than waiting six months.

MS. SANTERAMO:
Well, we can't -- we can't start the transition until we do this, and we have the October 1st hard deadline. Otherwise we have to buy -- we have to upgrade our EMR system. We were not prepared to do that.

LEG. KRUPSKI:
And that's a Federal requirement --

MS. SANTERAMO:
Yes.
LEG. KRUPSKI:
-- the EMR system? Suppose, and for whatever reason, and there's factors, I mean, there was an earthquake in Nepal. I mean, there's factors beyond our control. Suppose this was delayed and we didn't upgrade our EMR system. What would happen?

LEG. SPENCER:
Could I, through the Chair, to ask the question. First of all, congratulations to AME and their new slate of officers. I look forward to working with you. So, in any case, there's something that we communicate with in medicine called International Classification of Disease, so it's ICD, which is how -- for any money that's paid from the Federal Government, if you come in and you have enlarged tonsils. So we don't write enlarged tonsils. It's 474.00, and that classifies kind of what you have and that goes to the insurance company, and then there is what we look at is that we'll code a particular visit.

The reason ICD -- right now we're under something called ICD-9 and they're changing over the ICD-10, and that's the biggest change in medicine in like the last 15 years because ICD-10 has ten times as many codes as ICD-9. It's very specific classification. And what's going to happen is that because it's so big, the Federal Government put it off for one year. But as of October 1st, we have to do all of our communication and billing using ICD-10.

So I think the current trajectory that they were on was to try to close by mid-September, because HRH has already set up. They have the infrastructure. So as of October 1st, if we keep our existing infrastructure and HRH is not there or it doesn't go through, we have to try to do ICD-10. I'm trying to do it in my office as one physician. It is a nightmare. It's hundreds of hours of, I mean with the staff and training, because it's like learning to speak an entire different language.

So our issue would be that we as a County would not be in a position to do ICD-10, and at that point, the claims that we're putting through would stop getting paid, and they're very hard and fast on that, unless we would be able to put the computer system and the infrastructure in place to be able to do that. So if we did, we would spend that money to be up on ICD-10 and then do the transfer a week or two or whatever. For every day that we're not using the ICD-10, we don't collect any money on any claims that we would be processing. So I think that's one of the concerns, is that they would have to put that system in place, and then still transfer the HRH that already has the system in place and whatever it would cost us in lost revenue, plus to implement ICD-10 for the short period in the transition. It would be far better if we were able to conclude that transfer before October 1st.

LEG. KRUPSKI:
So you're a Doctor and a businessman because you have to run your office. So you have to comply with this?

LEG. SPENCER:
Absolutely. And it's something we were able to -- I'm President of the Suffolk County Medical Society. We were able to, as the AMA, get it put off for a year because ICD-10 is so complex, so big, so onerous we got a year extension on it. But it's going into effect October 1st and there have been companies and hospitals preparing for this for years.

LEG. KRUPSKI:
So Hudson River can come in and they have the system in place and they can just go into it?

LEG. SPENCER:
Right. Hudson River has to be prepared to do ICD-10, especially if it's an FQHC.
LEG. KRUPSKI:
Are they -- I never heard of all these processes before. Are they -- are they compliant at their other locations that used to be County facilities?

LEG. SPENCER:
My understanding is that Hudson River just -- according to -- for them to be a qualified FQHC, they would absolutely have to have -- they’ve been planning for this for years.

LEG. KRUPSKI:
Okay. So -- okay.

MS. SANTERAMO:
I mean, that was the biggest concern. I have notes from the Health Department. That was the biggest concern that was given to me in terms of the timeline and the trajectory that they were on.

LEG. KRUPSKI:
Thank you.

P.O. GREGORY:
Okay. I had you next, Doc. Are you done?

LEG. SPENCER:
I think I've said enough.

(*Laughter*)

P.O. GREGORY:
Okay. All right. Legislator Browning.

LEG. BROWNING:
Yeah. , you know, it kind of bothers me to hear well, this is our timeline and this is how we’re going, and I think there’s 18 of us sitting around here who have not voted yet. So they seem to be taking a direction and saying we’re doing this, this is happening with or without your decision. Does everybody hear that? I'm hearing it. That our vote isn't going to -- this is a done deal, done, it's happening. Yet we haven't voted on this. So that's number one problem. Another problem is you mentioned the need to purchase EMRs if it doesn't get done by a certain time frame, right? Where's the EMRs that were in John J. Foley?

MS. SANTERAMO:
The EMRs, the ICD -- that's what it is, it's an EMR program.

LEG. BROWNING:
Electronic medical records.

MS. SANTERAMO:
Right. That's what the --

LEG. BROWNING:
The equipment that we purchased for John J. Foley that was never used. Where is that equipment?

MS. SANTERAMO:
I don't know who got that because I'm not from the Health Department.
LEG. BROWNING:
Mr. Comptroller, I am requesting an inventory of John J. Foley and where are the EMRs that we purchased for John J. Foley?

MR. KENNEDY:
I'll add it to the pile.

LEG. BROWNING:
Again, we have about two weeks until the next meeting. And again, I'm going to say, first of all, I'm not supporting privatization, that's it. I've always been very clear. This is entirely different than any of our other health centers. This is -- I know you said, Kathy, there's 31 members.

MS. MALLOY:
Yes.

LEG. BROWNING:
You have the MLK, which I believe was the County owned and operated. I think let's give them the respect to find out where their members are that work there. Where are they working today? Are they still working? Did they resign because maybe they were getting shoved out somewhere else that they did not want to go? I want to know what happened to the former County workers, if they're all 100% still working today. And what's going to happen to the next bunch and don't say well, we have a no layoff clause, because guess what? We know that's going to change. So let's give them the respect of who they are, let's give them an opportunity, let's wait for two weeks. And give them an opportunity to do their homework, have the conversation with the Administration, and I'm hoping that the Comptroller can get an answer for me on where the electronic medical records are from John J. Foley and why we're not using them if we did have to expand in Riverhead. And again, I kind of get a feeling that there's a presumption that all 18 Legislators are going to support this transfer with the Riverhead Health Center, and I'm a little insulted.

MS. SANTERAMO:
Legislator, we don't mean to insult you. What we -- if this does not go tonight, then we would just have to start the process of buying the ICD -- the 10 upgrade. What was at fully -- we just talked to Jen -- it's not -- it's a different program. That's what Legislator Spencer was just saying. We would just have to start that process of spending that money that we did not anticipate to do to be prepared --

LEG. BROWNING:
We have EMRs at John J. Foley. You said you don't where they are. You didn't know anything about them. So let's find out where they are and what kind of EMRs they are.

MS. SANTERAMO:
Understood. It's not the 10's, though, is my understanding. We have 9's. They have to be upgraded to ten, which is what we're trying to avoid.

LEG. BROWNING:
Are we sure about that, Leslie? I don't know.

LEG. KENNEDY:
I was just speaking with Dr. Spencer. They must be on the codes, which is ICD 910, must be done on the computer. They don't make a book that for two weeks someone can open up and look to code?
**MS. SANTERAMO:**
I'm going off of notes that the Health Department had given me.
I'm sorry, I don't know the answer to that. That's what I was told.

**LEG. KENNEDY:**
That's okay. But they did it for the ICD-9's. Anyone who's trained in medicine, and I will say, since the last time I was an active practitioner many new surgeries have been developed, many other things, that I'm sure are coded, but if you have the training as a physician, as a nurse, whatever, this is not tough stuff. A book. Two hundred dollars?

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

**LEG. CALARCO:**
Lisa, don't go away. So I want to get back to this timeline issue, because I could appreciate the need if we're going to make this decision, make this decision in time, to not have to expend funds to move to a system that Hudson River is already utilizing for all of their other health centers. That makes sense.

The question I have is specific to the timeline we're talking about. It is May. We have two Legislative meetings in June and a Legislative meeting in July. So that's three cycles to get through. Now, certainly I'm not saying we're going to be able to postpone all of this process until July and still meet that October deadline, but it sounds to me like we could maybe postpone this for a cycle, give the new leadership time to meet with you guys and talk, because I've seen some documentation that makes it seem to me like there's definitely going to be some conversation and creativity on how we deal with these 140 employees that we have in Riverhead, or however many it is that we have there, and allow some of those conversations to begin. Set the public hearings either at our next meeting or even if we set them today, set them for a little bit further out so we give some more time to the new membership, new leadership. And then if we decide we're going to act on this, we can act on it either in the second meeting of June or the meeting in July, and still give you a month-and-a-half to execute everything and make the transfer.

And what we did to the Patchogue-Shirley facilities, I think we approved that resolution in September and the transfer happened in early mid-November. So there should be time to accommodate that within the cycle and still give them a little bit of time to have some conversations with you guys.

**MS. SANTERAMO:**
And I -- I was told that there is concerns about the timeline. If you don't set the A-96 -- I mean, that's all. We're not asking to approve this tonight. We're asking to set the public hearing.

**LEG. CALARCO:**
No, I understand, it's to start the ball rolling, and I've been usually willing to allow this process to at least unfold. And I know that this particular health center is different and unique than both the other ones we did, although it's not quite different than Tri-Community. But it sounds to me like we actually have a little bit of wiggle room here to give this new leadership, who only just took office a couple of weeks ago, and they actually don't even officially take office until July, time to have some conversations.

**MS. SANTERAMO:**
So is it possible to do the A-96 hearings, which is just that, it's hearings, and then if this body decides they're not ready to vote for committee -- is it possible to start the ball rolling and then possibly if you're not ready to move it out of committee don't move it out of committee?
LEG. CALARCO:
I guess that's a decision that we have to make.

MS. SANTERAMO:
Yeah.

P.O. GREGORY:
Legislator Hahn.

LEG. HAHN:
I think -- I understand where you're at, Lisa, and where, you know, the Executive staff is at on this piece. But I'm -- I just, I mean, I just have to agree with Kate. If you need to order those things, do we know how much they cost?

MS. SANTERAMO:
Jen called and told me that they had put in a request for a quote. I mean --

LEG. HAHN:
But my point is so what happens if we nix the sale?

MS. SANTERAMO:
Then we would have to start the transition to the new system if you decide not to do it.

LEG. HAHN:
But if you don't have time to do it if we don't do it today --

MS. SANTERAMO:
If you don't do it today Jen had told me that they would have to start the process.

LEG. HAHN:
Right. But so my point is you're going to have to start the process regardless, because you don't know if we're voting yes or no. So if we vote no and you need to have it by October, you have to start the process regardless, because you waited until -- you don't know what our ultimate decision is going to be.

MS. SANTERAMO:
Correct.

LEG. HAHN:
So you need to order the system regardless, because what happens if in four months from now we all -- whenever the timeline is that we have to vote and we vote no, and you haven't started the process of ordering the other system.

MS. SANTERAMO:
Well, it would have been two weeks. It would have been a June 2nd vote.

LEG. HAHN:
We're going to have held all the hearings?

MS. SANTERAMO:
Yeah. We advertised -- we were about to advertise our hearings tomorrow. That's the procedural motion to set the A-96 to advertise the hearings.
LEG. HAHN:
Okay. So then we wait two weeks. I don’t know how two weeks is going to hurt us. I just -- we can decide to sell a health clinic in two weeks? Privatize a health care facility in two weeks under the Mary Hibberd Law, that that can be done in two weeks is what you’re saying?

MS. SANTERAMO:
That's what I've been advised, yes.

LEG. HAHN:
We can advertise hearings, we can hold hearings, we can go through committee, in two weeks?

MS. SANTERAMO:
That is my understanding, but I'll defer to Counsel.

LEG. HAHN:
Counsel.

MR. NOLAN:
If --

LEG. BROWNING:
It's tight.

MR. NOLAN:
Right, it's tight, but there are certain steps that are laid out that have to be done before you can take the vote, the ultimate vote to privatize a facility. It looks like it's doable within the time frame. I think part of it is because we've done this so many times recently, like Budget Review I think they have to prepare a report, they can get the report done probably in time, but, you know,.

LEG. HAHN:
This is a little different. Isn't this one just different? All right.

MR. NOLAN:
You know, the magnitude of the employees that are affected may be different, but the process is the same.

LEG. HAHN:
Okay. Thank you.

P.O. GREGORY:
All right. So if we delayed our meetings to June 10th and 11th -- the public hearings. We could vote on it at the next meeting, the hearings would be on the 10th and 11th, and then eligible for approval on the 16th.

LEG. BARRAGA:
That gives them some leeway.

LEG. KRUPSKI:
Couldn't we always hold a special meeting if we had to? We could convene a special meeting if we had to later on and vote on this if you want to put it off for a little bit.

MS. SANTERAMO:
Yeah, I mean, that's the decision of this body.
LEG. KRUPSKI:
I mean, it's important. We could all get together and do that, I think.

MR. NOLAN:
So I think that the Presiding Officer wants to know if this procedural should be amended tonight. Put that out.

LEG. BARRAGA:
Postponing the public hearing until June 10th and 11th?

MR. NOLAN:
Right.

LEG. BARRAGA:
Okay. Now how does AME feel about that?

MS. MALLOY:
June 10th and 11th is a lot better than May 27th and 28th. It's not my choice, but if it can be that it's better than nothing. You have to remember, you keep talking about all of these procedures. We have members we have to meet with and I don't see anybody here from the AME Executive Board who's got voting authority. They're not even here. I'm here. Retirees don't vote. So I'm begging for the AME Union to do your best and I place my trust in you.

LEG. BARRAGA:
This probably is the best. You're getting an additional 13 days.

MS. MALLOY:
Well, if you say it's the best then I'll quote you.

D.P.O. SCHNEIDERMAN:
All right. Amend it.

MR. NOLAN:
Why don't you pass over this and I'll get an amended and we'll distribute.

P.O. GREGORY:
Okay. We're going to move on. George is going to amend it to the 10th and 11th to hold the public hearings and we'll distribute it in a few minutes. Education. I.R. 1287 - Authorizing execution -- we did that.

MR. RICHBERG:
We did that.

P.O. GREGORY:
Okay. 1338 - Designating Poet Laureate for Suffolk County (Robert J. Savino)(Anker). Motion by Legislator Anker.

LEG. SPENCER:
Second.

P.O. GREGORY:
Second by -- who was that?
LEG. SPENCER:  
Here.

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

MR. RICHBERG:  
Eighteen.

P.O. GREGORY:  
Okay. Environment. IR 1282 - Reappointing Albert Krupski as a member of the Suffolk County Soil and Water Conservation District (Pres. Off.). Motion to table by Legislator Jon Cooper, who’s even not here.

(*Laughter*)

Motion to approve by Legislator Calarco. Second by Legislator Muratore. All in favor? Opposed? Abstentions?

LEG. KRUPSKI:  
Abstain, Tim -- Clerk.

MR. RICHBERG:  
Seventeen.

LEG. KRUPSKI:  
Thank you.

P.O. GREGORY:  
Okay. IR 1301 - Amending the Adopted 2015 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2015 Capital Budget and Program, and appropriating funds in connection with Suffolk County Parks Van Bourgondien House Sewer Connection Project (8710.327)(Co. Exec.).

LEG. MCCAFFREY:  
Motion.

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

MR. RICHBERG:  
Eighteen.

P.O. GREGORY:  
IR 1302 - Amending the Adopted 2015 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2015 Capital Budget and Program, and appropriating funds in connection with the Long Island Native Plant Initiative (CP 8710.413)(Co. Exec.).

LEG. ANKER:  
Motion.
LEG. KRUPSKI:
Second.

P.O. GREGORY:
Motion by Legislator Anker, second by Legislator Muratore. Anybody on the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1303 - Amending the Adopted 2015 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2015 Capital Budget and Program, and appropriating funds in connection with Sylvester Manor Educational Farm Pilot Non-Proprietary Vegetated Gravel Recirculating Filter Water Treatment System (CP 8710.328)(Co. Exec.).

LEG. MURATORE:
(Raised hand).

LEG. KRUPSKI:
Motion.

D.P.O. SCHNEIDERMAN:
Motion.

P.O. GREGORY:
Motion by Legislator Schneiderman.

LEG. HAHN:
(Raised hand).

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1345 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Costabile Property – Town of Brookhaven (SCTM Nos. 0200-110.00-01.00-033.000 and 0200-132.00-01.00-008.000)(Hahn). Motion by Legislator Hahn.

LEG. MURATORE:
(Raised hand).

P.O. GREGORY:

MR. RICHBERG:
Eighteen.
P.O. GREGORY:
**IR 1387 - Establishing a Southern Pine Beetle Joint Commission (Calarco).** Motion by Legislator Calarco, second by Legislator Krupski. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Who was the motion? I'm sorry.

P.O. GREGORY:
Calarco and Krupski.

MR. RICHBERG:
_Eighteen._

D.P.O. SCHNEIDERMAN:
Cosponsor, Tim.

P.O. GREGORY:
**IR 1312 - Amending the hourly rate for certain titles in the Suffolk County Temporary Classification and Salary Plan (Co. Exec.).**

LEG. CALARCO:
Motion.

LEG. MURATORE:
(Raised hand).

P.O. GREGORY:
Motion by Legislator Calarco, second by Legislator Muratore. Anybody on the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:
_Eighteen._

P.O. GREGORY:
**IR 1352 - Approving the appointment of Robert M. Marks as a member of the Suffolk County Electrical Licensing Board (Co. Exec.).**

LEG. CALARCO:
Motion.

P.O. GREGORY:
Motion by Legislator Calarco.

LEG. MURATORE:
(Raised hand).

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

MR. RICHBERG:
_Eighteen._
P.O. GREGORY:
IR 1353 - Approving the appointment of Thomas H. Palk as a member of the Suffolk County Electrical Licensing Board (Co. Exec.).

LEG. CALARCO:
Motion.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1354 - Approving the appointment of John Morrell as a member of the Suffolk County Electrical Licensing Board (Co. Exec.).

LEG. CILMI:
Motion.

P.O. GREGORY:
Motion by Legislator Cilmi.

LEG. CALARCO:
Second.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Okay. 1378 we did. 1273. IR 1304 - Appropriating funds for the Purchase of Equipment for the Environmental Health Laboratory. (CP 4079)(Co. Exec.).

LEG. CALARCO:
Motion.

P.O. GREGORY:
Motion by Legislator Calarco.

LEG. BROWNING:
Second.

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

MR. RICHBERG:
Eighteen.
P.O. GREGORY:
IR 1304A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $250,000 in Bonds to finance the acquisition of equipment for the Environmental Health Laboratory. (CP 4079.526). Same motion, same second. Roll call.

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

LEG. CALARCO:
Yes.

LEG. BROWNING:
Yes.

LEG. KRUPSKI:
Yes.

LEG. MURATORE:
I want to see how much that is. Pass right now.

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. MC CAFFREY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.
LEG. SPENCER:
Yes.

D.P.O. SCHNEIDERMAN:
Yes.

P.O. GREGORY:
Yes.

LEG. MURATORE:
Yes.

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Okay. **IR 1305 - Appropriating funds for the Purchase of Equipment for Groundwater Monitoring and Well Drilling (CP 8226)(Co. Exec.).**

LEG. HAHN:
Motion.

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

LEG. D’AMARO:
On the motion.

P.O. GREGORY:
Oh, I'm sorry. Legislator D'Amaro.

LEG. D’AMARO:
Yes. Is there anyone here that can explain the need for this equipment?

MR. DAWYDIAK:
Good evening. Walter Dawydiak, Director of Environmental Quality of the Suffolk County Health Department. Sorry, the mic was off. Walter Dawydiak. I'm happy to answer any questions. This is an appropriation of a pre-budgeted authorization to support the Well Drilling Program. It will purchase a truck mounted geoprobe, replace augers and geoprobe rods and also provide for installation of fire wells with necessary equipment.

LEG. D’AMARO:
All right. So is this equipment vital to the function that you perform in your department?

MR. DAWYDIAK:
Yes, it absolutely is. I mean, this is central to our Groundwater and Drinking Water Protection as well as our Surface Water Protection Programs. It's at or near the end of its useful life. The geoprobe truck rig is the biggest ticket item. That piece of equipment is now 14 years old. It's been rebuilt several times. We've spent upwards of 20,000 on it. It's going to be headed for another major rebuild with no useful life left if it's not replaced, and that's actually our most used piece of equipment for groundwater investigations.
LEG. D'AMARO:
I see. So what department exactly is this being appropriated for?

MR. DAWYDIAK:
This is the Health Department.

LEG. D'AMARO:
The Health Department. And is there sufficient funding in the Health Department budget to pay cash for these vital pieces of equipment?

MR. DAWYDIAK:
Not to my knowledge. This has been budgeted as capital for that reason.

LEG. D'AMARO:
So you don't know.

MR. DAWYDIAK:
I can tell you to the best of my knowledge there's not money available for this.

LEG. D'AMARO:
Right. There's not money available to pay cash for this.

MR. DAWYDIAK:
To the best of my knowledge.

LEG. D'AMARO:
Let me just ask the Budget Review Office. Dr. Lipp, is there cash available to pay for this vital equipment?

MR. LIPP:
Well, we don't -- we don't recommend any offsets because of the budget shortfall. We'd have to do an analysis of their budget to see at the end of the year a projection whether or not that would exceed the adopted amount, so I couldn't say for sure.

LEG. D'AMARO:
Let me ask you a question. If we decide not to pass this or the bond, well, if we pass this but not the bond, is that giving the authorization to the Health Department to go ahead if it can pay cash for it?

MR. LIPP:
No.

LEG. D'AMARO:
How does that work?

MR. LIPP:
The way it works is the funding is explicitly in the budget already, Capital Budget that is, for funding with serial bonds, and it's not in the Operating Budget.

LEG. D'AMARO:
So you'd need a whole new resolution with an offset to do it from the Operating Budget?
MR. LIPP:
Correct.

LEG. D’AMARO:
Okay. And your office is not recommending that we pay cash for this expenditure?

MR. LIPP:
Our office isn't recommending offsets for anything because of the deficit. What we could tell you --

LEG. D’AMARO:
You mean the projected shortfall?

MR. LIPP:
Yes. What we could tell you, if it was accurate, that there is extra funds in a given line item, but this would take a whole analysis of the department to see if that's correct.

LEG. D’AMARO:
Right, I understand. But nonetheless, we'd be using cash that we don’t have because we have a projected shortfall.

MR. LIPP:
Correct.

LEG. D’AMARO:
Okay. Thanks. That clarifies it.

P.O. GREGORY:
Okay. Legislator Cilmi.

LEG. CILMI:
Thanks. Two questions. First of all, with respect to Legislator D’Amaro's line of questioning, would this fall within the criteria set forth in the 5-25-5 law if we were -- if we hadn't waived that law?

MR. LIPP:
I believe it would because it's equipment. That being said, as was spoken about in the dialogue around the 5-25 legislation, there's sufficient confusion in the way it's written that you could make a case either way. But as a rule, if we did a strict interpretation that would be correct.

LEG. CILMI:
So strict interpretation, if we hadn't waived the 5-25-5 rule for this year previously, then this would get caught up in that and we'd be unable to bond for this. Is that right? How much money is this?

MR. LIPP:
Two-hundred and fifty thousand.

LEG. CILMI:
Yeah, so that doesn't get caught up in that. It's -- 5-25-5 is very explicit when it comes to the amount of money that we're spending.

MR. LIPP:
Well, I mean, the way the language was written you could argue that any sort of equipment purchases are -- fall under that Category. 5-25-5 is not meant to be the entire definition of the pay-as-you-go. It's more -- it's extended greater than that particular limit.
LEG. CILMI:
Well, what part of the 5-25-5 law would this then fall under?

MR. LIPP:
I'd have to look at the 1994 resolution and get back to you.

MR. NOLAN:
In my opinion it doesn't fall under.

LEG. CILMI:
In your opinion it does not fall under.

MR. NOLAN:
It does not fall under the 5-25-5. Technically 5-25-5 is not waived yet because the bill still has to be signed and filed with the Secretary of State. So I'm assuming the Administration believes the 5-25-5 doesn't apply either.

LEG. CILMI:
Can I, through the Chair, ask somebody from the Administration to come up and answer that question, please?

LEG. D'AMARO:
What's that?

LEG. CILMI:
No, no. Just glancing your way.

LEG. D'AMARO:
Okay. Glance away.

MS. HORST:
I don't know. I would imagine so.

LEG. CILMI:
You would imagine. In other words, you would agree with our Counsel on this?

MS. HORST:
I don't know if 5-25-5 -- if this falls under that. I don't have the answer for you.

LEG. CILMI:
Okay. Is there anybody from the County Attorney's Office here, or maybe Commissioner Anderson can answer the question? He's certainly familiar with the 5-25-5 law. I have here, by the way, you might want to listen to this, I have here an enumeration of some of the 5-25-5 components, and one of them says equipment purchases that may not occur in the same location or department if, A, costs are incurred on an annual basis or, B, item price is 5,000 or less or, C, aggregate cost is less than 25,000 and, D, useful life is five years or less. Do any of those conditions apply here? Is this -- the useful life of this is greater than five years, correct, Walter?

MR. DAWYDIAK:
Correct.

LEG. CILMI:
Okay. And it's certainly greater than $25,000, right?
MR. DAWYDIAK:
Correct. It's actually three separate purchases, but each of them is in excess of $25,000.

LEG. CILMI:
Okay. Thank you. Thank you for that. So I -- based on my read here, I tend to agree with Counsel that this would not get caught up in that 5-25-5 discussion.

The next question, though, that I have is with respect to the debt service on these bonds. Now, I recognize that what I'm going to suggest may be sort of a little bit radical, and I'm really just kind of thinking out loud, but is it possible to pay for -- given that this is for groundwater protection, is it possible to pay for the debt service on this out of 477 funds? Is it legally possible?

COMMISSIONER ANDERSON:
I would defer to Dr. Lipp.

D.P.O. SCHNEIDERMAN:
It would have to be a 477 project -- it would also have to be approved by Water Quality.

LEG. CILMI:
Well, it's for groundwater protection.

MR. LIPP:
Right. So our -- the procedure that we have set in place is that everything is supposed to be reviewed by the Water Quality Review Committee before you would vote on it. Whether they said yes, it would qualify and they would support it or not, they're supposed to vote on it first and then it comes to you and then you'd have the option, even if they said it wasn't a good idea, as long as you could argue that it would fall under that context, which it possibly could, then you'd have to vote. So you're talking about having the Water Quality Review Committee get together, making a determination on it and going through what amounts to limited funds. They're working off the fund balance right now.

LEG. CILMI:
Let me ask our Counsel. Legally is there anything that would preclude us from doing this through Water Quality funds?

MR. NOLAN:
It states that projects can include for infrastructure improvements or operating expenses which may include, but not be limited to non-point --, you know, there's a whole enumerated list of possible uses.

LEG. KRUPSKI:
It could, but it shouldn't.

MR. NOLAN:
I'm not even there yet.

LEG. CILMI:
Maybe.

MR. NOLAN:
Habitat restoration, freshwater and tidal stream corridor restoration. Programs for educational outreach, programs to remediate other non-point source pollution, but I do think that equipment is normally not something that we fund through this program. It's really frowned upon.
LEG. CILMI:
Okay. If we were able -- regardless of whether we can fund it out of the 477 Program or not, Rob, budget -- Dr. Lipp, given our typical length of bonding, what would you expect the debt service on this bond to be on an annualized basis?

MR. LIPP:
Okay. On an annualized basis I would say $19,554.

LEG. CILMI:
Okay. I mean, my only point is that if we have expenses like this going forward, it might be worth at least putting these things before that committee to just, you know, get an opinion on whether or not they think it's in the best interest to pay for the expense out of that -- out of that fund. But based on your testimony, I'll support this on its face today. Thank you.

P.O. GREGORY:
Legislator Krupski.

LEG. KRUPSKI:
, you know, I -- the 477 has been tapped so many times. I think the only fair thing to do is not presume that we could use it, but to send this before the committee and let them decide. I'm not on that committee, but I think that would be the fair thing to do.

And as far as this equipment goes, the fire well protection in the Pine Barrens, you have -- and Legislator Calarco just formed a Southern Pine Beetle Commission. There's a real problem in the Pine Barrens now. We had a massive oak die off a few years ago, and now with the pine tree die off there's a lot of material that's in the woods now. If it starts to go we really do need a network of fire wells that are serviceable. So this is pretty critical. It would go up really quickly this time of year and it would be a big problem. So it's not only for environmental reasons, this is also a health and safety of the men and women of the local fire departments who are going to be out there.

P.O. GREGORY:
Okay. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:
Yeah. I was also going to point out, too, in terms of 477 funding, since a part of this, and I don't know what percentage of it is for fire suppression, that's certainly not going to qualify for the 477 program, and the other section probably -- might not qualify either. I would just -- I certainly am going to support this for both reasons, because I think both are important. I want to make sure your department continues function. Can I ask, is any of what you do in the well testing that is in part reimbursable by the State or no?

MR. DawydiaK:
Yeah. Actually this is an incredibly cost effective program because so much of it is reimbursable. Right off the bat 36% is reimbursable by State Department of Health State Aid, so this capital, my understanding, is reimbursable. We get more than a third of it back from the State Health Department. It also supports a number of grants, including drinking water enhancement, most importantly a pesticide grant. That grant was just recently increased and it supported a couple of new staff positions and a number of other funding initiatives, so there is a lot of offset involved.

P.O. SCHNEIDERMAN:
Thank you.
P.O. GREGORY:
Okay. Anyone else? All right. We have a motion and a second?

MR. RICHBERG:
Yes, we do.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Okay. IR 1305A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $215,000 Bonds to finance the acquisition of equipment for groundwater monitoring and well drilling (CP 8226.528). Same motion, same second. Roll call.

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

LEG. HAHN:
Yes.

D.P.O. SCHNEIDERMAN:
Yes.

LEG. KRUPSKI:
Yes.

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. ANKER:
Yes.

LEG. CALARCO:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.
LEG. KENNEDY:  
Yes.

LEG. TROTTO:  
Yes.

LEG. MC CAFFREY:  
Yes.

LEG. STERN:  
Yes.

LEG. D'AMARO:  
Yes.

LEG. SPENCER:  
Yes.

P.O. GREGORY:  
Yes.

P.O. GREGORY:  
Eighteen.

MR. RICHBERG:  
Eighteen.

P.O. GREGORY:  
Okay. IR 1367 - To appoint member to the Food Policy Council of Suffolk County (Abdul Rattu)(Hahn). Motion by Legislator Hahn, I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:  
Eighteen.

P.O. GREGORY:  
Okay. We have the revised Procedural Motion No. 10 - Setting public hearings for proposed transition of Riverhead Health Center to FQHC status and operation by Hudson River Healthcare, Inc.

LEG. D'AMARO:  
Please note my recusal on the record. Thank you.

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

LEG. BARRAGA:  
Motion.

MR. RICHBERG:  
We have a motion and a table. A motion to approve and a motion to table with seconds on both.

P.O. GREGORY:  
Okay. So we would -- who has the motion to table? You still want to go with it or do you want to withdraw it?
LEG. BROWNING:
No, I really don't think it's adequate time. I mean, I just spoke with them and they said they have no access to contact their members until they take office. They can't go into the office, they can't go into the union office, they can't access the membership. And they're obviously going to try and reach out to as many as they can by visiting the facility, but that doesn't give them much.

Again, I just think that this is an awful big rush to do something without -- I just don't think it's right. I think they should be given the opportunity to meet with their members, let them get into office, let them talk to the Administration, let them find out where the MLK workers are today. Are they 100% working in Suffolk County Government? I don't know. And what's going to happen to the Riverhead people? Are they going to float them around until 2016 when the contract expires and then lay them off? So let's be realistic. I could probably write the chapter on this one, but I'm going to stick with the tabling.

P.O. GREGORY:
Okay. So we have a motion and a second to table. Roll call.

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

LEG. BROWNING:
Yes.

LEG. MC CAFFREY:
Yes.

LEG. KRUPSKI:
No.

LEG. MURATORE:
Yes.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. CALARCO:
Pass.

LEG. LINDSAY:
No.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
No.
LEG. KENNEDY:
Yes.

LEG. TROTTA:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Recuse.

LEG. SPENCER:
Yes.

D.P.O. SCHNEIDERMAN:
Yes.

P.O. GREGORY:
This is incredible. So we are voting to table public hearings for June 10th to 11th. So what's the alternative? We're going to have the public hearings in July? I don't understand.

LEG. CILMI:
No, we're just tabling the procedural motion. We'll vote on the procedural motion again at the next meeting.

LEG. CALARCO:
On June 2nd.

MR. NOLAN:
We'll have to amend this resolution to change the dates, because we won't have time to advertise, just so the body's aware.

P.O. GREGORY:
I vote no.

LEG. CALARCO:
George, what's the advertising timeline? How long do we need to be able to advertise, if we pass this June 2nd?

MR. NOLAN:
If you pass something on a Tuesday, set a public hearing Tuesday, they'll give it to the paper on Friday, it will appear the following Friday -- Thursday, Friday. So it's about a ten-day lag.

P.O. GREGORY:
Okay. I voted, so.

MR. RICHBERG:
Legislator Calarco.

LEG. CALARCO:
Yes.
P.O. GREGORY:
What are you doing?

MR. LAUBE:
No, he had passed.

MR. RICHBERG:
Legislator Calarco passed.

P.O. GREGORY:
Okay. I'm sorry. I apologize. All right. It's been long.

LEG. LINDSAY:
Mr. Presiding Officer, can I change my vote to yes, please?

MR. RICHBERG:
Sixteen.

P.O. GREGORY:
Okay.

MR. RICHBERG:
Fifteen.

P.O. GREGORY:
All right. Parks and Recreation. IR 1043 - Authorizing use of Smith Point County Park property in 2015 by the Mastics-Moricbes-Shirley Community Library’s Family Literacy Project (Browning). Motion by Legislator Browning.

LEG. MURATORE:
(Raised hand).

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1272 - Creating an Educational Agriculture Support Initiative (EASI) Pilot Program in cooperation with Mount Sinai Heritage Trust (Anker). Motion by Legislator Anker. Second by --

LEG. MURATORE:
(Raised hand).

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

MR. RICHBERG:
Eighteen.
**P.O. GREGORY:**

**IR 1337 - Authorizing the transfer of a sawmill to the Long Island Antique Power Association (Krupski).** Motion by Legislator Krupski, I'll second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**
Eighteen.

**P.O. GREGORY:**

**IR 1356 - Authorizing use of Manorville Hills County Park by Paniagua Cycling, Inc., for its Head for the Hills fundraiser (Co. Exec.).** That's what I feel like doing right now.

(*Laughter*)

Whose district is this? Motion by Legislator Schneiderman. I'll second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**
Eighteen.

**P.O. GREGORY:**

**IR 1363 - Requesting legislative approval of a contract award for renovation, operation, maintenance and management of a food service and related activities concession at Meschutt Beach County Park, Hampton Bays (Co. Exec.).** Motion by Legislator Schneiderman, second by Legislator Muratore. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**
Eighteen.

**LEG. KENNEDY:**
Motion.

**P.O. GREGORY:**
Oh, I'm sorry. Who was that? Legislator Kennedy, I'm sorry.

**LEG. TROTTA:**
On the motion.

**P.O. GREGORY:**
Mr. Dawson.

**COMMISSIONER DAWSON:**
Good evening, Mr. Presiding Officer. Somebody had a question? I'm sorry.

**D.P.O. SCHNEIDERMAN:**
There's a question from Legislator Kennedy.

**LEG. KENNEDY:**
Hi, Greg. How are you?

**COMMISSIONER DAWSON:**
Good, Legislator Kennedy. How are you?
LEG. KENNEDY:
Just a quick question.

COMMISSIONER DAWSON:
Sure.

LEG. KENNEDY:
Well, two quick questions. We already have a food service ability at that beach?

COMMISSIONER DAWSON:
We do. We have a concession stand at that beach. The contract ended December of 2014.

LEG. KENNEDY:
And is this new contract individual, which I heard was the only bid, the same one as the last one?

COMMISSIONER DAWSON:
That's correct, yes. Same vendor.

LEG. KENNEDY:
Okay. Do they serve alcohol at this beach?

COMMISSIONER DAWSON:
Yes, they do.

LEG. KENNEDY:
I have a of tough time with that. I don't understand why people are not allowed to bring alcohol to the beach, and the only one supplying the alcohol is the County. With all our drunk drivers and impaired drivers, I really do have a tough time with this.

COMMISSIONER DAWSON:
It was part of the RFP. They do have to have a liquor license. It's part of the concession agreement.

LEG. KENNEDY:
Okay. Thank you.

LEG. TROTTA:
I have a question.

P.O. GREGORY:
Sure.

LEG. TROTTA:
This is the Cupsogue?

COMMISSIONER DAWSON:
No, this is Meschutt.

LEG. TROTTA:
Okay.

COMMISSIONER DAWSON:
Good? Thank you.
P.O. GREGORY:
Okay. All right. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1350 - Appropriating funds in connection with safety improvements -- Oh, I'm sorry. I did skip one. IR 1284 - Directing the Department of Fire, Rescue and Emergency Services to establish an Extreme Weather Station Plan (Schneiderman).

D.P.O. SCHNEIDERMAN:
Motion.

P.O. GREGORY:
Motion by Legislator Schneiderman. Second?

LEG. KRUPSKI:
On the motion.

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

LEG. KRUPSKI:
What is the plan? What's the plan?

D.P.O. SCHNEIDERMAN:
So -- and Joe Williams is here from FRES, you might want to -- they'll be developing the plan. They're supporting this. As, you know, there were two deaths this winter related to the cold, and we've debated in the past the beaches and whether they would be appropriate for extreme heating events. The idea was basically to have FRES put together all the resources that are available throughout the County for -- you had the town levels, the County level, for extreme heat events and extreme cold events. So that the --, you know, they could determine whether there are holes in the system and make sure that we have facilities throughout the County that are available to people. And, you know, if they find that there are areas that are not covered and not accessible, then they'll try to identify suitable sites and figure out who would operate them and what the cost might be. But maybe, Commissioner Williams, do you want to step up for a moment? But that's basically it.

COMMISSIONER WILLIAMS:
First, I'd like to go on record that FRES is very much behind this plan. Currently right now we have a plan in place that is a County plan, a plan with the interfacing with the towns and villages. It's hit and miss actually, when there's a heat wave or we have a problem for sheltering we have to reach out. What this plan will do, we welcome starting it, is combining the County plan with our resources and the resources of the towns and villages and make sure there's not duplication in one place.

Right now the areas that we have that we use for cooling centers is actually Suffolk County Community College, which is Brentwood, Selden and Riverhead. We picked them out years ago because of the closeness to transportation. Some of the towns, when they open up their own cooling centers, only for cooling, they traditionally use the senior citizens centers. What that does is it enables the people to come who are there. There is transportation there.
The only difference between our two plans is we would continue to keep our shelter open or our cooling center open 24 hours if need be. With the towns what was happening is that the -- at 9 o'clock at night, 10 o'clock at night, when that senior citizen center closes, they've been closing it. This will enable us to work together. It's a bill we passed. I look forward to work on it. I think it would be a good thing for us.

D.P.O. SCHNEIDERMAN:
I would just point out one other thing. you know, with global warming they're predicting more of these extreme events, more heat extremes, more cold extremes. It seems logical that the County Fire, Rescue and Emergency Services would have a plan in place that would, you know, cover the full County.

LEG. KRUPSKI:
Who's going to administer this? Sometimes it's, you know, it might be 85 degrees in one part of the Island and 65 along the cool south shore. So who's going to say County -- who can say Countywide it's one thing, but in reality is a different scenario.

COMMISSIONER WILLIAMS:
Part of our plan is actually we deal with the National Weather Service. When the heat index, not necessarily the temperature, the heat index is 95 degrees and above for three consecutive days, our plan mandates us to open it. Part of that plan, which we did even last summer during the hot weather, part of our plan is actually the Health Commissioner is very much part of it. We have daily communication with him. We also look at our Fire Rescue EMS calls, and we also communicate with Suffolk County PD dispatch to see what type of calls we're getting and we regulate that.

We have a system in our own CAD system that when we start seeing any heating or cooling problems it actually notifies us, it already comes up in the screen. So there is a protocol in place already. We have to go by the heat index, but again, we opened up cooling centers last summer without waiting for that those three days when we had those 100 degree temperatures.

LEG. KRUPSKI:
And who makes the call on closing it? I know there was an incident in town after Sandy, the next night we closed the shelters and then somebody was looking for a shelter the next night, and because everything was over at that point. So who makes the decision like at the County level the crisis is over, we're going to close it, and do you send people home? Do you just close it when everyone goes home? What happens there?

COMMISSIONER WILLIAMS:
Well, unfortunately with all our shelters that we opened, we had a population of less than ten at all three shelters last year. Ten people every time we opened it. What happens generally when the evening comes in and it starts getting dark in the summertime, about 9 o'clock, the people are going home. We do have sometimes a situation where we have a lot of homeless people who are needing shelter. We don't abandon them. We actually call DSS and make sure DSS comes. If they need a residence for that night, they need to go someplace, we make sure they're provided. We don't just put them out.

LEG. KRUPSKI:
Thank you.

COMMISSIONER WILLIAMS:
Thank you.
P.O. GREGORY:
Okay. Anyone else? All right. So we have a motion and second?

MR. RICHBERG:
Yes, we do.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Okay.  _IR 1350 - Appropriating funds in connection with safety improvements at the Police Firearms Shooting Range in Westhampton. (CP 3111)(Co. Exec.)_  Motion by Legislator Schneiderman.

LEG. MURATORE:
_Raised hand_.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
_IR 1350A - Bond Resolution of the County of Suffolk, New York authorizing the issuance of $100,000 Bonds to finance the cost of safety improvements at the Police Firearms Range in Westhampton (CP 3111.312)._ Same motion, same second. Roll call.

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

D.P.O. SCHNEIDERMAN:
Yes.

LEG. MURATORE:
No. No on the bond. It's $100,000.

LEG. KRUPSKI:
Yes. I missed on the motion. I'm sorry. I send a staff member there to take a look at it today to make sure that it was an appropriate need for that -- for the facility and his report was that indeed it did need an upgrade and upkeep and maintenance, so I vote yes.

LEG. BROWNING:
Yes.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.
LEG. CALARCO: 
Yes.

LEG. LINDSAY: 
Yes.

LEG. MARTINEZ: 
Yes.

LEG. CILMI: 
Pass.

LEG. BARRAGA: 
Yes.

LEG. KENNEDY: 
Yes.

LEG. TROTTA: 
No.

LEG. MC CAFFREY: 
Yes.

LEG. STERN: 
Yes.

LEG. D'AMARO: 
Yes.

LEG. SPENCER: 
Yes.

P.O. GREGORY: 
Yes.

LEG. CILMI: 
Yes.

MR. RICHBERG: 
Seventeen.

P.O. GREGORY: 
Okay.

MR. RICHBERG: 
Sixteen.

P.O. GREGORY: 
*IR 1351 - Appropriating funds in connection with Building Extension for Property Bureau (CP 3514).* Same motion, same second. Okay. Anyone on the motion? On the motion, Legislator Cilmi.
LEG. CILMI:
Here again, maybe to Counsel, does this at all fall within the 5-25-5 criteria?

MR. NOLAN:
I don't believe so. It's a construction of a building, a structure, so I don't think that --

LEG. CILMI:
Right. Okay. Thank you.

LEG. HAHN:
Will we need this now that Doc's bill passed?

(*Laughter*)

Applied DNA Sciences. Maybe we don't need to build.

(*Laughter*)

P.O. GREGORY:
Legislator Krupski.

LEG. KRUPSKI:
Sorry, I don't have a good joke like that, but is there anyone here from the Administration? Anyone here who can advocate for it, because I'm not familiar with this building.

LIEUTENANT SCHARF:
Good evening. Lieutenant Robert Scharf, Suffolk County Police Department. There is a separate project to actually add 100-foot extension out the west side of the 165-foot square Property Section building in Yaphank. In addition to that, last year the Property Section requested a 16-foot box truck to replace their 15-year old, very unreliable box truck, as well as an outdoor forklift to replace their 35-year old forklift, which does not work at this point. The projects, those two requests were combined with the existing Property Section extension. So what you're actually looking at here is an $80,000 box truck for Property Section, and a $60,000 outdoor gas powered forklift.

P.O. GREGORY:
Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:
Yeah. I guess, Robert, this question is more for you. I know I ask this question often with these capital projects for police matters. Is this being funded by the Police District? I know there's components here like the District Attorney that certainly is a whole County portion. Is it apportioned in any way.

MR. LIPP:
I think it's a General Fund one, but I'll check and get back to you.

D.P.O. SCHNEIDERMAN:
Okay. And the building is in Yaphank. Is it at the precinct or is it at DPW?

LIEUTENANT SCHARF:
The Police Property Section building is probably an eighth of a mile north of Police Headquarters on Yaphank Avenue across from DPW.
D.P.O. SCHNEIDERMAN:
Okay. Do you know, is it a whole County function or is it just --

LIEUTENANT SCHARF:
The box truck they’re requesting travels throughout the entire County on a weekly basis, collects evidence from all of our police facilities. Also has occasions to go into Nassau County and New York City. It also transports firearms to Pennsylvania twice a year to be destroyed.

D.P.O. SCHNEIDERMAN:
Okay. And does it also service the independent police departments out in the five East End towns? Do you know,?

LIEUTENANT SCHARF:
It does not go into the five East End towns to pick up on a regular basis, but if there was a large scale incident that, you know, our specialized units would go out on, it would, in fact, travel out there to pick up evidence if necessary.

D.P.O. SCHNEIDERMAN:
But in general it would be for the regular Police District?

LIEUTENANT SCHARF:
In regular for the District.

D.P.O. SCHNEIDERMAN:
At the Headquarters. Okay. Robert, do you have that?

MR. LIPP:
I’m almost there.

D.P.O. SCHNEIDERMAN:
Okay. If we could hold a moment.

MR. LIPP:
I don’t have any information on that particular project. I have to get back to you.

D.P.O. SCHNEIDERMAN:
How long would it take to get that information? Could that be had tonight or no?

MR. LIPP:
Definitely not.

D.P.O. SCHNEIDERMAN:
Okay.

MR. LIPP:
I stand corrected. I checked another file here. What I’m seeing is we have issued bonds for that particular project, 3151, and they are Police District bonds.

P.O. GREGORY:
Okay.

D.P.O. SCHNEIDERMAN:
Okay.
P.O. GREGORY:
All right. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Seventeen. (Amended to eighteen)

P.O. GREGORY:
I.R. 1351A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $140,000 Bonds to finance the purchase of equipment for the Property Bureau (CP 3514.510). Same motion, same second. Roll call.

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

D.P.O. SCHNEIDERMAN:
Yes.

LEG. MURATORE:
No.

LEG. KRUPSKI:
Yes.

LEG. BROWNING:
Yes.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. CALARCO:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. TROTTA:
No.
LEG. MC CAFFREY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. SPENCER:
Yes.

P.O. GREGORY:
Yes.

MR. RICHBERG:
Sixteen.

P.O. GREGORY:
Okay. *IR 1358 - Donating surplus emergency meals ready to eat (MREs) to municipalities, government offices and/or recognized not-for-profit entities providing relief to their clients (Co. Exec.)*.

LEG. BROWNING:
Motion.

P.O. GREGORY:
Motion by Legislator Browning.

LEG. SPENCER:
Second.

P.O. GREGORY:
Second. On the motion anyone?

LEG. KRUPSKI:
Motion.

P.O. GREGORY:
Who was that?

LEG. KRUPSKI:
(Raised hand).

P.O. GREGORY:
Oh, Legislator Krupski.

LEG. KRUPSKI:
How many meals are there and do we have to replace them? And where do we get them from? And how good are they?
COMMISSIONER WILLIAMS:
All these -- first of all, there's 51,600 meals. All these meals came to us by the way of FEMA during Sandy. There was no cost to the County. FEMA brought an awful lot of supplies in. At the end of Sandy we asked FEMA if they wanted the meals back, they gave them to the County. The reason why we have to replace them is there's a life on the package itself. These particular meals expire December 31st, 2015. There is best practice measures. I spoke to the Health Commissioner this evening. There is a great concern that after January 1st if we had an event we'd be handing out meals that are expired.

What we've done is that we have Federal grant money that is ours now replacing those 52,000 meals with 50 to 60,000 brand new ones for another three years, which would give us a total of 160,000 meals. We had to do this a couple of years ago with water. Water has a, it's not actually, it was explained to me at the last meeting, it's not actually the water, it's actually the container. We're able to now to buy water now that lasts up to ten years in the containers we're buying.

With the MRE's the way they are, they will -- if we don't -- what we're trying to do is to give these meals out to Island Harvest. At the committee meeting, I'll make the same offer here, we have people in our office, if this is approved tonight, who will reach out to you in the next couple of days, any non-profits that are in your district, let us get their number, let us contact them. We'll talk to DSS, we'll talk to everybody. We want to get these meals out like we did a couple of years ago. What it does is they will turn them over quick enough. We also spoke to suppliers in Jersey that if when the time we order our meals if something happened, there's over 200,000 meals sitting in Jersey that we could possibly buy in a moment's notice. So we're not going to be short.

LEG. KRUPSKI:
All right. Thank you.

P.O. GREGORY:
Okay. We have a motion and a second?

MR. RICHBERG:
Yes, we do.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1366 - Increasing the amount of imprest fund, 001-1165-4770, for the Suffolk County District Attorney, Special Services Account (Co. Exec.).

LEG. BROWNING:
Motion.

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

MR. RICHBERG:
Eighteen.
P.O. GREGORY:
IR 1370 - Directing the Suffolk County Police Department to study the feasibility of creating “Safe Spots” to protect residents conducting private sales transactions (Muratore).

LEG. MURATORE:
Motion.

P.O. GREGORY:

LEG. KRUPSKI:
As a question, the safe spot, wouldn't that be considered like a police parking lot or something like that?

LEG. MURATORE:
It's a feasibility study, so they're going to study and pass on to us what they find out.

LEG. KRUPSKI:
Okay. I feel better. Thank you.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:

D.P.O. SCHNEIDERMAN:
Cosponsor, Tim.

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1374 - Prioritizing monitoring of domestic violence offenders (Hahn). Motion by Legislator Hahn. Same motion, same -- second by -- gee whiz, all right. I'll get it together. Motion by Legislator Hahn, second by Legislator Browning. Anyone on the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

LEG. HAHN:
Thank you very much.
P.O. GREGORY:
IR 1377 - To ensure adequate fire and rescue response services for Suffolk County residents (Browning).

D.P.O. SCHNEIDERMAN:
Cosponsor.

P.O. GREGORY:
Motion by Legislator Browning, I'll second. Anyone on the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

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

P.O. GREGORY:

LEG. CALARCO:
Motion.

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

LEG. TROTTA:
On the motion.

P.O. GREGORY:
Oh, I'm sorry. Who was that?

LEG. TROTTA:
What is this?

LEG. D'AMARO:
To move dead people, isn't it?

LEG. BARRAGA:
(Laughter).

LEG. D'AMARO:
Isn't it to move dead people?

MR. CAPLAN:
Yes, hello. Mike Caplan from the Medical Examiner's Office. Thanks for giving me a chance to speak. Yeah, this is a proposed amendment to provide a decedent transport vehicle for the office, as well as to provide --

LEG. D'AMARO:
What kind of vehicle?
MR. CAPLAN:
It's a decedent transport vehicle or a mortuary vehicle, and the purpose for that -- I'm sorry? The purpose for that is that it allows -- we are in a situation where we need one more transport vehicle. The current one that we have is older and we're in a situation where we need a new transport vehicle to provide safe transport of decedents. Specifically what this one is a Ford 150 and offers the ability to separate the driver and passenger compartment from the decedent's, which is a safety measure as well as an issue of contamination, to minimize contamination of any potential evidence. So that's the request for the transport vehicle.

LEG. TROTTA:
They're $435,000; what else is it?

MR. CAPLAN:
Yeah. Well, as you can see, the other things are -- we're also requesting several instruments. We're requesting -- the one that's the greatest cost, it's a liquid chromatograph mass tandem spectrometer, LCMSMS. That is a -- that's a toxicology instrument that we're requesting.

One of the things that's happened is that over time, we're looking for -- to try to get concentrations of drugs in lower amounts, and that's become a challenge. This is one of the instruments that would allow us to do that. As we try to detect not only drugs in lower amounts, but also different kinds of drugs; designer drugs, new kinds of drugs such as spice drugs, bath salts, things that are, you know, relevant in terms of things that we're looking for.

LEG. TROTTA:
Okay. All right, good enough.

P.O. GREGORY:
Legislator Krupski.

LEG. KRUPSKI:
So you mentioned the big price tag for the chromatograph spectrometer. Currently, what do you use to measure the concentration of drugs and to what levels -- do you measure that now and to what levels will this new piece of equipment measure them to?

MR. CAPLAN:
Currently we're using basically GCMS technology, which is gas chromatograph/mass spectrometry technology. That has been the standard in forensic sciences for many years up until probably about 2000. Over the last 15 to 20 years, it's been recognized that the ability to detect drugs, if you want to know about numbers, we're talking nanograms per milliliter and even lower, picograms per milliliter concentrations as opposed to things that -- at one time, with a GCMS, we could detect it at micrograms per milliliter. And so it allows us to detect things at ores of magnitude greater than we were able to in the past.

LEG. KRUPSKI:
But why -- I mean, microgram per milliliter, that's a pretty low -- that's a pretty low concentration. Why would you need to go any lower? Why would you need to go any lower on the detect?

MR. CAPLAN:
Because it's been shown that sometimes fatalities may result from concentrations that are even lower. As synthetic drugs are manufactured, we're seeing concentrations of drugs that are significantly lower in some types of drugs than we saw in the past. So there's a clinical relevance toward -- especially in terms of post-mortem fluids.
LEG. KRUPSKI:
I mean, this is a -- it is a lot, it's almost $300,000 for the piece of equipment, and you've already
got a piece of equipment that's measuring to, like you said, the industry standard. How many tests
per year are you running to that -- at that low level that you need -- that it's really important for
you to detect these chemicals at that low level?

MR. CAPLAN:
Well, I can give you, Legislator, an idea. We have -- we do about 1200 autopsies or external
examinations a year in the Medical Examiner's Office. A good 25% or more are drug intoxications,
and probably a quarter of those are in drugs that potentially are in very, very low concentrations
that it would be necessary.

LEG. KRUPSKI:
You're looking at like a hundred a year?

MR. CAPLAN:
I'm not sure it's exactly a hundred a year, but it's probably somewhere in that range.

LEG. KRUPSKI:
Is it like liver tissue sample that you test?

MR. CAPLAN:
No, it's a combination of tissues, actually. When we do a post-mortem analysis, we test body fluids
such as blood, we test urine, we test bile, eye fluid, vitreous fluid, we test solid tissue such as liver
and gastric contents, for example. So it's actually a spectrum of different fluids and tissues.

LEG. KRUPSKI:
Thank you. For a hundred, roughly a hundred customers a year, do you -- is it possible to send
those samples out?

MR. CAPLAN:
Sure it is, at great cost.

LEG. KRUPSKI:
I mean, it is a big -- it is a big expense. That's why I'm asking.

MR. CAPLAN:
Yeah. I mean, to send these out, to answer your question, you know, the most common
laboratories to send these out to would be such as NMS, National Medical Services or ARUP
Laboratories which is in Utah. You know, you're talking about thousands of dollars for each analysis
that it would take to do that.

LEG. KRUPSKI:
And there's no way you can collaborate with like Nassau or the City to have these samples tested
closer to home, transport them in and test them closer to home?

MR. CAPLAN:
I suppose that's a possibility. But I would add that that hundred number, we're just talking here
about the post-mortem samples. What we're not talking about is all the samples from the DWI
cases and all that which is many more than a hundred; I can't give you an exact quantification on
that. But, I mean, the idea of having to do that practically and to send these out to, say, Nassau
County and the City, it's possible; I think it would be problematic, though.
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LEG. KRUPSKI:
Would you still run your old machine or would that become obsolete?

MR. CAPLAN:
No, it wouldn't necessarily become obsolete. No, we would still use some of the older machines. Because of the fact that when we're testing these drugs, some methods work better for some drugs and some work better for other drugs. So it wouldn't be that they would become obsolete, but we would use those for certain select analyses.

LEG. KRUPSKI:
And you have the staffing to run all the machines?

MR. CAPLAN:
Yes; yes, we do.

LEG. KRUPSKI:
Thank you.

P.O. GREGORY:
Okay. All right, anyone else? All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Okay. *IR 1386A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $435,000 Bonds to finance the acquisition of equipment for Medical, Legal Investigations and Forensic Sciences (CP 1132.520)*, same motion, same second. Roll call.

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

LEG. CALARCO:
Yes.

P.O. GREGORY:
Yes.

LEG. KRUPSKI:
Yes.

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.
LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. TROTTA:
Yes.

LEG. McCAFFREY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. SPENCER:
Yes.

D.P.O. SCHNEIDERMAN:
Yes.

MR. RICHBERG:
Eighteen.

Public Works, Transportation & Energy

P.O. GREGORY:
Okay, IR 1101-15 - Directing the Department of Public Works to develop bus shelter protocols (Krupski). Motion by Legislator Krupski. I'll second. Anyone on the motion?

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1271-15 - Approving form of proposition, establishment of Suffolk County Sewer District No. 26 - Melville Huntington (Presiding Officer Gregory).

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

MR. LAUBE:
Eighteen.

P.O. GREGORY:
1288-15 - Authorizing the items listed below pursuant to the Bond Acts enacted in 1965, 1972 and 1996 and the Environmental Protection Fund, as well as federal grant awards available for such projects, in connection with stormwater improvements to the Northeast Branch of the Nissequogue River (CP 8710)(County Executive). Motion by Legislator Kennedy, second by Legislator Trotta. On the motion anyone? Legislator Kennedy?

LEG. KENNEDY:
This grant was written by the Village of the Branch, the Great Right-of-Ways, Jen Mesiano. I wanted to thank them. I wanted to thank Gil Anderson in DPW and the County Executive for agreeing to administer the grant that was written and this will be the third leg of the Storm Bed Remediation Project in the Town. Thank you.

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

MR. LAUBE:
Eighteen.

P.O. GREGORY:

MR. LAUBE:
Eighteen.

P.O. GREGORY:
IR 1291A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $600,000 Bonds to finance the cost of roof replacement on various County buildings (CP 1623.331), same motion, same second. Roll call.

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

LEG. KRUPSKI:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
Yes.

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

LEG. CALARCO:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. TROTTA:
Yes.

LEG. McCAFFREY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. SPENCER:
Yes.

D.P.O. SCHNEIDERMAN:
Yes.

P.O. GREGORY:
Yes.

MR. LAUBE:
Eighteen.

P.O. GREGORY:

MR. RICHBERG:
Eighteen.
P.O. GREGORY:
1292A Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $400,000 Bonds to finance the replacement of major buildings operations equipment at various County facilities (CP 1737.330), same motion, same second. Roll Call.

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

LEG. KRUPSKI:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
Yes.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. CALARCO:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. TROTTA:
Yes.

LEG. McCAFFREY:
Yes.

LEG. STERN:
Yes.

LEG. D’AMARO:
Yes.
LEG. SPENCER:
Yes.

D.P.O. SCHNEIDERMAN:
Yes.

P.O. GREGORY:
Yes.

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Okay, **IR 1293-15 - Appropriating funds in connection with Elevator Controls and Safety Upgrading at Various County Facilities (CP 1760)**, same motion, same second. Anyone on the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
**1293A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $250,000 Bonds to finance the cost of elevator controls and safety upgrading at various County facilities (CP 1760.320)**, same motion, same second. Roll call.

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

LEG. KRUPSKI:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
Yes.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. CALARCO:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.
LEG. CILMI:  
Yes.

LEG. BARRAGA:  
Yes.

LEG. KENNEDY:  
Yes.

LEG. TROTTA:  
Yes.

LEG. McCaffrey:  
Yes.

LEG. Stern:  
Yes.

LEG. D'AMARO:  
Yes.

LEG. SPENCER:  
Yes.

D.P.O. SCHNEIDERMAN:  
Yes.

P.O. GREGORY:  
Yes.

MR. RICHBERG:  
Eighteen.

P.O. GREGORY:  
*IR 1349-15 - Authorizing execution of an amended agreement by the Administrative Head of SCSD No. 11 – Selden with Fairfield at Setauket (BR-1165.1)(County Executive).*  
Motion by Legislator Muratore, second by Legislator Krupski. All in favor? Opposed? Abstentions?

MR. RICHBERG:  
Eighteen.

P.O. GREGORY:  
*IR 1355-15 - Appropriating funds in connection with the purchase of Public Works Highway Maintenance Equipment (CP 5047)(County Executive).*  
Motion by Legislator Krupski, second by Legislator Muratore. Anyone on the question? Legislator Cilmi.

LEG. CILMI:  
Yes.

P.O. GREGORY:  
Legislator Cilmi.
LEG. CILMI:
Commissioner? Could I, through the Chair, ask Commissioner Anderson to join us? How are you, Commissioner?

COMMISSIONER ANDERSON:
I'm well, thank you. How are you?

LEG. CILMI:
Two and three-quarter million dollars here and, I don't know, a couple of dozen, maybe, vehicles; right?

COMMISSIONER ANDERSON:
Correct. It's different heavy equipment. Primarily, most of the equipment that we're asking to replace is equipment that dealt with snow. We have a number of six-wheel dump trucks, ten-wheel dump trucks, a few light duty dump trucks, snow plows, snow blowers, sweepers, you know, mowers with plows and cabs, loader attachments, a dump trailer and used snow trucks, and then some snow -- SUV vehicles for Vector Control.

LEG. CILMI:
Why, all at once? I mean, there's a couple pretty expensive pieces of equipment here. The snow blower attachment alone is $225,000, mowers with plows and cabs, $120,000; loader attachment, $100,000; eight used snow trucks, $560,000. Why are we doing this? And four SUVs are $140,000.

COMMISSIONER ANDERSON:
The SUVs are vehicles for supervisory personnel, but it will also carry multiple persons. That's specific to Vector Control, the Highway Department uses them as well, these four I believe are slated strictly for vector.
The other equipment, you saw the winter we went through, it was --, you know, it was quite a fight, and the equipment that we used got really banged up. Most of the equipment we're replacing is over ten years old, and it's been --, you know, we don't just automatically get to a certain life and get rid of them, they're just -- they require major repairs. In the case of, say, the snow plows, you know, each is requiring repairs of over $8,000 each. So we're asking for this to replenish our fleet so that next winter we'll be in good enough shape to, if we get another one like this past one.

LEG. CILMI:
Yeah, let's hope that doesn't happen. Could we split this thing up into two different --, you know, six months now and maybe another one six months from now, or maybe the beginning of next year?

COMMISSIONER ANDERSON:
The problem is is that the equipment is to a point, it takes such an amount of time to get that equipment. We have to go out to bid, get the bids, then we have to order the equipment, a lot of the equipment is -- I don't want to say it's specialized, but it has to go not only from the manufacturer, but then it goes to a company that does the body work, puts the dump trailer on, puts the plow equipment on. So for us right now, we're almost into June, if we get all that, we'll be very fortunate if we get it for this coming winter, you know, to be frank. That's the reason we're asking for all this now.

LEG. CILMI:
Well --

LEG. D'AMARO:
It costs a lot of money to clean the roads.
LEG. CILMI:
All right, thank you.

COMMISSIONER ANDERSON:
You're welcome.

P.O. GREGORY:
Okay, Legislator Trotta.

LEG. TROTTA:
Quick question. Are we getting one of those blowers?

COMMISSIONER ANDERSON:
Yes, sir.

LEG. TROTTA:
We've never had one of those before, have we?

COMMISSIONER ANDERSON:
We've -- under Nemo, and actually over this past winter, we got -- we've seen the State use them and they're really effective in certain areas, especially like the airport parking lot where you have tight working areas. So, yeah, that's -- we haven't used them, per say, ourselves, but we've had the State come in.

LEG. TROTTA:
We don't have a blower.

COMMISSIONER ANDERSON:
Not one of the big truck-front blowers, no.

LEG. TROTTA:
That's what this is.

COMMISSIONER ANDERSON:
Yes.

LEG. TROTTA:
So you're going to drive down the road and it's going to blow the snow right off the road.

COMMISSIONER ANDERSON:
It's really used for, like I said, more of a tight -- like in the Ronkonkoma Railroad Station where you have tight quarters and you just can't push it off the road.

LEG. TROTTA:
We plow the Ronkonkoma Railroad Station?

COMMISSIONER ANDERSON:
Yes, sir. We do that and Deer Park.

LEG. TROTTA:
Just those two?
COMMISSIONER ANDERSON:
Probably a couple others, I'm not sure.

LEG. TROTTA:
Are we contracted to do those or something?

COMMISSIONER ANDERSON:
We -- it's a combination. The contractors bring in pay loaders. We have -- this past winter we spent a whole night doing Ronkonkoma because we just weren't able to get there with everything else we were dealing with.

LEG. TROTTA:
Isn't that like the MTA's --

COMMISSIONER ANDERSON:
No

LEG. TROTTA:
We own that parking lot? We were supposed to have those things there.

COMMISSIONER ANDERSON:
I mean, again, we've never -- we would have never even thought of going after obtaining a blower until we saw how effective they were after the State brought theirs down from Upstate.

P.O. GREGORY:
Okay. Legislator McCaffrey.

LEG. McCAFFREY:
Thank you, Commissioner. When we do the purchases, do we buy off the State bid or do we always bid out on our own?

COMMISSIONER ANDERSON:
Generally we bid out on our own, but if the equipment is available on State --, you know, on a State purchase, through GSA or whatever, we occasionally take advantage of that, too.

LEG. McCAFFREY:
I mean, isn't most of the stuff --, you know, looking at it, it's standard stuff that would be off the State bid?

COMMISSIONER ANDERSON:
Not necessarily. The trucks the State usually bids can be a lot larger than the ones we want. I mean, they're really cool, but we tend to use somewhat smaller. But if we do see a piece of equipment on there, recently we took advantage and we purchased a couple of Macs off of that. So if there is something that is what we need and fits our parameters, we will use that contract because -- and occasionally, again, we look at the price. If our prices that we get in are better than the State's, we'll go after our prices. Similarly, if the State's got their bid out and their prices are better than ours, we'll take advantage of theirs.

LEG. McCAFFREY:
Right. But coming from local government who has 24 years of buying equipment for -- not a County, but for the largest village in Suffolk County, we went through a lot of trucks and things. The turnaround time is one of -- obviously the County has more purchasing power than the Village did, and so we took advantage of it quite often. One of the things we had was the ability to get things
right away.

**COMMISSIONER ANDERSON:**
Right.

**LEG. McCAFFREY:**
And it wasn't just big trucks we bought, we bought from little trucks all the way up to big trucks, every type of gross vehicle weight that you could imagine, every type of option that you would get. So, you know, I was just looking at what Legislator Cilmi said that, you know, it would be great to try out this new blower that everybody had, but we just don't have the money. I mean, if we could space this out a little bit, it would help us get us where --, you know, not where we need to be, be closer towards that. So that's our real concern; I know we need it, but I just don't know how we're going to pay for this. And if there's any way we can, you know, limit what we have to buy and how we buy it, it would -- that's our real concern.

**COMMISSIONER ANDERSON:**
Yeah. Again, my only -- my concern, and I understand the budgetary concerns, is I want to be able to face next winter if we get hit with another one like we got hit this winter, or even last winter before. It seems to be much more regular than I would particularly care.

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

**LEG. KRUPSKI:**
Yeah, we went through this pretty exhaustively at Public Works. Unfortunately, without the equipment, you know, nothing gets done. And worse yet, nothing gets done, you have men there waiting to work and they can't use the equipment.

**COMMISSIONER ANDERSON:**
Right.

**LEG. KRUPSKI:**
And if you don't continuously replace it, you're going to be left with a fleet that is not operational at all. And then you get into a scenario of, you know, public safety, and your workforce is inefficient and it becomes a public safety hazard because you can't clear the roads. You don't want to leave yourself in that position, scrambling to buy everything new at that point. The Commissioner will be out of business then. I mean, it's unfortunate, but it takes men and equipment to clear the roads.

**COMMISSIONER ANDERSON:**
And we're finding -- if I may. We're also that many contractors now are less willing to work because the snows have been -- the winters have been so strong and their equipment's getting beat up. They don't want to -- it's not worth it to them, you know, road contractors to put their equipment into that situation, so we're relying more and more on our own personnel to get the work done.

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

**LEG. CILMI:**
So two questions. As far as relying on our own personnel to get things done, do we have the personnel to actually operate these vehicles?
COMMISSIONER ANDERSON:
Yes, we do. We do --, you know, much of this equipment, you know, is backup. We go through such an inordinate amount of equipment, with breakdowns, accidents, things like that, during a storm that we don't have the ability to make those immediate repairs, so we have to go to --, you know, I used this example at committee: It's like playing baseball; your bat breaks, you've got to go to the second bat. That's what we're forced today, is we have that basically go to another piece. So we need that backup piece in case the other one breaks.

LEG. CILMI:
So we're going to spend two and three-quarter million dollars on largely backup equipment?

COMMISSIONER ANDERSON:
No, no, it's not largely. They all get used.

LEG. CILMI:
Okay.

COMMISSIONER ANDERSON:
Every piece of equipment, almost every storm, you know, it just takes a pounding during those storms.

LEG. CILMI:
Okay. How much money did we spend over the last couple of years -- or maybe just if you have the numbers off the top of your head, last year -- contracting out for the types of work that this equipment would allow us to do in-house? Have you looked at that?

COMMISSIONER ANDERSON:
Um --

LEG. CILMI:
To decide whether or not it makes sense to continue contracting out or to make the investment? Because the other thing is if we're investing in all of this equipment all at once, that means we're going to have to replace it all at once. And it's just -- it would be --

COMMISSIONER ANDERSON:
But this -- and I don't mean to interrupt you, but --

LEG. CILMI:
No, go ahead, please.

COMMISSIONER ANDERSON:
This is not all of our equipment. This is only a fraction.

LEG. CILMI:
I understand.

COMMISSIONER ANDERSON:
Again, we use every -- we use every contractor that we can get a hold of when we need them, and it seems almost every storm we went through this past two winters we were bringing in all the contractors that we could get a hold of, as well as with our own forces. I mean, certainly we bring contractors in only as we need them, but, you know, the storms have been of magnitudes that -- and for such durations that we've had to bring everybody in. And, you know, it's three, four shifts, so you're constantly --, you know, you're not only worrying about your men and their rest, but
you've got to worry about the contractors men, their rest and making sure they don't disappear. After the third shift, the guy's tired, he's like, I'm done, and you've got to make sure he doesn't leave. So, you know, it's all hands on deck.

LEG. CILMI:
Okay, thanks.

P.O. GREGORY:
Okay, Legislator Anker.

LEG. ANKER:
Again, it's a concern because, you know, the amount is a lot. You know, it's $2,750,000, but with the 15-year bonding we're up to.
3,665,000, that's like $900,000 over 15 years just to bond it. Is there a better rate that we can get for that bonding.

COMMISSIONER ANDERSON:
I would have to defer to BRO or Budget.

MR. LIPP:
The rates are market rates and they change from bond issue to bond issue.

LEG. ANKER:
That's like a third of the cost of the equipment.

MR. LIPP:
Well, actually the rates are low now in comparison to several years back, so actually we're getting a better bang for our buck in that limited sense. That being said, this particular Capital Project costs quite a bit; 2.75 million is in the recommended budget each year, the proposed Capital Program, and actually the department asked for about ten million than is being proposed.

LEG. ANKER:
So is there a way -- I don't know if this would go to either one of you -- but to apply for emergency funding? If this has to do with the storms that we've had, and we really got hit hard -- not that the other counties and municipalities didn't -- but is there any funding, Federal funding available to pay for some of this equipment?

COMMISSIONER ANDERSON:
Unfortunately, not that we've been able to find. We try to keep our ears to the ground to see what we can, you know, drum up. But in the case of emergency -- like FEMA, a storm would have to exceed the level of Nemo before they would release any funds for snow, and it would only be that difference. It would be --, you know, if you had -- I think Nemo was 38-inches, so if you had a 42-inch storm, those four-inches, whatever that cost would be, was all that they would provide funding for. So it's very difficult to find any type of aid for that type of -- for this type of equipment.

LEG. ANKER:
Yeah. Because we were trying to figure out how to squeeze funding from a stone, you know,. It's tough, I can understand their concerns as far as the fiscal impact that it will have.

And again, Rob, that's the going rate? Over 15 years is almost a million dollars just to bond this?
MR. LIPP:
Our calculations usually are over 18 years, because that's usually the average, but that's in the neighborhood, correct.

LEG. ANKER:
Thank you.

P.O. GREGORY:
Okay. We have a motion and a second?

MR. RICHBERG:
Yes, we do.

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

(*Opposed said in unison*)

MR. RICHBERG:

P.O. GREGORY:
Okay, IR 1355A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $2,750,000 Bonds to finance the purchase of public works highway maintenance equipment (CP 5047.533), same motion, same second. Roll call.

(*Roll was called by Mr. Richberg
- Chief Deputy Clerk of the Legislature*)

LEG. KRUPSKI:
Yes.

LEG. MURATORE:
No.

LEG. BROWNING:
Yes.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. CALARCO:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.
LEG. CILMI:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. TROTTA:
No.

LEG. McCAFFREY:
No.

LEG. STERN:
Yes.

LEG. D’AMARO:
Yes.

LEG. SPENCER:
(Not Present).

D.P.O. SCHNEIDERMAN:
Hold on. Where's Doc?

MR. NOLAN:
Say your vote.

D.P.O. SCHNEIDERMAN:
Yes.

P.O. GREGORY:
Hmmm, let me think about it.

(*Laughter*)

All right, yes.

LEG. SPENCER:
(Not Present).

MR. RICHBERG:

P.O. GREGORY:
All right. IR 1357-15 - Approving the conveyance of a certain portion of a parcel of real property having a Suffolk County Tax Map Identification Number of District 0900 Section 137.00 Block 01.00 Lot 032.000 to the Town of Southampton, Suffolk County, New York in exchange for a part of a parcel having a Suffolk County Tax Map Identification Number of District 0900 Section 118.00 Block 02.00 Lot 001.000 pursuant to Section 72-h of the
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MR. RICHBERG:
Sixteen (AMENDED VOTE: Seventeen (Not Present: Legislator Spencer).

P.O. GREGORY:
All right, page eleven.

IR 1359-17 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 14 - Parkland and Fairfield Broadway (IS-1603)(County Executive). I make a motion. Second by Legislator Muratore.

LEG. D'AMARO:
Hold on a second, Gil. I'm sorry, just on the motion. I just want to ask you, where is this development?

UNKNOWN SPEAKER:
This is on Broadway in Holbrook.

LEG. D'AMARO:
Holbrook. Okay, that's it. All right, thank you.

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

MR. RICHBERG:
Sixteen (Not Present: Legislators Krupski & Spencer).

P.O. GREGORY:
IR 1360-15 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 14 - Parkland and Green Brook Apartments (IS-1677)(County Executive). Okay, same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Sixteen (Not Present: Legislator Krupski & Spencer).

P.O. GREGORY:

MR. RICHBERG:
Sixteen (Not Present: Legislators Krupski & Spencer).

P.O. GREGORY:
IR 1361 A Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $2,000,000 in Bonds to finance the cost of the planning and design of the replacement of Smith Point Bridge, Town of Brookhaven (CP 5813.110 PIN 075978), same motion, same second. Roll call.
LEG. BROWNING: Yes.

P.O. GREGORY: Yes.

LEG. KRUPSKI: (Not Present).

LEG. MURATORE: Yes.

LEG. HAHN: Yes.

LEG. ANKER: Yes.

LEG. CALARCO: Yes.

LEG. LINDSAY: Yes.

LEG. MARTINEZ: Yes.

LEG. CILMI: Yes.

LEG. BARRAGA: Yes.

LEG. KENNEDY: Yes.

LEG. TROTTA: Yes.

LEG. McCAFFREY: Yes.

LEG. STERN: Yes.

LEG. D'AMARO: Yes.

LEG. SPENCER: (Not Present).
D.P.O. SCHNEIDERMAN:
Yes.

MR. RICHBERG:
Sixteen (Not Present: Legislators Krupski & Spencer).

LEG. CALARCO:
IR 1362-15 - Authorizing the County of Suffolk to enter into a Memorandum of Understanding with the Town of Brookhaven concerning the disposal of waste (County Executive). Motion by Legislator Browning?

LEG. BROWNING:
Yes, sorry.

P.O. GREGORY:
Second by Legislator Muratore. Anybody on the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:
Seventeen (Not Present: Legislator Spencer).

P.O. GREGORY:
IR 1364-15 - Appropriating funds for the Outfall - Suffolk County Sewer District No. 3 – Southwest (CP 8108)(County Executive).

Applause

LEG. McCAFFREY:
Motion.

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

MR. RICHBERG:
Seventeen (Not Present: Legislator Spencer).

P.O. GREGORY:
IR 1364A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $207,000,000 Bonds to finance the cost of the Outfall System - Suffolk County Sewer District No. 3 - Southwest (CP 8108.113, .312), same motion, same second. Roll call.

(*Roll was called by Mr. Richberg - Chief Deputy Clerk of the Legislature*)

LEG. McCAFFREY:
Yes.

LEG. BARRAGA:
Yes.

LEG. TROTTA:
On the motion? I’m sorry.
P.O. GREGORY:
We're in the middle of a roll call, but go ahead.

LEG. TROTTA:
I just have a question. I read somewhere that this was supposed to last 80 to a hundred years?
You have a warranty?

COMMISSIONER ANDERSON:
(Laughter). No, but certainly there are tunnels well in excess of this. I mean, the reason we're replacing this was because the material failed, but in most cases, you know, the concrete that this likely will be constructed of should last well into that.

LEG. TROTTA:
But it's not. I mean, I'm reading, of course it's -- it says it's supposed to last, is expected to last from 80 to a hundred years.

LEG. BARRAGA:
The current one.

COMMISSIONER ANDERSON:
Oh, the current one.

LEG. TROTTA:
The current one, yeah.

COMMISSIONER ANDERSON:
I mean, there's generally an engineering -- there's usually a 30, 20/30 year useful life, in many cases. But in this particular pipe, the pipe manufacturing was faulty. And there have been, throughout the United States and out the world, occasions where under certain pressure, those bands, it's a composite pipe, it's a steel sheep surrounded by bands and then surrounded by concrete, and those bands are what hold the metal together and those bands are actually breaking. And we've heard that, we have proof that it's happening. It a manufacturer defect, we can't go after the manufacturer, the manufacturer no longer exists, so we have to replace it.

LEG. TROTTA:
All right.

LEG. D'AMARO:
Can I ask a question.

COMMISSIONER ANDERSON:
We have grants.

LEG. McCAFFREY:
And that's what I was going to say, Commissioner, is the expectation is that we're going to get a substantial amount of Federal grant money for this; is that correct?

COMMISSIONER ANDERSON:
State grant.

LEG. McCAFFREY:
State grant money for this, right.
COMMISSIONER ANDERSON:
State grant money and, yeah, low interest and no interest loans as well.

LEG. McCAFFREY:
Thank you.

P.O. GREGORY:
Legislator D'Amaro.

LEG. D’AMARO:
Gil, I just wanted to ask you. We always threw a number around of 150 million. Why are we up to substantially more than that?

COMMISSIONER ANDERSON:
There were two primary reasons. I mean, these were very preliminary numbers.

LEG. D’AMARO:
Can I just -- in the Capital Budget itself, didn't we always have a number of 150?

COMMISSIONER ANDERSON:
Originally, before we got into the detailed design.

LEG. D’AMARO:
We did.

COMMISSIONER ANDERSON:
Once we started to get into --

LEG. D’AMARO:
We upped it?

COMMISSIONER ANDERSON:
-- it went up. We have to --, you know, it wasn't just a matter of replacing the pipe, we also had to replace the final effluent pump station, upgrade that, so that's also part of this cost.

LEG. D’AMARO:
Are we past the planning stage on this?

COMMISSIONER ANDERSON:
We're in the planning stage now, we're completing it and hope to get it to construction.

LEG. D’AMARO:
That's a major construction project, huh?

COMMISSIONER ANDERSON:
Yes, it is.

LEG. D’AMARO:
So do we hire a company to do all this work for us? Obviously --

COMMISSIONER ANDERSON:
The construction companies? Yeah, it'll effectively be tunneled under the bay and connected at the -- at the connection to the outfall that it actually extends out to the ocean on Fire Island itself.
LEG. D'AMARO:
Do we know who's doing the work?

COMMISSIONER ANDERSON:
No, we haven't bid that out yet, no. No, we have to complete the design.

LEG. D'AMARO:
You have a list of companies that you'll send the -- what do you do?

COMMISSIONER ANDERSON:
It'll be publicly bid.

LEG. D'AMARO:
Publicly bid.

COMMISSIONER ANDERSON:
Yes.

LEG. D'AMARO:
Yeah, because that's a major project.

COMMISSIONER ANDERSON:
Right. I would anticipate one of the major construction companies that do this type of work worldwide that would be bidding on this.

LEG. D'AMARO:
Okay, thank you.

P.O. GREGORY:
Okay.

LEG. KENNEDY:
Hi. I think this is a question for Budget Review. Robert, is this paid for by all the citizens of Suffolk County or just by the users of the Southwest Sewer District?

MR. LIPP:
Users of the Southwest Sewer District.

LEG. KENNEDY:
Okay. And isn't there a time frame on that before it flips?

MR. LIPP:
I'm not sure what you're asking.

LEG. KENNEDY:
A limited amount of time that it's paid for by the users of the Southwest Sewer District and then it goes to being all the --

MR. LIPP:
No, no.

LEG. KENNEDY:
No? It stays.
MR. LIPP:
The Southwest Sewer District has probably the best finances of any fund that we have.

LEG. KENNEDY:
Yeah, they do (laughter).

MR. LIPP:
There's $117 million in a reserve fund right now.

LEG. KENNEDY:
Okay, thank you.

COMMISSIONER ANDERSON:
And if I may, I would add that we are getting 12.5 million of grant money from EFC; 37.5 million in zero-interest loans and 157 million in low-interest loans, which effectively will save us, at the end of the day, almost $45 to $55 million in bonding in the future.

LEG. D'AMARO:
Costs.

P.O. GREGORY:
Legislator Barraga.

LEG. BARRAGA:
But the construction methodology is quite a bit different than what's there now. You're not just laying an outfall pipe six feet below the surface.

COMMISSIONER ANDERSON:
Right.

LEG. BARRAGA:
You're going down, what, 80 to a hundred feet and you're going to tunnel across, right, and then come up?

COMMISSIONER ANDERSON:
Yes. There will be a large pit that will be constructed and there's actually a tunnelling machine that will be set down, it'll be on rails, and it actually -- it's a train and it actually goes through removing the material and placing the concrete in as it moves forward.

LEG. BARRAGA:
Do we have an approximate completion date of the construction?

COMMISSIONER ANDERSON:
I believe it's three years. It'll take three years to complete.

LEG. BARRAGA:
And the cost factor right now is $207 million?

COMMISSIONER ANDERSON:
Correct.

LEG. BARRAGA:
That's certainly not going to go down.
COMMISSIONER ANDERSON:
I'm sorry?

LEG. BARRAGA:
That's certainly going to go down as time --

COMMISSIONER ANDERSON:
No, no, unfortunately.

P.O. GREGORY:
Okay, Legislator Cilmi.

LEG. CILMI:
Hey, Commissioner. So this is really intriguing to me. I won't take up much time, but -- so this is a three-year project. What sort of upset will there be to the bay as a result of this project? I mean, will there portions of the bay, I would imagine, that will have to be closed to boating?

COMMISSIONER ANDERSON:
(Shook head no).

LEG. CILMI:
No? Not at all?

COMMISSIONER ANDERSON:
Not at all. Everything's going to be underground.

LEG. CILMI:
Really?

COMMISSIONER ANDERSON:
We'll have a -- there's a large pit. , you know, we got -- we were fortunate enough to be able to go over to Passaic, New Jersey, where they're doing similar construction and they showed us, you know, the open pit where everything comes down the tunnel as it's bored through the ground. So it's going to be below, you know, a good 30, 40, 50 feet below the bay bottom, so.

LEG. CILMI:
So they dig a pit first and then the work -- the tunnelling sort of progresses from that pit.

COMMISSIONER ANDERSON:
Correct.

LEG. CILMI:
Interesting. And when the project is completed, we'll have a new pipe?

COMMISSIONER ANDERSON:
Yes.

LEG. CILMI:
Now will that pipe be sort of buried or will it be enclosed within a pit through which people could move if they needed to do?
COMMISSIONER ANDERSON:
No, originally we -- one of the options we looked at was to have the tunnel with two separate pipes, but we found it was more cost effective and gave us greater volume if we just didn't put any pipes in the tunnel and used the tunnel as a pipe. So rather than having a tunnel with two pipes -- and then that would have been filled, too, with concrete. But rather than doing that, we're just going to leave the tunnel whole and act as an entire pipe.

LEG. CILMI:
Okay. So then in the event -- well, for inspection purposes and in the event of some sort of a failure or size of a failure, we'll actually be able to walk down through that tunnel and inspect?

COMMISSIONER ANDERSON:
Likely we would send a camera, rather than bringing anybody down. There's cameras that --

(*Laughter*)

LEG. McCAFFREY:
Unless you want to go.

LEG. CILMI:
(Laughter) No, no, I'm not volunteering.

COMMISSIONER ANDERSON:
I mean, I want to be down there when they're building it, but I don't know that I want to be after --

LEG. CILMI:
Well, I'm wondering, though --

COMMISSIONER ANDERSON:
The problem would be to get somebody down there, we would have to actually shut the plant to not let any effluent go through to actually physically be in the tunnel when they're inspecting it.

LEG. D'AMARO:
So there's no pipe.

COMMISSIONER ANDERSON:
No, there's no piping, no, just a tunnel.

LEG. D'AMARO:
Just a tunnel. Is it lined?

LEG. CILMI:
So the material will kind of free-flow through this tunnel, right? The effluent will.

COMMISSIONER ANDERSON:
Or and will be pumped, too, depending on the need to get rid of the material.

LEG. CILMI:
And if this tunnel somehow fails in the future, I mean, you said it was supposed to have some sort of a 60 or 80 or whatever it was, guarantee or warranty on the pipe that's currently there, we only made it not even halfway through that and the company's out of business. What's our -- what's our downside potential in terms of failure of this tunnel?
COMMISSIONER ANDERSON:
In this particular -- in the existing pipe that's there now, even though it's buried under six, seven feet of material, there's always the concern that it would break and explode outwards. Here it's down 60 feet and it's unlikely that it's going to ever get to a pressure where it would erupt that way. You know, I'm --

LEG. SPENCER:
It just goes right down.

LEG. CILMI:
And if it does, we would sort of repair it, I would imagine.

COMMISSIONER ANDERSON:
Yeah. In many cases, we'd be able to send, again, a camera and a device that could --

LEG. CILMI:
Right.

COMMISSIONER ANDERSON:
-- do some type of repairs as needed.

LEG. CILMI:
Okay.

COMMISSIONER ANDERSON:
Again, we're going to have to see what we're faced with at that time.

LEG. CILMI:
Right. Thank you.

P.O. GREGORY:
Okay. All right, so we have --

LEG. BARRAGA:
Just one quick question.

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

LEG. BARRAGA:
The soil is removed as you create the tunnel which, you know, it has to be a sizeable amount of soil because you're taking it out to create the tunnel. Where would that go; any idea?

COMMISSIONER ANDERSON:
At this point, we would likely just leave it. It would be part of the cost that the contractor would develop, whether he's -- whether he sells it or he does something else.

LEG. BARRAGA:
Can it be used? I mean, I take it -- I'm not familiar with the soils, but I guess it cannot be used on the beaches.

COMMISSIONER ANDERSON:
Right.
LEG. BARRAGA:
We'd have to cart it off someplace else?

COMMISSIONER ANDERSON:
Right, yeah. Most likely the material down there is a silty material, a farmer's clay.

LEG. BARRAGA:
And that's got to be tens of thousands of tons of soil.

COMMISSIONER ANDERSON:
Yeah, I would think.

LEG. BARRAGA:
And so you'd negotiate that in the contract.

COMMISSIONER ANDERSON:
Correct.

LEG. BARRAGA:
So that maybe we might get something back.

COMMISSIONER ANDERSON:
If he could sell it, if he could find a use for it, if he could --, you know, he's going to try and make --, you know, get some money for it to help reduce his cost and then in turn, that would be something he would put towards the bid to reduce the cost and obviously win the bid. So I would anticipate yeah, it would work to our benefit as well as his.

LEG. BARRAGA:
Because that would put, when you take a look at it, probably hundreds of trucks on the record --

COMMISSIONER ANDERSON:
Yeah.

LEG. BARRAGA:
Thousands of trips --

COMMISSIONER ANDERSON:
Right.

LEG. BARRAGA:
-- taking that soil from one location to another.

COMMISSIONER ANDERSON:
Right.

LEG. BARRAGA:
Okay.

P.O. GREGORY:
Okay. Mr. Clerk, continue with the roll call.

(*Roll was called by Mr. Richberg -
Chief Deputy Clerk of the Legislature*)
LEG. KRUPSKI:
Yes.

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. CALARCO:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yes.

LEG. KENNEDY:
Yes.

LEG. TROTTA:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. SPENCER:
Yes.

D.P.O. SCHNEIDERMAN:
Yes.

P.O. GREGORY:
Yes.

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1360 --
LEG. SPENCER:
Mr. Chair, I apologize. I had to step out for an urgent call. If I could have a point of personal privilege to ask if we could reconsider 1355A, that bond. It would be really important if my colleagues would consider letting me vote on that.

LEG. CILMI:
I was on the prevailing side of that.

D.P.O. SCHNEIDERMAN:
I'll second.

P.O. GREGORY:
Okay. Motion by Legislator Spencer to reconsider IR 1355, seconded by Legislator Cilmi.

LEG. CILMI:
55A.

P.O. GREGORY:
55A, excuse me.

LEG. SPENCER:
I appreciate my colleagues on the prevailing side allowing me that opportunity. Thank you.

LEG. TROTTA:
Anything for you.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1355A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of $2,750,000 Bonds to finance the purchase of public works highway maintenance equipment (CP 5047.533), same motion. Well, actually motion by Legislator Schneiderman. I'll second. Roll call.

(*Roll was called by Mr. Richberg - Chief Deputy Clerk of the Legislature*)

D.P.O. SCHNEIDERMAN:
Yes.

P.O. GREGORY:
Yes.

LEG. KRUPSKI:
Yes.

LEG. BROWNING:
Yes.
LEG. MURATORE:
No.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. CALARCO:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Nope.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. TROTTA:
No.

LEG. McCAFFREY:
No.

LEG. STERN:
Yes.

LEG. D'AMARO:
(Pause).

(*Laughter*)

What are we voting on? Yes, yes.

LEG. SPENCER:
Yes.

MR. RICHBERG:
Twelve (Opposed: Legislators Muratore, Cilmi, Barraga, Kennedy, Trotta & McCaffrey).

P.O. GREGORY:
Okay. *IR 1369-15 - Improving communication between the public and the Department of Public Works (Cilmi).*
LEG. CILMI:
Motion.

P.O. GREGORY:

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1371-15 - Amending Resolution No. 936-2014 which accepted and appropriated a grant in the amount of $1,500,000 from the New York State Energy Research and Development Authority (County Executive).

LEG. STERN:
Tim, cosponsor.

P.O. GREGORY:
I'll make a motion. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1381-15 - Approving Determination and Findings made pursuant to Section 204 of the Eminent Domain Procedure Law and directing the Commissioner of Suffolk County Department of Public Works to prepare and file with the Clerk of the Suffolk County Legislature acquisition maps in accordance with the acquisition of properties for the reconstruction of the Fire Island Barrier Beach and Dune Network, from the Fire Island inlet to Moriches inlet, Towns of Brookhaven and Islip, Suffolk County, New York (CP 5382) (County Executive). Motion by Legislator Barraga?

LEG. BARRAGA:
Yes.

P.O. GREGORY:
Okay. Second by Legislator Lindsay.

LEG. KRUPSKI:
On the motion.

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

LEG. KRUPSKI:
Commissioner?

COMMISSIONER ANDERSON:
Yes, Sir.
LEG. KRUPSKI:
This is only to put -- to develop the maps for -- in case we need eminent domain proceedings?

COMMISSIONER ANDERSON:
Correct. This accepts the findings from the public hearings for the eminent domain proceedings. It establishes a public purpose and allows us to go into eminent domain proceedings should an agreed acquisition price or a fee-for-an-easement not be able to be obtained.

LEG. KRUPSKI:
Thank you.

COMMISSIONER ANDERSON:
Thank you.

P.O. GREGORY:
Okay? All right. Okay, we have a motion and a second?

MR. RICHBERG:
Yes, we do.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Okay, Veterans & Seniors:

IR 1317-15 - Approving the reappointment of Jeanmarie Brand as a member of the Senior Citizens Advisory Board (County Executive).

LEG. STERN:
Motion.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1318-15 - Approving the reappointment of Chestene Coverdale as a member of the Senior Citizens Advisory Board (County Executive).

LEG. LINDSAY:
Motion.

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

MR. RICHBERG:
Eighteen.
P.O. GREGORY:
IR 1319-15 - Approving the reappointment of Carolyn Gallogly as a member of the Senior Citizens Advisory Board (County Executive).

LEG. LINDSAY:
Tim, cosponsor on that one.

LEG. STERN:
Motion.

P.O. GREGORY:
Motion by Legislator Stern.

LEG. D'AMARO:
Second.

P.O. GREGORY:
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1320-15 - Approving the reappointment of Gene Pritz as a member of the Senior Citizens Advisory Board (County Executive).

D.P.O. SCHNEIDERMAN:
Motion.

LEG. TROTTA:
Motion.

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

MR. RICHBERG:
Eighteen.

LEG. TROTTA:
Cosponsor.

P.O. GREGORY:
IR 1321-15 - Approving the reappointment of Elizabeth Eggleton as a member of the Senior Citizens Advisory Board (County Executive).

LEG. STERN:
Motion.

P.O. GREGORY:
Motion by Legislator Stern. Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.
P.O. GREGORY:
IR 1322-15 - Approving the reappointment of Christine Shiebler as a member of the Senior Citizens Advisory Board (County Executive). Motion by Legislator Stern, I'll second by Legislator D’Amaro. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

Ways & Means

P.O. GREGORY:
IR 1189-15 - Adopting Local Law No. -2015, A Local Law amending Article XXXV of the Suffolk County Administrative Code to establish a pool of qualified real estate brokers and consultants in the Division Of Real Property Acquisition And Management (County Executive). Motion by Legislator Stern.

LEG. D’AMARO:
I just had a question on this.

P.O. GREGORY:
I think Wayne Thompson’s here.

MR. BRAUN:
No.

P.O. GREGORY:
Oh, Braun. I’m sorry.

MR. BRAUN:
Either way.

P.O. GREGORY:
Go ahead.

LEG. D’AMARO:
Hey, Bob. Is this a new procedure for us?

MR. BRAUN:
Yes, it is. This is a group of real estate professionals not currently covered by Article 35, so this would add a new category of real estate brokers and consultants. And it’s the intention of the Director to come back before you once -- if this is approved, with a list for you to approve, just as you do with the appraisers and the surveyors and so forth.

LEG. D’AMARO:
So there’s going to be an approved list of consultants. So how is the list going to be put together? Who determines who can apply, who makes the decision to put them on the list that comes back to us for approval?

MR. BRAUN:
I believe it will be done in much the same way as the list of appraisers and surveyors and title companies that the division submits to the Legislature for its approval. The list is apparently taken from, you know, known local professionals.
LEG. D'AMARO:
So why is there a need for this list? I'm a little -- I don't understand this. So if the County has a need for a real estate consultant, what do we do now without a list?

MR. BRAUN:
Well, right now a full RFP would be done --

LEG. D'AMARO:
Okay.

MR. BRAUN:
-- or a waiver would be sought, then people would respond to that and so forth. If there were approved -- if there were an approved list, they would do what they call a mini RFP. They would send out a request to their approved list and say, How much do you want to charge us for the following work, and they would get back quotes and then they would choose among them without having to go back for full RFP or an RFP waiver.

LEG. D'AMARO:
I don't know. Is it really in our best interest to do that? I mean, the list would only be subject to approval every three years.

MR. BRAUN:
Or however frequently the Legislature set, but yes.

LEG. D'AMARO:
Well, no, isn't that what this is being proposed, is every three years? So if you make the list and you make the cutoff now you can do County business, but if -- I mean, there are so many qualified real estate brokers and consultants. Wouldn't the County want to keep that pool wide open so we always get the best deal and the best consultant for a particular expertise.

MR. BRAUN:
Apparently the division has recognized the need to do this. I don't think this applies.

LEG. D'AMARO:
Well, that didn't answer my question.

MR. BRAUN:
I don't know the answer to your question. Apparently this list would simply -- would simplify the procedure in the event such a consultant --

LEG. D'AMARO:
But you're not just simplifying, you're cutting off probably tens, if not hundreds, of qualified real estate brokers and consultants just by virtue of the fact that they may not have known that we were putting a list together. I'm not quite sure -- I wish --

LEG. KENNEDY:
That's right.

LEG. D'AMARO:
I would like to know the need, what's driving this, why we -- I understand you're saying it might be a little bit more simple to actually engage a real estate, because they're on this preapproved list. But then what are the qualification to get on the list? How does everybody know about the list? Why are we only doing it every three years? I don't see how it's in our best interest to do a list, I
MR. BRAUN:
Okay. Well --

LEG. D'AMARO:
Well, who's responsible -- this is going to be administered by the Department of Economic Development & Planning.

MR. BRAUN:
The Division of Real Property, Acquisition & Management.

LEG. D'AMARO:
Okay. So is there anyone here that can tell me the policy supporting this request?

MR. BRAUN:
I don't know if Wayne has any information specific to that.

MR. THOMPSON:
No.

MR. BRAUN:
The Director asked me if I would explain the proposed legislation, but I don't have any more information than I provided you.

LEG. D'AMARO:
Fair enough. I think that I would like more information as to know why we've gone this far without having this list of, quote, "qualified".
I don't know what qualified is. Whose definition of qualified are we even using? How do you get on a list and how -- I just don't know enough about this to really support it tonight.

LEG. TROTTA:
Table. Motion to table.

LEG. D'AMARO:
Well, that's my opinion. I just don't see it.

MR. BRAUN:
Let me only say that the existing statute also requires the Division to establish a list of qualified experts, as I said, in survey and appraisal and other --

LEG. D'AMARO:
Yeah. And I have to tell you, I don't really see what purpose that serves either, to tell you the truth. I would think that the County, if you have an open marketplace where you can get appraisers -- appraisals, real estate professionals consult, I think we'd always be looking for the right person for the right job for the right place with the right expertise. , you know, coming up with a list that we look at every three years and there's ten names on that list, you're going to throw a list in front of us and I'm not -- who determined who got on the list?

MR. BRAUN:
Well, it's much the same way that an RFP is done, except that it shortens the process. For example, with surveyors, whenever the County acquires property, we -- our in-house appraiser sends out a request for quotes to several appraisers and they provide their quotes and he decides among them
which is the best. The same with surveyors, this would not only apply to real estate brokers and other real estate experts, but also to environmental assessment companies. So again, that would just kind of automate to some degree the process of doing this without having RFPs all the time.

**LEG. D'AMARO:**
I'm not a big fan of the list.

**MR. BRAUN:**
Okay.

**LEG. D'AMARO:**
I just think that it limits our options. You know, firms -- you might put a firm on that list that you hired because they have an individual that's an expert who left the firm next day after we approved the list. I mean, it just locks us into this, you know, presumed --, you know, that everyone on the list is always qualified, there's no one else that would be qualified. I just think it limits our option unnecessarily.

**LEG. D'AMARO:**
That's how I feel about it.

**MR. BRAUN:**
Okay.

**LEG. D'AMARO:**
So I'm -- I wouldn't support this, or at least I'd like more information to know what the need for it is.

**P.O. GREGORY:**
Is there a motion to table?

**LEG. TROTTA:**
Motion to table.

**LEG. D'AMARO:**
Yeah, I'll offer a motion to table.

**P.O. GREGORY:**
Motion to table by Legislator Trotta, second by Legislator D'Amaro. Motion to table has priority. All in favor of the motion to table, say aye. All opposed? Abstentions? Okay, motion is tabled.

**MR. RICHBERG:**
Eighteen.

**P.O. GREGORY:**
IR 1289-15 - Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation (County Executive).

**LEG. STERN:**
Motion.

**P.O. GREGORY:**
Motion by Legislator Stern.
MR. COHEN:
Second.

P.O. GREGORY:
On the motion anyone?

LEG. HAHN:
I just have a question.

P.O. GREGORY:
Legislator Hahn. Mr. Dawson, there's two people with questions.

LEG. HAHN:
So there's not a map in here. Do these -- there's like a big table with a whole bunch of like lot section numbers.

COMMISSIONER DAWSON:
There are 91 properties, I think the total acres is about 57.9 acres.

LEG. HAHN:
No, I looked at the Exhibit A. But my question is do each one of them add to existing park properties?

COMMISSIONER DAWSON:
That's my understanding, yes. Nick Gibbons had actually sat down with Real Estate and Planning, went over each and every one of these of sites, he thought that it would be a good acquisition for us. And they do abut existing parkland.

LEG. HAHN:
Okay, good. Because we have an awful lot of like phantom park properties that I would hate to add to that idea.

COMMISSIONER DAWSON:
Yeah, Nick wouldn't agree. We wouldn't agree to take small pieces of properties.

LEG. HAHN:
Okay. Thank you.

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

LEG. KRUPSKI:
Legislator Hahn asked my question, so thank you.

P.O. GREGORY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Seventeen.

P.O. GREGORY:
Okay. **IR 1290-15 - Sale of County-owned real estate pursuant to Section --**
MR. RICHBERG:
Eighteen.

P.O. GREGORY:
-- 72-h of the General Municipal Law -Town of Southampton (SCTM Nos. 0900-344.00-01.00-024.003 and 0900-344.00-01.00-024.004) (County Executive). Motion by Legislator Schneiderman. Second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1295-15 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Wyandanch Union Free School District - (SCTM Nos. 0100-055.00-02.00-080.000 and 0100-055.00-02.00-081.000) (County Executive).

D.P.O. SCHNEIDERMAN:
Tim, cosponsor for me on that one.

P.O. GREGORY:
I'll make the motion.

LEG. STERN:
Second.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1308-15 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Gerald Leibman (SCTM No. 0900-035.00-02.00-068.000) (County Executive).

LEG. STERN:
Motion.

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

MR. RICHBERG:
Seventeen (Not Present: Legislator Browning).

P.O. GREGORY:
IR 1311-15 - Authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Smithtown, (Suffolk County Tax Map Nos. 0803-002.00-01.00-018.003, 018.004 and 018.005), pursuant to Section 40-d of the Suffolk County Tax Act (County Executive). Motion by Legislator Stern, I'll second. Anyone on the motion?

LEG. BARRAGA:
Second by Kennedy.
P.O. GREGORY:
Oh, I'm sorry. Second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Seventeen (Not Present: Legislator Browning).

P.O. GREGORY:
IR 1344-15 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to John and Denise Spicijaric (Kennedy).

LEG. KENNEDY:
Motion.

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

MR. RICHBERG:
Seventeen (Not Present: Legislator Browning).

P.O. GREGORY:
IR 1348-15 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Ann Carol Bender (SCTM No. 0200-909.00-01.00-039.000)(Browning). Motion by Legislator Muratore. Second by Legislator Hahn. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Seventeen (Not Present: Legislator Browning).

P.O. GREGORY:
IR 1379-15 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Ann Carol Bender (SCTM No. 0200-909.00-01.00-038.000).

LEG. BROWNING:
Motion.

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

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1383-15 - Waiving special event fee for Central Islip High School graduation (Martinez). Motion by Legislator Martinez.

LEG. CILMI:
Second.

P.O. GREGORY:

MR. RICHBERG:
Eighteen.
P.O. GREGORY:
Procedural Motion No. 7-2015 - Directing the Office of Budget Review to examine the feasibility of using video conferencing during Legislative meetings (Spencer/Hahn).

LEG. SPENCER:
Motion.

P.O. GREGORY:
Motion by Legislator Spencer. Second by Legislator D'Amaro. Anyone on the motion?

MR. RICHBERG:
I'm sorry, the motion?

P.O. GREGORY:
Spencer and D'Amaro. All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
Okay, manilla folder:

Okay. IR 1168A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $193,400 Bonds to finance the cost of acquisition of marine equipment (CP 3513.514).

LEG. CALARCO:
Motion.

P.O. GREGORY:
Motion by Legislator Calarco, I'll second. On the motion? Legislator Krupski.

LEG. KRUPSKI:
No question, I'm sorry.

P.O. GREGORY:
No question? Legislator Cilmi.

LEG. CILMI:
What's the deal here? We passed a resolution that didn't have a Bond attached to it; what was it for, what type of marine equipment?

MR. NOLAN:
That's what happened. I mean, we passed the underlying resolution. I don't remember why there was no Bond Resolution voted on with it.

LEG. CILMI:
Do you recall when we passed it?

MR. NOLAN:
No. It was in the last couple of meetings, but it is a 75% Federally funded project.
LEG. CILMI:
Okay.

P.O. GREGORY:
Okay, Sir?

LIEUTENANT EPP:
Lieutenant Epp, Suffolk County Police Marine Bureau. I'm not sure why it's 2014 for a security grant.

LEG. CILMI:
Okay.

LIEUTENANT EPP:
Most of the items on it are just to sustain our current capabilities, there's nothing new. It's just to keep ourselves going.

LEG. CILMI:
Okay. Thank you.

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

LEG. CILMI:
It's a bond, right?

P.O. GREGORY:
You're right. I'm sorry, I apologize. We have a motion and a second. Roll call.

(*Roll was called by Mr. Richberg - Chief Deputy Clerk of the Legislature*)

LEG. CALARCO:
Yes.

P.O. GREGORY:
Yes.

LEG. KRUPSKI:
Yes.

LEG. BROWNING:
Yes.

LEG. MURATORE:
No.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.
LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. TROTTA:
Yes.

LEG. McCAFFREY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. SPENCER:
Yes.

D.P.O. SCHNEIDERMAN:
Yes.

MR. RICHBERG:
Seventeen.

LEG. MURATORE:
I want to change my vote; Muratore to a yes, please.

LEG. TROTTA:
It's Federally funded, right?

LEG. MURATORE:
I wasn't paying attention. Yeah, I wasn't paying attention.

(*Laughter*)

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
IR 1438 A, Bond Resolution of the County Of Suffolk, New York, authorizing the issuance of $220,000 in bonds to finance the cost of acquisition of Heavy Duty and other Equipment
for County Parks including vehicles (CP 7011.530).

MR. NOLAN:
Just so the Legislature understands, this is a Bond that was defeated a couple of the meetings ago and it's been resubmitted for your consideration.

LEG. CALARCO:
Motion.

P.O. GREGORY:
Motion by Legislator Calarco. I'll second. On the motion anyone?

LEG. McCAFFREY:
On the motion. Is there any change from the last --

MR. NOLAN:
No.

P.O. GREGORY:
Just more people.

(*Laughter*)

COMMISSIONER DAWSON:
And I don't think we had a chance to actually discuss what we were looking to purchase. I don't think there's any discussion on the topic, so.

LEG. McCAFFREY:
I'm sorry. Commissioner, did we have a discussion about it at --

COMMISSIONER DAWSON:
We did not have a discussion at the last meeting.

LEG. McCAFFREY:
At the committee we didn't? No, we didn't bring this up at committee?

COMMISSIONER DAWSON:
The appropriation resolution passed committee.

LEG. D'AMARO:
What is this for?

LEG. TROTTA:
The Bond.

COMMISSIONER DAWSON:
It's for the Bond. The appropriation passed at the committee and the appropriation passed at the full Leg, now we're just coming back for the Bond. It didn't pass at the last --

LEG. TROTTA:
What kind of vehicles are these?
COMMISSIONER DAWSON:
I'm sorry? We're looking to purchase a -- it's for heavy equipment, we're looking to purchase a sanitation truck, a garbage truck, 12 yards. The three trucks that we currently have in the fleet, one's a 1996, one's a 1998, the other one is a 2001; 19 years old, 17 years old and 15 years old. So if we're going to manage and maintain parks, we need garbage trucks and I don't expect my 19-year-old garbage truck to last all that much longer. So this is to replace that vehicle.

LEG. TROTTA:
Can't we -- isn't it cheaper to pay people to pick up the garbage?

COMMISSIONER DAWSON:
Well, we do. Actually, we do have a contract to take care of our four, six and eight and 20-yard containers. This is for actual garbage pails in the parks; they go around like at campgrounds, picnic areas and whatnot. Like I said, we do need to have the ability to pick up garbage pails within our parks.

LEG. TROTTA:
So then they take them and they dump them in the dumpsters?

LEG. McCAFFREY:
No, they dump them in the garbage truck and the garbage truck takes it to the dump.

LEG. McCAFFREY:
If I may? I know it's getting late here, but this one we spoke about before. What kind of garbage truck are we buying here? I don't think we had the answer to that question; even at committee I don't think we had the answer to the question.

COMMISSIONER DAWSON:
It's a 12-yard sanitation -- it's a 12-yard garbage truck, similar to the ones that you see driving around your neighborhood where the garbage pails get dumped into the back and the hopper gets picked up and compacted into the back.

LEG. McCAFFREY:
Do we need a capacity that big, a 12-yard -- all we're using this for is to pick up garbage in the parks, like in the trash pails and things like that?

COMMISSIONER DAWSON:
That's correct. They do make smaller trucks.

LEG. McCAFFREY:
I know they do. I bought a lot them, you know, when I was in the Village. It's an awful lot of money for a garbage truck we're going to use for picking up -- emptying garbage pails in the parks, that's all.

COMMISSIONER DAWSON:
I mean, the more capacity you have the less runs you have to make to the dump. I mean, you know, I don't think the cost difference between an eight-yard garbage truck and a 12-yard is that different. And the other need for this is, again, when I said, you know, the garbage trucks are 19 years old, 17 years old; if one of these vehicles should break down, I mean, the turnaround time to get a new one is probably six to eight months. So we'd be in a little bit of trouble if we didn't have one.
LEG. McCAFFREY:
I was just hoping they would reconsider, you know, the size of this bond and the size of the truck when it came back, but I guess we couldn't. All right, thank you.

COMMISSIONER DAWSON:
Okay.

P.O. GREGORY:
Legislator D'Amaro.

LEG. D'AMARO:
I apologize, I was reading this resolution so I missed some of the discussion. This is to bond 220,000, but I don't have the actual resolution in front of me, so could you just repeat -- how many vehicles was it, Commissioner?

COMMISSIONER DAWSON:
It's for one 12-yard sanitation truck, and that's the heavy equipment. It's heavy equipment and equipment -- heavy vehicles and equipment, so we figure the sanitation truck will probably be in the neighborhood of 150, $160,000. The balance, we're looking to purchase a trailer for our new excavator, and then we're going to be purchasing some small roll-off containers and probably some gators with the balance. Like I said, we have to put the truck out for bid to see what it comes back at and see what the balance is.

LEG. D'AMARO:
So how are we doing these functions now?

COMMISSIONER DAWSON:
We have the -- we actually have a garbage truck now. But as I stated a little earlier, the truck is 19 years old.

LEG. D'AMARO:
Yeah, I apologize, I didn't catch all of it.

COMMISSIONER DAWSON:
But they're getting up there in age, we don't expect them to be around.

LEG. D'AMARO:
Now let me ask you, I'm looking at the Bond Resolution, it says that the period of probable usefulness for this is five years.

COMMISSIONER DAWSON:
Well, I think the garbage truck will last for five years, but there was a discussion; I'll leave that to Dr. Lipp. We had a discussion of whether it was an 18-year bond or a five-year bond. When it comes to equipment, I think the useful life expectancy is five.

MR. LIPP:
It probably will be included in the overall bond as a longer term, because it's a weighted average of all of the different projects.

LEG. D'AMARO:
Right, but the bond that we're voting on, or the resolution to authorize the bond says that the useful life is five years.
MR. LIPP:  
Right, but --

LEG. D'AMARO:  
So my question then is is this something that would have been covered by the pay-go, or what do we call it, 5-25-5 law?

MR. LIPP:  
Probably not.

LEG. D'AMARO:  
Not?

MR. LIPP:  
It's hard to say, I'm not really sure, we'd have to do an analysis of it. But at the end of the day, it's going to wind up being bonded more likely for perhaps 18 years than five.

LEG. D'AMARO:  
No, no, but doesn't that law relate to the useful life of the equipment?

MR. LIPP:  
Right. So I believe the pay-go law is under five years, this is five years.

LEG. D'AMARO:  
So we missed it by a day.

MR. LIPP:  
Exactly.

LEG. D'AMARO:  
Convenient. Okay. Okay, so it's two vehicles, a trailer and the garbage truck. What is it, the truck that picks up the pails? What kind of garbage truck?

COMMISSIONER DAWSON:  
That's correct. The employees pick the pails up, they put it in.

LEG. D'AMARO:  
They dump it in, right.

COMMISSIONER DAWSON:  
They put it in the back of the hopper.

LEG. D'AMARO:  
Is the old truck still running?

COMMISSIONER DAWSON:  
It is still running but, again, it's a 1996, and the other one's a 1998. And again, if that truck should break down --

LEG. D'AMARO:  
Right.
COMMISSIONER DAWSON:
-- and we do lose a number of trucks a year that get decommissioned because they've passed their life expectancy --

LEG. D’AMARO:
Right.

COMMISSIONER DAWSON:
To purchase a heavy equipment truck usually takes six to eight months. So if that should happen in the middle of the summer, we'll be down a truck, we will not have the ability to pick up the pails in these campgrounds and parks as we do now.

LEG. D’AMARO:
I see. Okay, thank you.

LEG. KRUPSKI:
I have question.

P.O. GREGORY:
Legislator Krupski.

LEG. CILMI:
I have a question.

LEG. KRUPSKI:
So we just approved a lot of heavy equipment in DPW, and most of it's for snow removal. So why don't you form a cooperative equipment with DPW and you can take the trucks in the summer and use them to haul the garbage when they don't use them to plow snow, and then in the fall they'll put the plows on them and the spreaders on them and they can go and use them to plow snow.

COMMISSIONER DAWSON:
Well, in general, I don't think sanitation trucks make very good plow trucks, but that's just --

LEG. KRUPSKI:
I think the city has about 10,000 of them.

COMMISSIONER DAWSON:
Okay. Well, I guess they load them up.

LEG. KRUPSKI:
That would be my suggestion, to get dual use out of the same vehicle.

COMMISSIONER DAWSON:
We'd be happy to lend to the Department of Public Works in the winter, if that's the point, but we certainly need the vehicle.

LEG. KRUPSKI:
But we just authorized the Department of Public Works to buy quite a number of trucks.

COMMISSIONER DAWSON:
I thought the Bond went down on that, but I could be mistaken. Didn't the bond go down on that? I don't think the Bond passed on that.
LEG. SPENCER:
It.

COMMISSIONER DAWSON:
It did?

LEG. SPENCER:
It did, I came back and we reconsidered it.

COMMISSIONER DAWSON:
Okay, I'm sorry. I wasn't listening to that.

LEG. KRUPSKI:
Thank you.

P.O. GREGORY:
Okay, so -- Oh, I'm sorry. Legislator Cilmi, back on the list.

LEG. CILMI:
So Commissioner, the three trucks, you said we have three of these dump trucks now, right?

COMMISSIONER DAWSON:
Garbage trucks.

LEG. CILMI:
Garbage trucks, my apologies. And throughout the Summer, are all three trucks operating on any given day because of the dispersement of our parks?

COMMISSIONER DAWSON:
That's correct. I mean, their --

LEG. CILMI:
One goes one place, another goes another, etcetera?

COMMISSIONER DAWSON:
I'm going to say they're -- I mean, while they're used most of the week, they're primarily used on the weekends. We've got major crowds in most of our parks. I mean, it's not uncommon to have four or 500 people at a picnic at Southaven, the same thing with Smith Point. I mean, the attendance really picks up in the Summer.

LEG. CILMI:
So all three trucks are being actively used.

COMMISSIONER DAWSON:
Utilized, right.

LEG. CILMI:
And so if one of those trucks went down, that would mean that 33% of our parks, there'll be garbage overflowing in the pails.

COMMISSIONER DAWSON:
Yes.
LEG. CILMI:
We couldn't spread out the use of the other two trucks, you know, over the -- during the course of the week or something?

COMMISSIONER DAWSON:
If we had to we would, but it's not an -- I mean, you have to remember, we go from Montauk to Amityville, both north and south forks. So, I mean, these trucks are kind of spread out, you know, one in Southaven, one out in Montauk.

LEG. CILMI:
I know -- can we table this and chat about it and then come back at our next meeting and vote on it? Is it something you need urgently at this point, or is there a window that you have to do this within?

COMMISSIONER DAWSON:
Again, I can't tell you when that other vehicle is going to -- and it is going to take six to eight months for that purchase.

LEG. CILMI:
It's going to -- so in other words, even if we approve this tonight, you're not going to have the truck until after the summertime, well after the summertime, middle of wintertime almost, or the Fall at least.

COMMISSIONER DAWSON:
Possibly, yes.

LEG. CILMI:
Okay.

COMMISSIONER DAWSON:
I mean, of course, we're a Parks Department, we have hundreds of thousands of people, we need vehicles, it's a cost of doing business. , you know, I don't know how else to put it. We don't ask for a lot of money. I mean, $220,000 is a lot of money, but we're not in here asking for --, you know, I'm not here asking for a vehicle for myself. This is an operational need that we feel, you know, is critical to our mission.

P.O. GREGORY:
Okay, Legislator D'Amaro.

LEG. D'AMARO:
Commissioner, do you have any cash available in your budget to pay for this?

COMMISSIONER DAWSON:
Out of my operating expenses?

LEG. D'AMARO:
Yeah. No?

COMMISSIONER DAWSON:
No.

LEG. D'AMARO:
Do you have any cash available?
COMMISSIONER DAWSON:
Yeah. I mean, I don't have my budget in front of me. We have to get through the end of the year, but, I mean, our operating budget isn't exactly booming.

LEG. CILMI:
It's not flush.

LEG. D'AMARO:
Would you consider going back and checking in your budget to see if you could find sufficient funding to do this and paying for it on a cash basis as opposed to bonding it?

COMMISSIONER DAWSON:
Without looking at budget, I can almost assure you that we don't have $175,000 laying around to purchase a vehicle. It wasn't something that we planned for.

LEG. D'AMARO:
I don't think it would be laying around. I think you'd have to look at your budget and maybe make some decisions. I agree that it's not just sitting in a pot, yeah.

COMMISSIONER DAWSON:
With all due respect, we do that with our budget, we are very frugal with our budget, we are very frugal with our Capital Budget. I mean, I know I don't have the opportunity to discuss it at this forum, but we get capital monies for things like -- we just rebuilt the Timber Point dock for a million dollars, I think we saved $2 million doing that job in-house. I mean, my staff is very good at looking at doing things in-house and making our money go as far as it can. But we're at the point now in our operating -- again, our operating budget is not exactly flush, so. And this is a vehicle that's going to last.

LEG. D'AMARO:
So you think it would be an exercise in futility to go back and look to see if you can come up with the cash to pay for this on a cash basis.

COMMISSIONER DAWSON:
A hundred and fifty to 160,000; yes, I do.

LEG. D'AMARO:
You do.

COMMISSIONER DAWSON:
We're not talking about a $10,000 lawnmower.

LEG. D'AMARO:
Well, if I said to you that you had to go back to your budget and find the money, what would you cut?

COMMISSIONER DAWSON:
Off the top of my head?

LEG. D'AMARO:
Yeah.

COMMISSIONER DAWSON:
I'd really have to --
LEG. D'AMARO:
You'd have to really look at.

COMMISSIONER DAWSON:
But something definitely would -- we would have -- it would be robbing Peter to pay Paul, something would suffer.

LEG. D'AMARO:
Well, I don't doubt that. I don't doubt that something would suffer, the question is what should suffer more than something else. These are the choices that we're faced with, and if we choose not to continue to incur debt and pay the interest on that debt out of our operating budget, at some point we're going to have to go to the savings side and make some tough decisions and cut some things and prioritize. So I would just wonder how high on the priority list this would come as opposed to some other items that are in your budget and that we're paying cash for.

COMMISSIONER DAWSON:
Again, I'd have to take a look at the budget and see where we could come up with a $150,000. We did not plan -- that's not in our operating budget for this year and we're not -- these are generally capital expenditures.

LEG. D'AMARO:
Well, they're capital expenditures because we make them capital expenditures. But, you know, we could save considerable interest if we pay cash for these items, it's just a function of finding an offset within the budget to pay for it. Okay. Thank you again.

COMMISSIONER DAWSON:
Thank you.

P.O. GREGORY:
Legislator Cilmi.

LEG. CILMI:
Sorry to get back at this, but a couple of things. , you know, Legislator Krupski had an interesting thought with respect to the cooperative use agreement that could occur between two County departments with equipment that we invest in and, you know, it's probably worth exploring. If not -- I mean, I don't know if any of the trucks that we've already authorized for DPW to purchase, if they would be appropriate in this particular case for use as a garbage truck for your department, but, I mean, that's creative thinking, and I think we should do more of that.

I would also ask you to consider, if you were going to just spend a 260 or $170,000, or whatever that number comes back as, on a garbage truck, get the best possible price you could get on the garbage truck and not come to us and say, And, you know, there are a few other odds and ends that we want to spend the balance of this money on, that would be sort of helpful as well, because we just don't have the few ten --, you know, 10, 20, 30, $40,000 just to say, Yeah, if you've got the extra money.

COMMISSIONER DAWSON:
Yeah, I'm sorry if it came off in that light, that's not the intent. We are going to buy a trailer for our excavator and we do need gators. We've got a number of gators that went out of service this year, those are the small trucks that they -- you know, they patrol the beach with, the smaller trucks that they kind of get around the campgrounds and the parks with. And we lose -- again, we lose more vehicles every year than we ever purchase. We're always behind the eight ball. We decommissioned, I think -- I think when I was here last year, I think we decommissioned 16
vehicles and only replaced six, and the same thing kind of happens with the gators, so.

**LEG. CILMI:**
We're expecting to spend, I believe, based on the amount of money that we appropriated for planning, I think we're expecting to spend how much money on the Cupsogue Pavillion; three million?

**COMMISSIONER DAWSON:**
I think roughly $3 million, correct.

**LEG. CILMI:**
Couldn't we spend like a quarter of million less on that and use that money for the extra garbage truck?

**COMMISSIONER DAWSON:**
I think the bids are going to come in with -- we need to plan --

**LEG. CILMI:**
Well, but the bids will come in, but we can look at those bids and say, *Look, trim a quarter of a million dollars off of it.*

**LEG. LINDSAY:**
If I can chime in on that. I don't think you can because most of that project is going to be paid for by the insurance claim money that's being claimed after the fire.

**COMMISSIONER DAWSON:**
Yeah. I mean, that's --

**LEG. LINDSAY:**
You can't shift that money that's supposed to go towards rebuilding an asset towards another project.

**LEG. CILMI:**
Well, I guess that remains to be seen, though, how much money exactly we're going to get from the insurance claim and if we're going to have to put in our own money.

**LEG. LINDSAY:**
Yeah. We've reviewed the policy; there's a million dollar deductible and there's a replacement cost value on the building.

**COMMISSIONER DAWSON:**
And I know, Legislator, you've talked about this $3 million number; it's a high number but, I mean, you're familiar with the building that they just put down at Islip Beach last summer, it cost 1.7 million.

**LEG. CILMI:**
Okay. Well, that would be perfect for Cupsogue.

**COMMISSIONER DAWSON:**
It won't be perfect for Cupsogue because it doesn't have showers, it doesn't have a first aid station, it doesn't have storage for any of the, maintenance facilities. Cupsogue is a much bigger facility. Cupsogue sees probably 150,000 patrons a year, it sees 35,000 cars, it generates a half of million dollar in revenue. I mean, you're talking about apples and oranges when you talk about the size of the two facilities. So, I mean, $3 million, I know it sounds like a lot of money, but that's just not --
LEG. CILMI:
I'm just saying that, I mean, Legislator D'Amaro makes a great point in that, you know, let's -- if you absolutely need the garbage truck, let's find at least somewhere elsewhere where we can steel a little bit of money from so that we're not just spending the full amount, you know,? It's a little give and take.

COMMISSIONER DAWSON:
But we have been. I mean, if you look at our budget for the last -- over the last --

LEG. CILMI:
I know, you operate on a very -- I know.

COMMISSIONER DAWSON:
We have -- my budget's gone to 17 million to I think 13 million.

LEG. CILMI:
I know.

COMMISSIONER DAWSON:
I mean, we have cut back and we're still operating, and I'm proud to say that, you know, the employees out there are doing a great job, but there are certain things that we need.

LEG. CILMI:
Yep.

COMMISSIONER DAWSON:
And I don't think I'm asking a lot to come in and ask for a sanitation truck to pick up the garbage.

LEG. CILMI:
Right. Okay, thanks.

P.O. GREGORY:
And there is a point to be made. I mean, you know, we hire Commissioners for a reason; they run their departments, we ask them to budget for the departments. I know you get strict guidelines from the County Executive to, you know, trim your budget by 5% every year, or whatever the number is. You're the professional on the ground, you know, what your needs are. I don't know if you need a truck, you know, a garbage truck; certainly I don't think any one of us know that better than the workers. I don't know. So anyone else?

LEG. McCAFFREY:
One more.

P.O. GREGORY:
Oh, that's right, Legislator McCaffrey.

LEG. McCAFFREY:
Commissioner, the garbage truck you're buying, is it specked out the same as the existing trucks you have?

COMMISSIONER DAWSON:
Yeah. Actually, with this one, I don't have the exact numbers. But we're also going to look to put this -- make this garbage truck so it can pick up some of our four and 6-yard containers, which will save a little money. I alluded to before, we do pay private carters to pick them up, but it's not going to be significant. We might save five or $10,000 a year, and I think Legislator Cilmi said it before,
you know, 5,000 here, 10,000 there. I mean, it's a significant amount of money, I wouldn't say an
insignificant amount.

LEG. McCAFFREY:
Is this a 10-wheel garbage truck instead of an 8-wheel garbage truck, or is it the same, the yard is
the same as it was on the other one? Are we going to a bigger truck because --

COMMISSIONER DAWSON:
No, we're not going to a bigger truck, we're specking it out.

LEG. McCAFFREY:
There's a 12-yard what you have, you're replacing a 12-yard garbage truck?

COMMISSIONER DAWSON:
I'm sorry?

LEG. McCAFFREY:
The existing truck is 12 yards?

COMMISSIONER DAWSON:
Twelve yards.

LEG. McCAFFREY:
And you don't know if it's --

COMMISSIONER DAWSON:
No, I don't.

LEG. McCAFFREY:
Okay.

P.O. GREGORY:
Okay. We have a motion and a second?

MR. RICHBERG:
Yes, we do.

P.O. GREGORY:
To approve. Roll call.

(*Roll was called by Mr. Richberg -
Chief Deputy Clerk of the Legislature*)

LEG. CALARCO:
Yes.

P.O. GREGORY:
Yes.

LEG. KRUPSKI:
No.

LEG. BROWNING:
Yes.
LEG. MURATORE: 
No.

LEG. HAHN: 
Yes.

LEG. ANKER: 
Yes.

LEG. LINDSAY: 
Yes.

LEG. MARTINEZ: 
Yes.

LEG. CILMI: 
Pass.

LEG. BARRAGA: 
Yes.

LEG. KENNEDY: 
(Not Present).

LEG. TROTTA: 
No.

LEG. McCAFFREY: 
No.

LEG. STERN: 
Yes.

LEG. D'AMARO: 
Pass.

LEG. SPENCER: 
Yes to our Commissioner.

D.P.O. SCHNEIDERMAN: 
Yes.

LEG. KENNEDY: 
No.

LEG. D'AMARO: 
No, don't he go first?

MR. RICHBERG: 
Oh, sorry. Cilmi?

LEG. D'AMARO: 
Come on, I have to do everybody's job around here?
("Laughter")

**LEG. CILMI:**
Yes for parks.

**LEG. D'AMARO:**
Yes.

**MR. RICHBERG:**
Twelve. Thirteen (Opposed: Legislators Krupski, Muratore, Trotta, McCaffrey, Kennedy).

**COMMISSIONER DAWSON:**
Thank you for your support.

**P.O. GREGORY:**
Okay. All right, Procedural Motion No. 9, Apportioning Mortgage Tax By: County Treasurer (Presiding Officer Gregory). I make a motion to approve. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**
Eighteen.
Okay, IR 13 -- **1437-15**, excuse me, Accepting and appropriating grant funds totaling $500,000 from the Island Outreach Foundation (County Executive).

**LEG. KRUPSKI:**
Motion.

**P.O. GREGORY:**
Motion -- who was that? Legislator Krupski.

**LEG. CALARCO:**
Second.

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

**MR. RICHBERG:**
Eighteen.

**P.O. GREGORY:**
Okay, I make a motion to waive the rules and lay the following resolutions on the table:

1433, Ways & Means; IR 1434, Public Works; IR 1435, Health; IR 1436, EPA; IR 1439, Public Works; IR 1440, Public Works; IR 1441, Parks.

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

That's our agenda, we stand adjourned. Thank you.

(*The meeting was adjourned at 9:57 PM*)

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