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

(*THE MEETING WAS CALLED TO ORDER AT 9:35 A.M.*)

D.P.O. HORSLEY:
Mr. Clerk, please do the roll call.

MR. LAUBE:
Good morning, Mr. Deputy Presiding Officer.

(*Roll Called by Mr. Laube, Clerk*)

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
Here.

LEG. MURATORE:
Here.

LEG. HAHN:
Present.

LEG. ANKER:
Here.

LEG. CALARCO:
Present.

LEG. MONTANO:
Here.

LEG. CILMI:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. NOWICK:
Here.
LEG. GREGORY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
(Not Present)

LEG. SPENCER:
Here.

D.P.O. HORSLEY:
Here.

P.O. LINDSAY:
(Not Present)

MR. LAUBE:
Sixteen. (Not Present at Roll Call: Leg. D’Amaro. Absent: P.O. Lindsay)

D.P.O. HORSLEY:
All right. May we all please stand for the Pledge of Allegiance, led by Legislator Calarco.

(*Salutation*)

I'd like -- the invocation will be given by Deacon Robert Gronenthal from Our Lady of the Snow Roman Catholic Church in Blue Point, guest of Legislator Robert Calarco.

LEG. CALARCO:
Good morning and thank you for having us here today. It's my honor to introduce Deacon Bob Gronenthal to -- for the purpose of providing the invocation this morning. Deacon Bob has been a member of Our Lady of the Snow Roman Catholic Church in Blue Point since 1975, and was shortly ordained as Deacon thereafter and has served the parish for the last 29 years as Deacon. During that time, he has served in various ministries both in the church and in our communities, including as a counselor in both our Yaphank and Riverhead correctional facilities. He's worked with Sisters of Mercy to deliver many different programs for the homeless throughout our county, and has been actively reaching out with the Latino populations. And I wish I could say more about Deacon Bob, but he is a very humble man who doesn't like to share all of the things that he does, but, rather, quietly goes about his business. Presently, Deacon Bob is working with Brookhaven Memorial Hospital Hospice to help deliver care to patients both in the hospital and in their homes.

I've had the pleasure of getting to know Deacon Bob at Our Lady of the Snow Church. He was both involved in the Pre-Cana Ministries, as when I was married a few years ago, and I look forward to him baptizing my new baby girl in a couple of weeks. I could always rely on Deacon Bob to provide the inspirational talks and sermons to help me stay focused on what it is to do my job as a Legislator. And Deacon Bob never misses a chance to remind me that his good buddy was John J. Foley, somebody who represented the district that I now have the pleasure to represent.

So it's my honor to introduce Deacon Bob, who's been married for the last 52 years to his wife Pat, has eight children, sixteen grandchildren and five great-grandchildren. Deacon Bob, if you would.

(*Applause*)
**DEACON BOB GRONENTHAL:**
Thank you for your very kind words, Rob. Congratulations. Only have seven more to catch me.

(*Laughter*)

There's an old Irish expression my grandfather used to say all the time, "If you're not good, be fast."

(*Laughter*)

I just wanted to read something that really touched my heart. John Foley, who was really a buddy of mine, and I was there the day he passed, and he had this. I gave this to him, I want to say in 1980, and he gave it back to me that day, and it's just a little thing, and I just want to read that before the blessing, if you don't mind. It says, "Anyway". "People are unreasonable, illogical and self-centered; love them anyway. If you do good, people will accuse you of selfish ulterior motives; do good anyway. If you are successful, you win false friends and true enemies; succeed anyway. The good you do will be forgotten tomorrow; do good anyway. Honesty and frankness make you vulnerable; be honest and frank anyway. What you spend years building may be destroyed overnight; build anyway. People really need help, but may attack you if you help them; help people anyway. Give the world the best you have and you get kicked in the teeth; give the world the best you have anyway." Thank you, John Foley.

Just a little prayer. Call to be a blessing. Bless us with the gift of vision to see the beauty around us and within us, to delight in the lavish gifts of your gracious creation. Bless us with the gift of courage to embrace the darkness and the pain of the journey; to stand in love with those who suffer and ache on life's journey. Bless us with the gift of gentleness to walk through our joys and pains, especially the growing time with gentle love. Teach us to be gentle with our sisters and brothers as we share the wonder of living. Bless us with the gift of creativity to help us brave new grounds, to test horizons, to risk and trust being co-creators with you, transforming creation according to your vision of peace and justice. And bless us with the gift of compassion, to see the interconnectedness of all life, to celebrate with fury hearts your healing presence in and through us. And, finally, bless us with the grace to recognize your gifts when they are given. Amen.

(*Amen Said in Unison*)

**D.P.O. HORSLEY:**
All right. Thank you very much, Deacon Robert. Nice job, by the way. I thought that was wonderful.

May we just remain standing for a moment of silence to remember those men and women who protect our freedoms both home and abroad.

(*Moment of Silence*)

All righty. Good morning, everybody, and welcome to our General Meeting, our last meeting before the summer break. I know my colleagues and I will be happy to receive July.

This is the June 19th meeting in Riverhead, and the first thing on our agenda today is to -- we have several proclamations to give. And I believe the first one up is Legislator Schneiderman, who will present proclamations to Jean Carlos Barrientos, a 17-year-old high school student who pulled a drowning man from the ocean on June 3rd and ultimately saved his life. Legislator.
LEG. SCHNEIDERMAN:
Thank you, Mr. Deputy Presiding Officer. Can -- Jean Carlos, you want to join me here? And if your mom wants to come, too, it would be great to have her. We'll do Jean first, JC he goes by as a nickname, Jean Carlos. We're doing him first because he's got a regents exam later. So --

(*Laughter*)

But as the story I'm going to tell in a second, you'll find out that he's really already been tested.

Summer's almost here, I think tomorrow is the first day of summer, and we got I think 90-degree weather heading our way, and a lot of people are going to be heading to the beaches, and some of us forget how dangerous those ocean tides can be. And JC actually is not -- well, now he's officially a lifeguard, but two weeks you were not, right?

MR. BARRIENTOS:
Yes.

LEG. SCHNEIDERMAN:
Though he had -- when he was 14 years old, about three years ago, he had gone through some junior lifeguard training, which helped him out a lot two weeks ago. He was working at a place called the Driftwood Resort out on the Napeague stretch as you're heading out toward Montauk, and were helping out with the cabanas and helping the guests, when there's a swimmer in distress in the ocean in an area with no lifeguards. And, admittedly, he was scared, but he grabbed some lifesaving devices. I think the first thing he grabbed failed him in some way. He grabbed a red buoy and he ran out there, he found this guy out there. He had already turned blue, he was unconscious. And with all of his strength, he pulled this guy in. And luckily there was somebody else who worked at the Driftwood who knew some basic CPR. They were able to stabilize the man until the EMS people could arrive. And if it wasn't for J.C., the guy would be dead. So J.C., in an act of heroism, went out there into the rough tides and brought this guy in, and he deserves a big round of applause.

(*Applause*)

You want to -- J.C., you want to say a word or two?

MR. BARRIENTOS:
I don't know what to say, but thanks, God, and that's it, because I didn't know what to do at the moment, but little things in life that really help you out. So thank you, God. Thank you.

(*Applause*)

LEG. SCHNEIDERMAN:
On behalf of myself and my colleagues at the Legislature, and on behalf of Suffolk County, I'm going to present you with a proclamation. It talks about your heroic deed here and that very important day. And I know it's a day that not only you'll remember for a long time, but the individual you saved will never forget you. So this is for you, and thank you again.

(*Applause*)

D.P.O. HORSLEY:
Legislator, I understand you have a couple of more proclamations.
LEG. SCHNEIDERMAN:
I do. We're going to do Jeremy Dubin next? Jeremy, if you want to step up. And, Junie, you want to join him? And, Dave, you want to -- stay there. All right. It would be enough if Jeremy was just Valedictorian of his Southampton High School class, which he happens to be, but besides being great in academics, he's also a great athlete. And we all have -- we all have great athletes in our districts; today I have bragging rights on a couple of them. Jeremy Dubin, you're looking at the top high school tennis player in Suffolk County right here.

(*Applause*)

So it's a tough competition. It's the first time Southampton, a Southampton male tennis player has won All-County. Jeremy did it. I don't know how you do so well in all the academics, and also perform so well as an athlete. And I have with me a proclamation that talks about your great successes and some of the awards and trophies that you've won. We're all very proud of you. I'm particularly proud as the Legislator from your district. I also know your family. I know you live in a very special house that's a zero footprint, zero carbon footprint house, which is a really a -- a really neat thing.

And Junie Wingfield you may have remembered. He was here a couple of weeks ago with the Mariners, the Lady Mariners, who also won their division in the County.

So, Jeremy, I have a proclamation for you. Congratulations. Do you want to say a word or two?

MR. DUBIN:
A couple of words.

LEG. SCHNEIDERMAN:
That's great.

MR. DUBIN:
Thank you, everyone, for recognizing me today. And I'd like to thank my Coach, Junie, who's been supportive the whole way since seventh grade, and it's been a fun ride.

(*Applause*)

LEG. SCHNEIDERMAN:
Junie, you want to say a word?

MR. WINGFIELD:
And I would just like to thank the Suffolk County Legislature for taking a moment to recognize all the young people, and especially Jay. And I can call him Jay, I've know him when he was just playing the conga drum for our children, and Jackie O'Neill, who has been with you for 22 years. And I do believe in saying that I know that there is such important business at stake today. And I'd like to thank all of those who are behind me who are waiting so patiently as we honor the children. And I hope, too, that they, too, leave here feeling like we do, like so proud of the Legislature and winners. Thank you very much.

(*Applause*)

LEG. SCHNEIDERMAN:
Thanks, Junie. All right. And I have one more group I'd like to brag about. This is the Lady Bonackers out of East Hampton, the East Hampton High School Team, for Class A champions this year. So I'd like to bring them up. Do we have -- okay, there they are. And their coach, Lou Reale.
And sorry to, I guess, Islip. They beat Islip in the finals. I know we got some Islip people there, but, you know, you've been up here with lots of athletes, too, so -- but this year we got it. So this is East Hampton’s Women’s Softball Team, and with their coach, Lou Reale. And a very competitive game. Was it Islip or East Islip that you beat at the end?

**MS. HAHN:**
Islip.

**LEG. SCHNEIDERMAN:**
Islip, yeah, it was Islip. And it was a very close game, went into overtime and -- but these guys pulled it off. So I'd like to congratulate all of them. It's a great honor, great victory for you guys. And I know some of the younger players couldn't be here because they have testing. You guys, you're the two head coaches?

**Ms. HAHN:**
Captains.

**LEG. SCHNEIDERMAN:**
Captains. Sorry, captains. And you don't have regents today? You're lucky, right, because you're off to college, right?

**MS. HAHN:**
Yeah.

**LEG. SCHNEIDERMAN:**
All right. And summertime is ahead, so you must be very excited. Well, congratulations on your big victory on behalf of the County. I have a proclamation for you. Talks a little bit -- it actually goes into quite a bit of detail about that very exciting game. And congratulations, and keep up the good work. Good luck in college.

**MR. REALE:**
Thanks.

**MS. HAHN:**
Thank you.

**LEG. SCHNEIDERMAN:**
Coach Reale, you want to say a few words or one of the girls? All right. Come on. Introduce yourself.

**MS. HAHN:**
Hi. My name is Deryn Hahn, I'm from Montauk. I play on East Hampton. I'd just like --

**LEG. SCHNEIDERMAN:**
Are you related to Legislator Hahn? It's the same last name.

**MS. HAHN:**
No.

**LEG. SCHNEIDERMAN:**
Okay.
MS. HAHN:
Hello.

LEG. SCHNEIDERMAN:
Maybe you are.

MS. HAHN:
I'd just like to thank the Suffolk County Legislature and Legislator Schneiderman for honoring us with this proclamation. And it was a really fun year, so I really appreciated it. Thank you.

LEG. SCHNEIDERMAN:
Great job.

(*Applause*)

Great job. Thank you, Legislator Horsley.

D.P.O. HORSLEY:
All right. Thank you very much, Legislator Schneiderman, and congratulations to all. I believe next up is -- also our East End guy, Ed Romaine, who is going to make proclamations, too, starting with the East Marion EMS Agency of the Year Award by Suffolk County REMSCO.

LEG. ROMAINE:
Thank you, Legislator Horsley. I have a number of proclamations today, and we're going to start, if I may, with the East Marion Fire Department. Guys, come on up, and its Chief.

We're here because, after receiving a FEMA grant for advanced life support equipment in 2010, the East Moriches -- excuse me, East Marion Fire Department partnered with its neighbors, Orient and Greenport Fire Departments, to jointly provide life -- advanced life support in their communities, pooling their small resources. The small three-person standalone unit grew to ten ALS members and became a model from which others to learn from and apply. They were awarded the EMS Agency of the Year by the Suffolk County Regional Emergency Medical Services Council in recognition of the high level of service and top-notch care that they provide. It's a great department, very close, small department, but provides great service to the East Marion community. We're all very proud of them. And we have, if I can find it -- okay, got it -- a proclamation honoring them. And in the First Legislative District today is the East Marion Fire Department Day for their service, for their community, and for being named the EMS Agency of the Year in Suffolk County. Bryan.

CHIEF WEINGART:
Thank you.

(*Applause*)

D.P.O. HORSLEY:
Congratulations.

LEG. ROMAINE:
Next, if I may, Legislator Horsley, the Chancellor in the State of New York in 1997 set up an award for excellence for students who have demonstrated academic excellence in the areas of leadership, athletics, community service, creative performing arts campus involvement or career advancement. Two students from the Eastern Campus were recognized and I want to recognize them here today. I don't know if Michael is here. Michael is not here, so we will give that to one of the Deans to carry
back to Michael. But the other student that is here is Robert DePalermo. Bob, if you'd come up. Bob is a --

(*Applause*)

Bob is a student at the Eastern Campus where he majored in Liberal Arts, and served as Secretary and Treasurer of Student Government, as a Senator for Student Government, as Vice President of the Honors Club, as a Peer Coach, and as a volunteer with the Hampton Bays Wildlife Refuge. He is a resident of Riverhead. He just won a full scholarship to NYU, and I'm happy to say he's going to study economics. And believe me, we need a course in economics in Suffolk County.

(*Laughter*)

And, actually, Bob said it, if he has any spare time, he's going to volunteer in my office. And I said, "Boy, we could use that assistance." Bob, you want to say a few words?

MR. DEPALERMO:
Yeah, sure. I'd just like to thank you and thank this body for giving these awards out and recognizing people. And Professor Koukounas, Mary Reese, they were instrumental really in me doing as well as I had done, along with Dr. Jeffrey Pedersen.

LEG. ROMAINE:
Well, thank you again.

MR. DEPALERMO:
Thank you.

(*Applause*)

LEG. ROMAINE:
Let me give you yours. Here you go. And if you could carry this back and give this to Dean Shearer.

MR. DEPALERMO:
Of course.

LEG. ROMAINE:
Thank you again. Not only does the Chancellor Award go to students, but the Chancellor Award in rare instances go to members of the faculty. We're blessed to have two faculty members for their work on the Eastern Campus win these awards for their extraordinary dedication and service to the Eastern Campus of Suffolk Community College; great people. Jane Shearer, who used to be Dean, and now is --

MS. SHEARER:
Still.

LEG. ROMAINE:
Still Dean. Okay.

(*Laughter*)

And Edward Hassildine.

(*Applause*)
Obviously, the students gain great benefit from the college, but it only comes with capable leadership and careful instruction. And what you're seeing in front of me today are two faculty members recognized for their excellence. It's one of the reasons that Suffolk Community College is known as the place to begin education, particularly if you're looking to go on, because it has a great reputation because of these two educators. Jane, congratulations.

**MS. SHEARER:**
Thank you.

(*Applause*)

**LEG. ROMAINE:**
And Ed. And as they say, two Eds are always better than one.

(*Laughter and Applause*)

Would you like to say a few words?

**MS. SHEARER:**
I would just like to thank the Legislature for this honor. And I'd also like to thank you for your unending support of Suffolk County Community College as it continues to be a college of excellence. I feel blessed to be with the college since 1988. And as Dean of Academics, I've had a wonderful opportunity to transform our students' lives. So thank you for all of your support to our institution and continued support. Thank you.

(*Applause*)

**LEG. ROMAINE:**
And my last proclamation goes to someone that's about to leave County government, someone that joined the County back on September 22nd of 2008; who was instrumental in preserving over 2100 acres of environmentally open space and farmland; someone that acquired -- helped acquire development rights to 24 farms, totaling 598 acres, to 120 open space acquisitions, totaling over 1500 acres; someone that worked to close 292 auction and 113 direct sale properties; someone that by redeeming properties that had -- where people had defaulted on their taxes, she prevented 347 Suffolk County homeowners from becoming homeless, facilitating a way for them to stay in their home. This person is none other than our Director of Real Estate, who, as we know, will be leaving County government with so many other County employees on June 30th. I'd like to call up Pam Greene and acknowledge her service to this County.

(*Applause*)

**Pam Greene:**

(*Applause*)

**MS. GREENE:**
Thank you very much, Legislator Romaine, Members of the Legislature. As you know, this Legislature could be very proud of the staff of the Division of Real Property Acquisition and Management. It is all of their accomplishments that you were boasting before. Five of the Division members will be leaving at the end of the year, so your support for the remaining staff to deal with what will be a tsunami of tax deeds expected to come in by the end of the year, as well as dwindling funds in the Acquisition Program. I know your support will be greatly appreciated. It was an honor and a pleasure to serve as Division Director, and an honor and an opportunity to continue my career in public service, now serving the residents and Suffolk County taxpayers. Thank you very much for this honor.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Legislator Romaine, and congratulations to all. Next up, I have Legislator Anker. Is she -- I don't know where -- we'll just hold on one minute. That's okay. Legislator Anker will present two proclamations to Gail and Frank Bailey for their community work.

LEG. ANKER:
Frank and Gail Bailey are -- they're part of the -- they're the heart of Middle Island and Coram. I mean, you guys cover Ridge, you cover more than one --

MRS. BAILEY:
Longwood.

LEG. ANKER:
You're Longwood, Longwood School District. Longwood School District, which I was a P.R. Director for some time, they're a huge district. They cover, again, a vast amount of towns and quite a few people there. But you're so involved in, both of you, in so many community events and programs and services.

Let's see. Let me start with Frank. Frank, Boy Scouts of America, Troop 433. You have seen 44 boys attain the Eagle Scouts. That's the highest Scout award. And, you know, it really is -- it's heartfelt when you go to an Eagle Scout event and you see, you know, their support group, their parents, their friends, the scouts leaders. But you'd listen to all the activities that they've done, and they wouldn't have done and experienced those activities if it wasn't for you and your leadership, and we greatly appreciate it. You're an inspiration to so many people, you know, young boys learning how to be men, and respect, responsibility, honesty. I don't remember all the -- you know, I'm sure you'll remind us, but that's what it's about. Because, right now, you know, I have a 16-year-old, and, you know, Josh is a good kid. Unfortunately, he didn't stay in Boy Scouts, but I actually was a Boy Scout troop leader and a Girl Scout troop leader for a little bit. But there are characteristic that a lot of our kids are forgetting about, they're forgetting about it and you're reminding them, and you're reminding the parents.

So, again, thank you so much for all the work that you've done with the scouts, as well as, let's see, the National High Adventure Promotion Chair for the Suffolk County Boy Scouts, and also Calverton National Cemetery Flag Decoration Committee. I attended the ceremony at the Calverton Cemetery. It was absolutely beautiful. You had every representation from military there, as well as many, many organizations in the surrounding area. And it just reminded us how important -- and, you know, being from a military family, we do need to be reminded of what people have done for their country, and that's why it's so important when we are sitting in front of the Leg. and we have a moment of silence for those who have served, and we need to be aware and what we can do to help those returning.
Gail.  Gail, I met you when I was over at Connie Kepert's Office, the Town of Brookhaven, and I'm just so impressed with how much time and energy that you have put into your community. You are, again, an inspiration for many people who are trying to do the right thing. And you have done so much. When Amy, my staff was putting together information about you, she goes, "Sarah, there's just -- there's too much, there's just so -- there's too much. There's so much." There's never too much, let me say that. Let me repeat that, there's never too much. There's so much, there's so much to do. And, you know, as an environmental person, you know, I have this joke, you know, I don't collect shoes, I collect issues. And, you know, it's kind of a funny little thing, but it's true. You know you get -- you're compelled to do what you can for your communities.

And I want to recognize both of you for what you've done, and I hope to encourage you to keep going. And if there's ever a problem, you know, just give my office a call and we can try to facilitate it.

Let's see. You have done the Bartlett Pond Park in Middle Island recently. It was lovely. There was a memorial service and it was, again, I hear -- unfortunately, I was out of town, but I hear it was absolutely beautiful, sunny day, very, very nice. And I remember, I lived in Coram for ten years, and the park was really dilapidated, it was terrible, and that park is just so beautiful right now. You've preserved a historic home there, you've cleaned it out, you've added park benches.

MRS. BAILEY:
Trees are next.

LEG. ANKER:
Trees. Trees are next, beautification. There's always something to do. Again, coordinated re-vegetation in the Pine Barrens, smart growth projects for Middle Country Road, Longwood Alliance President, Middle Island Civic Vice President, again, Boy Scouts 433. I could go on. On PTA at Longwood, Saint Francis. Again, thank you so much for everything that you've done. So, again, I applaud your effort. Thank you.

(*Applause*)

Would you like to say a few words? Go ahead.

MS. BAILEY:
I just want to thank the Legislator, Sarah, and the Legislature for this wonderful honor. And I've brought along our most recent event, which was Saturday. Some of you were able to attend that. Ed Romaine and Kate Browning were with us on a beautiful sunny day at Bartlett Pond Park where we honored over 200 new veterans from Longwood who have protected us in the global war on terror. We installed a beautiful new monument there. If you haven't been to Bartlett Pond Park on Middle Country Road in Middle Island, it's right opposite Reliable Garden and Fence. Give them a little plug, because they donated the wreaths to us. Please stop in. Projects there are ongoing. We're replanting the western section of the park. There's a new hiking trail going in, and it really is a remarkable, unique place, you know, in beautiful Suffolk County and in Longwood Country. So thank you all so much.

(*Applause*)

MR. BAILEY:
I want to thank Legislator Sarah Anker for this honor and everybody here. On behalf of the Boy Scouts, you all are probably invited to Eagle Courts of Honor. So on behalf of the Council, I want to thank you all for giving some time when you come to Eagle Courts of Honor and honor the guys, no matter what troop you're invited to.
Sarah, we've mentioned to her before that, you know, summer is starting. One of our pride achievements that we did was we re-blazed Benjamin Tallmadge Historical Trail in the Town of Brookhaven, which covers a number of the districts. And since summer is starting and you're all looking for some summertime activities to do, I have brought some trail guides for you, too, if you are so inclined to hike from Mount Sinai to Mastic Beach, and down to Mastic, the Manor of St. George. And Frank Belsito is a name you probably all have heard before, and I'm happy to succeed him as Chairman of the Calverton Flag Placement Committee. We had 6,000 volunteers come out and do 220,000 graveside flags at Calverton in 45 minutes over Memorial Day weekend. So thank you all for the honor, I appreciate it.

(*Applause*)

D.P.O. HORSLEY:
Congratulations, and thank you, Legislator Anker. The next proclamation -- Mr. Muratore, are you ready?

LEG. MURATORE:
Yes.

D.P.O. HORSLEY:
We'll present a proclamation to Michelle Miranda, a sophomore from Middle Country School District, who won the Suffolk Individual Boys Golf Championship. Michael, rather. I'm sorry. My apologies, Michael.

LEG. MURATORE:
You know, it's so ironic, this weekend that I -- you know, they had the U.S. Open and I get to make a presentation to a young man who probably someday will play in the Open, because he did try out for the open. Unfortunately, he didn't qualify, but he's done so many other great things. I mean he is the Suffolk County High School Golf Champion. He's a sophomore over at Newfield High School. He played in his first golf tournament at the age of nine. And what are most of us guys doing at nine years old? We're not playing in golf tournaments. He won three out of four of the tournaments that he was involved in, and he became the overall 9-to-11-year-old champion. Since then, he's become the team captain of the Newfield High School team. And this summer he will be playing in a Callaway Junior World Championship at Torrey Pines. So how many of us guys would love to go there and play golf? Right, Steve? You like -- you wouldn't mind going to Torrey Pines, right?

LEG. STERN:
(Nodded in the affirmative).

LEG. MURATORE:
I know. And recently he's been elected to the Newsday All Long Island Golf Team. So, you know, I think what we have here is another to do is another Webb Simpson, who's going to be moving on, bringing lots of recognition to Suffolk County. And, you know, while we talk about that, this is why this body and all my colleagues work so hard to keep young men like Mike here and keep the Miranda family here in Suffolk County, and this is what it's all about.

So, Michael, God bless you. Good luck in your endeavors. To the family, you work so hard, you give up so much, you know. He's the champion, but, you know what, the real champions are mom and dad, sisters and brothers, and brother-in-laws, and aunt's and uncles. Because, you know what, parents give up so much to make sure their children achieve what they're looking to do.

So again, God bless the Miranda Family and good luck.
D.P.O. HORSELY:
Congratulations, Michael. And thank you, Legislator Muratore. The next proclamation to be given out is from Legislator Cilmi, who will present a proclamation to Probation Officer Jose Martorell, who was responsible for apprehending a probationer who was a suspect in multiple homicides.

LEG. CILMI:
Thank you very much, Mr. Chair. If I could ask Probation Officer Martorell to join me at the podium. Joe? So it's again my pleasure and privilege to honor one of our fine probation officers here in Suffolk County. Probation Officer Martorell works with the F.B.I. Long Island Gang Task Force as an expert in gangs, especially Hispanic gangs. He received information that a certain probationer was a subject in multiple homicides. Probation Officer Martorell used the information conveyed to him to make contact with the suspect, supervising officer in an attempt to positively identify the suspect. Photographs and other identifiers were used to determine if this was the same person thought to be involved in the two murders. After careful evaluation of the case, it was felt that this probationer was, in fact, the person that needed to be apprehended.

The FBI Gang Task Force was cognizant of the fact that this was a dangerous individual and he needed to be taken into custody swiftly and without violence. Probation Officer Joe Martorell met with the FBI, and along with the suspect supervising officer, Probation Officer Casalan, to formulate a plan where the arrest could occur. Using that plan, the suspect was arrested without incident. A Probation search for narcotics executed at his home did not result in the confiscation of any narcotics, but, rather, a multitude of MS-13 gang material.

The defendant admitted to the two Long Island homicides and is awaiting court action. It is because of the work of Probation Officer Joe Martorell, in conjunction with his colleague, Probation Officer Casalan, that an alleged murderer and gang member is in custody today.

So, once again, this highlights, underscores, emphasizes the dangers that our probation officers put themselves in day in and day out dealing with people on a regular basis who are the most violent sometimes of criminals in Suffolk County. So I wanted to thank Probation Officer Martorell for his service to the County. I congratulate you on your efforts, specifically with this arrest, and wish you Godspeed in the future. God bless.

D.P.O. HORSELY:
All right. Congratulations. And that concludes our presentations for this morning. And we'll be moving into the public portion of our agenda, which we have several cards. The first speaker to address the Legislature today will be Mr. Richard Amper to talk about the Health Department.

MR. AMPER:
Good morning. I know we have a very, very serious economic problem in Suffolk County, but it has reached now the point where it is threatening job one for you folks, and that is the public health and safety. This Legislature is working to restore certain positions in the Water Division, but we have further discovered there are six additional employees, they are the engineers, the sanitarians and the support staff in the Office of Waste Water Management. You received a report from your own Health Department last year about declining water quality, that's directly attributable to sewage. These particular officials of the Health Department are responsible for monitoring the quality of sewage treatment.
I know this Legislature relies on sewage treatment plants for economic benefit, but there’s also the public health benefit. Sewage is the number one problem threatening our water quality and these people have done a fabulous job. They had a 50% compliance rate with water quality standards over the past two years. They have raised that to 90%, and yet the Administration is suggesting -- and, by the way, the Administration was responsive, as you have, to the importance of Health Department people. These are key -- listen, in a recession and the kinds of economic problems that we're having, there are some things that have to be put off, there are some things that have to slow down. But when we're dealing with something as basic as the quality of water, those are things that we cannot afford to put off, delay or in any way diminish, so we need to turn to you.

The Health Department heard from the Administration at its meeting that the DEC should be doing this work, and maybe it should. I don't think the DEC, with their 800 layoffs, is in any way, shape or form as qualified as the people in this Health Department to do this key job. If we're going to make sewage treatment a priority for both health and economic reasons, we have to make sure these plants are working properly.

So we'd like the Legislature to take another hard look. We're talking about six people, but people who are doing a fabulous job, job one in the public health and welfare. If the DEC is to sometime take it over, and we've seen all kinds of State mandates that they don't meet, we cannot stop this important process while we solve it. If you want to give it back to the DEC and insist on doing it, there needs to be an organized process to do it, but we can't stop protecting our citizens from the contaminants that are represented by failing sewage treatment plants that have been a serious problem.

So I am just advocating that you take a very, very hard look. I know Dr. Spencer, I know Mr. Romaine, Mr. Kennedy, there's not a person sitting around this horseshoe that doesn't care about public health and safety. And we're not talking about water quality; they're doing a good job. I'm not advocating for a friend who works for the County, or my job, or a union job, I'm advocating for the public health and welfare. We cannot compromise that. I hope you can take that up for us today.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Mr. Amper. We always appreciate your comments. Next up is Brian Rossi, who wants to talk about SCAT. And next on deck is Lilyan DeMatteis.

MR. ROSSI:
Okay. Yeah. I'm not used to using microphones. Okay. Hello there. Thanks for having me up here. Yes. Actually, my name is Brian Rossi, I live in Ridge. I happen to be legally blind, and I basically use the SCAT system to get around Suffolk County. And I've heard a lot about proposed changes to this system, which would involve, among other things, raising the rates by about 33%.

And I've also heard that there's a plan to cut the window for arranging trips from seven days to five. Well, that may sound like it's making it easier to use. It may make it harder, because right now it's not that you have seven days to a day before, so much as if you don't arrange exactly seven days before, you might not get -- able to be getting a ride. In fact, that's why I missed the last -- sorry -- the last one of these meetings. And right now the system's already hard enough to use. It's already a case where I have to compete with other disabled people just to get a seat.

And so these changes don't exactly sound like they've -- like everybody's had a chance to really hear about them or think about them. So I would recommend not changing the system in a way like this until at the very least the entire disability community's had a chance to have input and talk to the
Legislature and all that. If anything, I would say that this system needs to be improved in ways that make it easier to use rather than possibly harder. So I would like everyone to think about that in terms of these proposed changes.

I believe the bill is 1464 that involves a lot of these. I could be wrong about the number, but from what I've heard, that's the bill that I'd like to see not pass at this point if it's going to make things harder. Like I said, that's what I really care about is not particular points of decisions so much as that the system be made easier, more accessible, so that I don't have as much to worry about getting around this Island as a visually disabled, legally blind person. Thank you.

(*Applause*)

D.P.O. HORSLEY:
Thank you, Mr. Rossi. Lilyan. And on deck is Anita Romano.

MS. DEMATTEIS:
Hello. My name is Lilyan DeMatteis. I'm a CSW from Suffolk County Department of Social Services CPS Unit. I'm just here to try to implore the Legislature to restore the jobs, Resolution 1529, on the Suffolk County guards at our buildings, at our Suffolk County facilities, especially the ones at CPS who provide such a great service to the employees and to the clients that are there in our office. They are highly trained. Each and every day that we go to work, we feel safe about having those guards in our building. And, frankly, privatizing the guards at the Suffolk County offices may be a great disservice to many of the clients and many of the employees there.

I'd just like to say that I feel very safe coming home each and every day knowing that those guards are there to protect us and to protect the clients, that they've been highly trained in doing so. And privatizing may be a very bad service for Suffolk County. So I'd like to please, actually implore all of the Legislators to please re-vote and vote yes to Resolution 1529. Thank you.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Lilyan.

Anita Romano, and on deck is Lori Benincasa.

MS. ROMANO:
Good morning. My name is Anita Romano. I'm a community service worker in Child Protective Services. I am here also to ask for you to take a look at Resolution 1529 for the security guards in Suffolk County. They do a wonderful job. They have been highly trained, and I do feel very safe in the office, in any of the offices that I go to, even in Social Services.

To privatize the guards to me would -- would not be a positive financial good thing. The guards that we have now have all been trained at the Suffolk County Police Academy, and to have to retrain guards that are privatized I don't think would be cost effective, since we already have guards that have been trained and they do a very good job. They have saved people's lives. There were people that had been injured and they took steps to take care of them. And I feel that you need to take a look again at what kind of money you're planning to save. They said in the paper today that you were going to save something like $600,000, but I don't think you realize the amount of training that these guards will need specifically to Social Services. So I would appreciate if you would take another look. Thank you very much.

(*Applause*)
**D.P.O. HORSLEY:**  
Thank you very much, Anita. And Lori Benincasa.

**MS. BENINCASA:**  
Good morning. I’m the Director of Health Education, and I’m here today representing the Department of Health Services in support of Introductory Resolution 1521, to make Suffolk County parks and beaches smoke-free.

Suffolk has a long distinguished history in protecting the health of its residents through creating very strong tobacco control regulations. With few exceptions, employees and patrons of businesses and public places enjoy smoke-free air. This is -- one of the benefits is that smoking rates in 2001 among adults in Suffolk County was 21%. Right now, it's somewhere around 13 or 14% of adults smoking either every day or some days.

The United States Surgeon General states that there is no safe level of exposure to environment tobacco smoke. Whether indoors or outdoors, it's harmful, especially to people with asthma, COPD, or any breathing or respiratory problem, but it's also healthy -- it's also harmful to healthy individuals. Families enjoying a day at the beach should not be exposed to secondhand smoke any more than they should be exposed to any Class A carcinogen.

Perhaps equally important is that laws such as this proposed one send a very important message to children. The tobacco industry spends nearly one million dollars per day in New York State to portray their deadly product as something that is glamorous, sexy and normal behavior to smoke. Banning smoking in public places de-normalizes tobacco use. Smokers must leave friends, families to go off site to a parking lot to smoke, because it's harmful not only to them, but to everyone around them. Children also see how addictive that tobacco use is, that smokers have to leave real social activities to go get their nicotine fix.

Tobacco control laws have been incremental over the last few decades. Many of them have been very hard fought, and the ones that we fought hardest for are normal now. Smoke-free public places are normal to everyone. Make no mistake, that the laws that you have passed have saved numerous lives and great expense to taxpayers. I.R. 1521 will be another example of Suffolk County’s commitment to the health of its residents and its visitors visiting our beautiful parks and beaches and I hope that you will pass it. Thank you.

(*Applause*)

**D.P.O. HORSLEY:**  
Thank you very much, Lori. The next up is John Caputo, and on deck is Michael Finland.

**MR. CAPUTO:**  
Good morning. My name is John Caputo. I’m the Chairman of the Board of Fire Commissioners for Farmingville. I’m a 25-year member of Farmingville, a life member. And I’m here to talk about Resolution 1597, the improvements for County Route 83, particularly north of Granny Road.

I have in my hand here pictures of some of the worst horrific crashes in my district. Unfortunately, we did lose a baby on that road in that area. We did lose -- we also had a girl who was going to be married in two weeks lose her eye. This is a real life crisis that is happening here. From what I hear, the federal government has put up funds to help us out here in Suffolk County with this project, and dollars to dimes or pennies it would cost us in Suffolk County to fix this. The Federal Government's putting up money towards this and it really needs to be taken care of.
Our infrastructure here on the Island is the most important thing, and putting the road three lanes in each direction in that area, if you ever drive it during rush hour or throughout the day, lunchtime, both rush hours, it's not a happy thing, and especially -- well, these accidents happen during rain conditions, and I've told my family, and the guys in my department, I've told their families do not drive over 20 miles an hour on that road if it rains. So I would hope that when it does come up that this would be passed, and we do use the funds here in the County to take care of this. Thank you.

(*Applause*)

LEG. CILMI:
Thank you very much, Mr. Caputo. Michael Finland.

LEG. MURATORE:
Legislator Cilmi, can I just thank Mr. Caputo for coming? You know, he sees firsthand what goes on there. And I appreciate all your effort to helping me in the district.

MR. FINLAND:
Good morning, everyone. I'm Michael Finland and I'm from Suffolk County AME.

Yesterday I had the unique opportunity to meet with your Nassau County counterparts, and I visited the Nassau County Legislature in Mineola. They, like you, are faced with the seemingly insurmountable task of attempting to formulate a cohesive workable plan in the midst of financial and fiscal chaos. They are looking at a deficit of $400 million. But despite the odds, they are working together to make government functional.

We have made inroads in recent times in which some positions slated for layoffs are being reinstated. I would hope that as we move forward we establish a workable plan to possibly bring even more workers who are now slated for layoffs back to the fold.

During yesterday's Legislative session, a Nassau County resident, at the age of 91, was honored for his lifetime work and achievements in the field of law. He started law school in 1940 and had to suspend his studies in order to serve in World War II. He continued his studies later in life. Why do I mention this story? This was one person who achieved the impossible. He faced obstacles and yet he prevailed. He was able to accomplish things which to others seemed unattainable.

At the opening invocation at today's session we heard the words of John J. Foley, which were, and I quote, "Give the world the best you can anyway," unquote. Let us give the residents of Suffolk County the best that we can in terms of performing the critical services that the public has come to expect. Our treasured and valued workforce is essential to Suffolk County governmental operations.

I thank you for your time and continued support and consideration for restoring as many positions as possible. Thank you.

(*Applause*)

D.P.O. HORSLEY:
Thank you, Mr. Finland. The next speaker is Sandra Thomas, as well as -- and on deck would be Dan Farrell. Hey, Sandy.

MS. THOMAS:
Good morning. I spoke before this Legislature on June the 5th regarding the public session for the redistricting of 1527, and I had requested that the 90th ED not be moved out of the 15th Legislative District. I at that time indicated to you that we felt that this was a clear violation of our voting rights
from the 1965 Voting Rights Act, which talks about gerrymandering, redistricting and diluting a community's ability to vote.

In talking with members from the League of Women Voters, their figures indicate that districts were moved into the 15th Legislative District, about the same amount of people who were moved out from the 90th.

We are requesting that this Legislature not pass this bill this day, whereas we feel that these redistricting lines were done hastily, without thought, and without consideration of the impact it has on various communities, let alone mine.

I indicated the last time I spoke with you that we felt that it diminishes our ability to advocate for our entire community, as others came before you and indicated that. At that time, I thought there was some discussion as to whether or not some minor modifications could be made, and whether or not those modifications were legal. I was hopeful that those adjustments could have been made to these lines. Therefore, I am requesting and I'm asking this Legislature to not pass these reapportioning lines until you make your adjustments that benefit all communities, let alone violates anybody's ability to vote and advocate for their community. Thank you.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Sandy.

MS. THOMAS:
I brought here members of my board, as well as members of my community. And the only last thing I'd like to say is that I knew John Foley. He was a wonderful Legislator and he would have advocated for me, definitely. Thank you.

(*Applause*)

D.P.O. HORSLEY:
All right. Dan Farrell, and on deck is Nanci Dallaire.

MR. FARRELL:
Good morning. I'm Dan Farrell, AME President-elect. I'm here to speak on the AME layoffs and the subsequent privatization of those positions, namely the security guards, Risk Management, nurses at the jail, and employee health. I believe this is a violation of our contract, and we have filed grievances on these matters and will be pursuing every legal avenue that we have to protect these jobs. But I just don't understand in regard to the security guards. And these positions were approved by this body to be laid off probably two months ago, and approximately two months ago, and as recently as last week at a committee meeting, the contracts to replace them were still not in place. So I don't really understand how you can lay these people off and not know who you're replacing them with. And numbers were thrown out here, $600,000 in the paper today, $800,000 last week. I don't see how you can truly give us an idea of how much you're truly going to save by laying off these security guards, and I mean all the security guards, not just DSS, there are DPW security guards as well.

So, when you don't have these facts in front of you, I don't understand how you make that decision to lay them off and not have replacements and true hard numbers that will vet out this process. So I guess I'm here to implore you to defer this action, at least with the security guards, until you know what those numbers are, and you can let our legal process take place so that we can see if the courts will uphold our contract violation and save some of these positions. But again, I implore you
to at least look into this because we will be using all our resources to try and save as many jobs as possible.

And I appreciate all your help in saving the fully-funded positions, and I'd like to thank the Administration for that as well. And I look forward to continue working with you. As of July 1st our team takes office, so I look forward to working with all of you in the future, and thank you for your time.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Mr. Farrell. Nanci Dallaire, and on deck is Linda Ogno.

MS. DALLAIRE:
Thank you. I’d like to begin with a quote by George Washington, our first government leader who triumphed through some tough times. "Government is not reason and it is not eloquence, it is force; like fire, it is a dangerous servant and a fearful master. Never should it be left to irresponsible actions."

Courts, judges, they will be held responsible for their decisions, but I'm trusting that my government will act responsibly and take the proper and correct course of actions to protect we, the People. I fear that laws put into place to protect me can be misinterpreted, manipulated and, if term limits apply, changed. I am concerned that vital laws are no longer valid and that my constitutional rights are subject to change. I find it difficult to watch as cuts are made that put safety of citizens at risk in an attempt to save money and overcome that daunting deficit.

I witnessed decisions that revolve around raising revenue as the needs of the people are discounted. The focus is on finding funds to dig us out of that budget hole, but we lose site of the families we are losing -- who are losing their jobs, their homes, and the future security as our safety becomes secondary. We are already struggling with no relief in site, only more layoffs, more cuts, more sacrifices. How much more can we sustain? The residents of Suffolk County deserve more.

Too often I see the dysfunction in a system created to protect and serve the citizens. Unfortunately, it winds up failing and frustrating those who it intended to help. But I have discovered that the sad reality, that if the citizens of John J. Foley were criminals, that Civil Liberties Union would be up in harms at their defense protecting their rights and demanding that this County restore these health services to which these residents are entitled. Why are convicts given these protections without any question, yet I must fight and plead to have the same rights afforded to me and my family. It has become easier to blame and bring lawsuits rather than to own up to our responsibilities. The bottom line must be for the well-being of all citizens, not the bottom dollars. The bottom line is it is the responsibility of my government to ensure the safety of all citizens and to secure these vital services. Thanks.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much. And Linda Ogno.

MS. OGNO:
Good morning. First of all, I’d like to say my name is Linda Ogno and I work at John J. Foley for the last 24 years. John J. Foley is not a nursing home, we are a skilled nursing facility with excellent rehab and an adult day-care. So I just wanted to straighten that out because it's said over time and time again we're a nursing home. We're far from a nursing home.
I'd like to see this Legislature televised, so when I cannot be here I'd like to be able to see it or at least hear it, because the audio on the computer is terrible.

This County has reduced our staff time and time again. But as I've sit and watch this government work -- I've gone up to Albany to see how we work up there, and we have 60 State Senators up there, 136 Assembly people, we have 18 Legislators here, and countless others, mayors, town councils. I have not seen any reduction in any of these people here. And I've worked at Foley, I said, for 24 years. We're down over 100 people. I have not seen -- you're going to start redistricting. They -- I talked to them up in Albany. They're redistricting. They may add another Senator, they may add another Assembly people. How is this? When people ask for smaller government, I'm pretty sure they're not asking for the workers that are out there breaking their backs. Thank you.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Ms. Ogno. The next one up I have is Maria Nancy Rivera, I believe it is. I'm reading their writing. Is Maria Nancy -- yes.

MS. RIVERA:
Well, I would just like to say thank you to you all this morning. I've never really spoken up here before, maybe once, but I feel like I've known you's all for such a long time. I'm Nancy Rivera, I work for the Health Department Patient Care Unit. I was Unit President for six years, and now Fourth Vice President, walking out now at the end of the month. It's been a pleasure working with you all. I thank you.

I've always been an advocate of Suffolk County. I'm a Brentwood girl. I've gone through the struggles in Suffolk County actually growing up, so I know the system very well personally. So, working out of the Brentwood Family Health Center, assisting all those patients in need, the most unfortunate than I am, has been a pleasure. I do it every day with great strength, and I'm a fighter and I will always be to the end of the day of whatever which may be my route. I am very pleased to work for Suffolk County in the job that I do.

I came on board as a person that, you know, looked into what Suffolk County had to offer in the place that I grew up in. And I said, "You know what, I have to get involved." I live here, I need to see the people and work with them, the ones that make these decisions for us here in Suffolk County, which is a wonderful county.

I just want to thank you all once again, and as -- like I said, being an officer up at headquarters at AME, I've learned so much of the political action and also over -- heading over at Albany, and it just gives me such strength to move on and continue the fight, and whatever which way it will be, I will continue to be involved in any which way I will be, you know, and with all you all.

There's so much that I really want to say, just so passionate in what we're going through right now here in Suffolk County, and just to keep in mind that, yes, we all are. And there must be, you know, definitely a change in the universe and throughout the whole world, but I know there is something that could possibly do with all these Suffolk County employees that have been here for years and working very hard, doing more with less. It's been -- they have been doing more with less, and times are getting very hard. The need is here, it's going to continue, it's not going to stop, but only you guys can make these decisions and visit all the different areas and seeing what's going on.

John J. Foley is another one. I happen to go to an event this past Thursday, it's Thursday's Child,
and I just found out about all the HIV patients that actually live there, and it's amazing and it just
touched my heart. I had no idea of all the different people that are there, and that John J. Foley has
been the only facility that has held them there. And, you know, we could have family members,
friends, you know, dying from this disease, and all I hear from John J. Foley, it has been a
wonderful, wonderful facility.

And I want to thank you all, and it's been a pleasure working with you all. Thank you so much.
Okay? Bye-bye.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Maria, and good luck to you. Don Dailey.

MR. DAILEY:
Good morning. My name is Don Dailey. I'm a member of Suffolk County Association of Municipal
Employees, and the Fourth Vice President-elect. I'd like to thank the members of the Suffolk County
Legislature that have worked with us to try to mitigate some of these layoffs.

And I'd also like to say that a while back I belonged to another labor organization, and there was a
time we were going through some economic hardship, the bottom was falling out of the construction
industry, and the leadership at the time came up with a concept where the union would work in
conjunction with the contractors so that we would have a more cohesive relationship, so that we'd
be able to work together and we'd be able to face the needs of both sides. The end result of that
was that the contractors took the concessions that the union was willing to give and they didn't give
back. They didn't play the game, they didn't negotiate in good faith, they didn't play the game the
way that it was supposed to be played. There was no give and take.

And what's going on now in Suffolk County, what's going on around the country, the laying off of
these people, the destruction of the families that's going to be caused by these layoffs, laying off
security guards to hire other security guards from a private agency, it's an attack on the union. And
when layoffs are being made that will not fix the economic problem, they're being made to show the
union that the County is willing to make the layoffs so they can come around again and say, "Here
we go. You know what we did the last time and here we come back for more." Just be sure to know
that the union is alive and well and that we're not going to stand for this. Thank you very much.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Mr. Dailey. All right. I do not have anymore cards. Would anyone like to be
heard? Would anyone like to be heard? Okay. I'll make a motion to close the public hearing.

LEG. CILMI:
You've got a hand raised.

D.P.O. HORSLEY:
Oh, I'm sorry, I didn't see you.

MR. RUSSO:
Hello. Thank you for listening. My name is Salvatore Russo. I'm Second Vice President of AME
elect. I'd like to speak on Dreamland Security. I spoke with you guys on Friday. It's concerning to
me because, you know, they have a right to strike and we don't. So what happens when they
strike? Do you close the other facilities? It's very important. It's concerning to a lot of our members, okay?

The other thing was John J. Foley, how come you don't open that up to the public with physical therapy? They have awesome physical therapy. I mean, it's got state-of-the-art, okay, state-of-the-art physical therapy. Open that up, bring in some revenue. Keep that facility going, it's very important to us.

DPW, we can't afford to lose no more, we have no more to give. We need those members. They're very important to the function of DPW. You can't just throw them out and then expect DPW to continue running as it is. Okay?

And then the other thing is 83. John's 100% right. I'm a fireman also in Farmingville. Eighty-three, it's very devastating. When you go to those accidents, you prepare for the worst. That's why the training money is so important. When you come to these accidents, you need to have that training, it's very important. I thank you guys. Thank you very much.

(*Applause*)

D.P.O. HORSLEY:
Thank you, Mr. Russo. All right. Again, I do not have any cards. Would anyone like to be heard? Would anyone like to be heard? Okay. That being the case, I'll make a motion to close the public hearing, seconded by Legislator Nowick. All those in favor? Opposed? So moved.

MR. LAUBE:
Sixteen. (Not Present: Leg. Spencer. Absent: P.O. Lindsay)

D.P.O. HORSLEY:
All right. Next up, we have the Consent Calendar, and I'll make a motion to approve --

LEG. ROMAINE:
Second.

D.P.O. HORSLEY:
-- the Consent Calendar, second by Legislator Romaine. All those in favor? Opposed? So moved.

MR. LAUBE:
Sixteen. (Not Present: Leg. Spencer. Absent: P.O. Lindsay)

D.P.O. HORSLEY:
The Consent Calendar has been approved. All right. Why don't we do this. Go to your manilla folder and we have Resolution 1686, which is the adoption of the Operating Budget total for Suffolk County Community College. I don't see them here, but I'm sure they'd be happy to have us approve it without them. Maybe what I'll do is Budget Review maybe might want to give just a quick overview to the Legislators before we make any motions.

MS. VIZZINI:
Thank you Mr. Chairman. The adoption of the College budget is fairly straightforward. The working group met, we discussed what was requested. Fortunately, the County contribution remains flat. The college undertook considerable savings since it faces many of the same problems the County faces in terms of increased retirement cost, health insurance, decline in student enrollment, and what have you. The County contribution will remain in the amount of 38.9 million dollars, which is comprised of 34.5 as the County contribution, and 4.4 million as the discretionary tax levy.
D.P.O. HORSLEY:
Okay. Thank you very much. May I have a motion? Maybe, Legislator Anker, how would you like to make the motion?

LEG. ANKER:
I'd like to make a motion to approve.

D.P.O. HORSLEY:
All right. Seconded by Legislator Muratore.

LEG. ANKER:
And on the motion.

D.P.O. HORSLEY:
On the motion.

LEG. ANKER:
I just want to say, you know, according to what I read in Newsday, it was minus 25% that the College has actually decreased its rate compared to all the other colleges in New York State have increased drastically. So again, I think this is a wonderful move that we're making in securing Suffolk Community College and all its projects, capital projects and Operating Budget. Again, we are -- it's very important that we continue to have quality education at an affordable price, especially with the financial situation happening. So again, thank you.

D.P.O. HORSLEY:
Thank you thank you very much, Legislator. Legislator D'Amaro.

LEG. D'AMARO:
Thank you, Legislator Horsley. Gail, the budget that we're looking at, this would only would be approving the County share contribution to the budget?

MS. VIZZINI:
We're actually approving the total budget. The only thing we could change would be the County share.

LEG. D'AMARO:
What percentage of the budget is the County share?

MS. VIZZINI:
It's 38 million of 193 million dollar budget. He's doing the calculations.

LEG. D'AMARO:
And can you explain what a discretionary tax levy is?

MS. VIZZINI:
The presentation of the College property tax levy is divided by the discretionary portion and the mandated portion. In order to arrive at the total 38 million dollars, the methodology that we have traditionally used is what we call the County contribution, plus that portion of the property tax which is discretionary.

LEG. D'AMARO:
And that's something that we've done in the past as well, we've made up a portion of the County
contribution through the discretionary tax levy?

**MS. VIZZINI:**
Yes, we have done that in the past. That's how we arrive at the calculation. The 38 million dollars is almost 20%.

**LEG. D'AMARO:**
And the overall College budget as compared to last year has gone up, down, remained the same?

**MS. VIZZINI:**
They were able to reduce it from -- I believe it was 195 million.

**LEG. D'AMARO:**
Okay. And the County contribution to the budget as a function of percentage, has that remained the same, the 20, almost 20%, or has that gone down or up?

**MS. VIZZINI:**
It would be slightly less.

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

**LEG. ROMAINE:**
Quick question.

**D.P.O. HORSLEY:**
Yes, Legislator Romaine.

**LEG. ROMAINE:**
And, Gail, correct me if I'm wrong. When community colleges were established, there was the one-third/one-third/one-third doctrine where one-third was supposed to come from tuition, one-third from the State, and one-third from the County. If that -- I believe that was the original formulation when community colleges were established in terms of contributions by each of the parties. Obviously, the State and the County haven't kept up with the one-third/one-third obligation. What is the percentage of the County contribution, what is the percentage of the State contribution, and how quickly and how far has tuition risen under the budget that we're proposing in terms of percentages?

**MS. VIZZINI:**
Yeah. We have that in our report on the Community College, and if you just give me a minute, I'll find it and I'll speak to it.

**LEG. ROMAINE:**
Thank you.

**MS. VIZZINI:**
However, I would like to say that the one-third/one-third percentages do not relate to an equal opportunity college, which we also address in our review. Just give me a second.

**LEG. ROMAINE:**
Which we are.

**MS. VIZZINI:**
LEG. ROMAINE:
And what percentages do relate to an equal opportunity college?

MS. VIZZINI:
Currently, the students' share comprises 46.75%, the State, 24.3, and the County share is 21.2.

LEG. ROMAINE:
Twenty-one-point-two. Now is that the lowest percentage of County contribution since the County has been making a contribution to the Community College budget?

MS. VIZZINI:
It is -- the College contribution has remained flat for a couple of years, so --

LEG. ROMAINE:
Well, you mean flat in absolute dollars. But in terms of percentages, is the lowest percentage of County contribution in the College's history?

MS. VIZZINI:
In all likelihood, it is close to that.

LEG. ROMAINE:
So we're at approximately 21%, the State is approximately 24%, and about 41% now is tuition. So the greatest proportion of support from the College is from tuition; is that a fair statement?

MS. VIZZINI:
Correct.

LEG. ROMAINE:
And as an equal opportunity college, what are the percentages that are provided there in terms of support of each of the three components?

MS. VIZZINI:
I'm sorry, I'm just looking for the section.

LEG. ROMAINE:
That's okay.

D.P.O. HORSLEY:
Gail, we have other questions. Would you like to come back to this or --

MS. VIZZINI:
Yeah. We're just trying to find this -- find the --

D.P.O. HORSLEY:
Okay. Legislator Anker, why don't you -- there's a comment.

LEG. ANKER:
Yeah, I just wanted to comment, in working as the Chair of the Education Committee how important it is, you know, community colleges are. And our community college is one of the highest recognized community colleges in the country. In fact, Dr. Shaun McKay has been recognized from the Community College Association throughout the country for his leadership. And again, I'm
looking forward to working with the Community College. They've also been working with the manufacturing development center to create jobs and to really -- to start a place where our kids and just individuals can learn manufacturing jobs.

You know, decades ago we had Grumman and Northrop and a lot of manufacturing firms. Long Island no longer has those firms because the workforce is not here, and manufacturing facilities have been relocated to areas, other areas in the country. We'd like to see Long Island come back strong, and we have one of the highest military folks coming back. We need to have jobs for those people. Those people have learned to be organized, they've learned all kinds of skills being in the military. I think this is the perfect place for them to acquire skills to start their next phase in life, you know, and Levittown was created when the military came back years ago. And we need to provide a place for them to start, and again, it's a very important place for all of us. And it's just great investment I think for the County and for just residents and taxpayers. So thanks.

D.P.O. HORSLEY:
Thank you very much for your comments, Legislator. Legislator Schneiderman?

LEG. SCHNEIDERMAN:
First, I want to thank the College for coming forth with a budget that doesn't ask us for any increases in terms of our County contribution to the College.

D.P.O. HORSLEY:
Here-here.

LEG. SCHNEIDERMAN:
But as we get into the percentages of what percentages -- the tuition versus County versus State, I think it's important to understand that not mixed in with those percentages, as far as I understand it, is the debt service. So we -- on top of what we are paying, we are also carrying debt on various buildings and things, and when you factor that in, I think you'll find that you're going to get close to that one-third/one-third/one-third. And the State, too, is carrying debt service on its portion. So this is an important thing to note.

And I know the -- I don't know where they are on that pie chart, but the College, in addition to tuition, brings in revenues from various fees for services, for renting out certain things at the College. So I don't know where that goes into the mix. But there are other revenue sources that the College is also bringing in to meet its operating costs. So, just looking at the percentage in terms of that yearly component isn't going to give a full picture of the County of Suffolk's contribution to the Suffolk County Community College.

D.P.O. HORSLEY:
I agree with you, Legislator Schneiderman. I just want to also add, if I may, the -- you know, the fact that we do not only the debt -- take on the debt service, but we pay for all the capital improvements to the College, which we have been very aggressive at, in fact, improving more with our Health and Wellness Center this year, the Science Building at Ammerman, and the library is moving forward at Grant. We've done -- we've done good work, and I applaud this Legislature. But I think, most importantly, I want to congratulate the College on putting forth a budget that retains -- that keeps the $4,000 cap for tuition for our students in Suffolk County. We are the -- we are the least expensive public college in the entire State of New York, and I think that is a lot to be said, and I think it's a lot to be said for this Legislature as working with the College to make sure that we have affordable education in Suffolk County, because that's what matters when in -- during a recession. So I am -- congratulate this body.

Gail, how are we doing for filling time while we're waiting for you? But it's all true.
**MS. VIZZINI:**
Well, I do have a good answer to another question. What our report addresses was in the event if the County contribution were not to remain flat, then there is a provision that the State share would change from the from the 40 to 33%, the County share to 27%, and the student share would only be 33 1/3. So, if we were to drop our County contribution, we would have to make up for it by having a larger share of the College's overall expenses.

**LEG. ROMAINE:**
Thank you for that information. I asked the question and I'm happy to get the answer. I also would echo the comments of my colleagues, Legislator Schneiderman and Legislator Anker. Obviously, I think the College does a tremendous job. But I did want to note that this is probably the lowest contribution the County has made to the College budget in the history of making contributions to the College budget. I think that's significant and I understand why; obviously, because of the economic situation the County faces. But that fact should be something noted for the record. Thank you very much.

**D.P.O. HORSELEY:**
Legislator Hahn.

**LEG. HAHN:**
And we are facing an extraordinarily difficult financial situation right now. And part of what's going to be extremely important in economic development are initiatives like Accelerate Long Island, Innovate Suffolk, which we have partnerships with local universities, research institutions that are world renowned here on Long Island. But that will not succeed without our Community College being strong and being flexible and nimble enough to respond to needs of industry and training entry level workforce. And so it is a tough year and -- but we're doing -- we're maintaining, and we are committed to our Community College to train at an affordable cost to our local youngsters, to really train them. And we need to be preparing them if we want to grow new industries here on Long Island. And so I do think we have to keep up and we have to continue to invest there. Thank you.

**D.P.O. HORSELEY:**
Thank you very much, Legislator. Is there anyone else? I think we're all good. We are now going to strike a vote to approve the College Budget, which is the least -- the most affordable education in the entire State of New York. We have a motion to approve. All those in favor? Opposed? So moved. It has been approved.

**MR. LAUBE:**
Sixteen. (Not Present: Leg. Spencer. Absent: P.O. Lindsay)

**LEG. SCHNEIDERMAN:**
Legislator Horsley.

**D.P.O. HORSELEY:**
Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**
Is it possible to take **I.R. 1345, authorizing the license and setting rates for Hampton Jitney (Inc., d/b/a “Peconic Bay Water Jitney” (Presiding Officer)** out of order? The individuals are here and I'd like to let them go on their way.
D.P.O. HORSLEY:
Sure. Do you have a page on that?

LEG. SCHNEIDERMAN:
It's Page 9 under Public Works and Transportation.

LEG. CALARCO:
Second.

D.P.O. HORSLEY:
Seconded by Legislator Calarco to take it out of order. Let me just find it here.

LEG. ROMAINE:
Page 14 for us.

D.P.O. HORSLEY:
1345? There you go. We have made a motion. All those in favor? Opposed? So moved.

MR. LAUBE:
Sixteen. (Not Present: Leg. Spencer. Absent: P.O. Lindsay)

D.P.O. HORSLEY:
To take it out of order, yeah.

LEG. SCHNEIDERMAN:
I'll make the motion to approve.

D.P.O. HORSLEY:
And Legislator Schneiderman makes a motion to approve. Do I have a second on the motion?

LEG. MURATORE:
(Raised his hand).

D.P.O. HORSLEY:
Second by Legislator Muratore. Anything on the motion? All --

LEG. MONTANO:
On the motion.

D.P.O. HORSLEY:
Yes, Legislator Montano.

LEG. MONTANO:
Yeah, just a brief explanation. I see it was discharged without recommendation. Is there a particular reason in committee that it was discharged without an approval?

LEG. SCHNEIDERMAN:
This is the cart before the horse formality of it. It had not at the day of our committee meeting, the Public Works Committee meeting, had not yet been approved by the Village of Sag Harbor, which was meeting that night.

LEG. MONTANO:
So it was a formality is what your saying.
LEG. SCHNEIDERMAN:
So we didn't want to issue the license or even give a signal that we would approve issuing a license until they had the agreement on both sides. Greenport had already approved it, and sure enough, that evening Sag Harbor did approve it as well, so.

LEG. MONTANO:
Thank you. That explains it.

D.P.O. HORSLEY:
Okay. We have a motion on the floor to approve. All those in favor? Opposed? So moved. It's been approved.

MR. LAUBE:
Sixteen. (Not Present: Leg. Spencer. Absent: P.O. Lindsay)

D.P.O. HORSLEY:
Congratulations.

LEG. SCHNEIDERMAN:
There is one other related one which is 1593, which allows the lease extension of the Long Wharf to the Village of Sag Harbor so that they can deal with the permitting piece of this in terms of how it ties up and how people go on and off.

D.P.O. HORSLEY:
Where is it?

LEG. SCHNEIDERMAN:
And that's 1593, and it's on the very last page. If we could take care of that as well and that will allow the water taxi to begin I think at the very end of this month.

D.P.O. HORSLEY:
Okay.

MR. NOLAN:
Is that a motion?

LEG. SCHNEIDERMAN:
So I'll make a motion to take 1593 out of order as well.

D.P.O. HORSLEY:
Is there a second on the motion?

LEG. STERN:
Second.

D.P.O. HORSLEY:
Second by Legislator Stern. All those in favor? Opposed? It is taken out of order?

MR. LAUBE:
Sixteen. (Not Present: Leg. Spencer. Absent: P.O. Lindsay)

D.P.O. HORSLEY:
Okay.

**LEG. SCHNEIDERMAN:**
I'll make the motion to approve again.

**D.P.O. HORSLEY:**
Legislator Schneiderman makes the motion to approve; second by Legislator Muratore. All those in favor? Opposed? So moved. It's been approved.

**MR. LAUBE:**
Sixteen. (Not Present: Leg. Spencer. Absent: P.O. Lindsay)

**LEG. SCHNEIDERMAN:**
Thank you.

**D.P.O. HORSLEY:**
Okay. We will be moving to the tabled resolutions, which I don't have a page number on that. Everyone got it?

**LEG. MONTANO:**
Yes.

**D.P.O. HORSLEY:**
Okay, good. All right.

**TABLED RESOLUTIONS**

Tabled Resolutions to June 19th, 2012. The first one up is **1018 - Establishing an Historic Structure Pilot Program for directing the Department of Parks, Recreation and Conservation to issue a Request for Proposals (Gregory).** Legislator Gregory?

**LEG. GREGORY:**
Motion.

**LEG. STERN:**
Second.

**D.P.O. HORSLEY:**

**MR. LAUBE:**
Sixteen. (Not Present: Leg. Spencer. Absent: P.O. Lindsay)

**D.P.O. HORSLEY:**
It's been approved. Okay. **1210 - Authorizing the acquisition of land under the New York State -- (New Suffolk) County Drinking Water Protection Program, effective December 1st, 2007), Open Space component - for the Omni Ventures, Incorporated property - Saw Mill Creek addition - Town of Riverhead (SCTM No. 0600-131.00-01.00-003.000) (Co. Exec.)**

**LEG. ROMAINE:**
Motion to table.
D.P.O. HORSLEY:
Motion to table by Legislator Romaine.

LEG. CILMI:
Second.

D.P.O. HORSLEY:
Seconded by Legislator Cilmi. Anything on the motion? We're all good? All those in favor? Opposed? Abstentions? So moved, it has been tabled.

MR. LAUBE:
Sixteen. (Not Present: Leg. Spencer. Absent: P.O. Lindsay)

D.P.O. HORSLEY:
1361 - To amend requirements and composition of Women's Advisory Commission (Stern). Mr. Stern?

LEG. STERN:
Motion to table.

D.P.O. HORSLEY:
Motion to table by Legislator Stern.

LEG. MURATORE:
Second.

D.P.O. HORSLEY:
Second by Legislator Muratore. All those in favor? Opposed? So moved. It has been tabled.

MR. LAUBE:

D.P.O. HORSLEY:
1407 - Sale of County-owned real estate -- what?

LEG. CILMI:
Withdrawn.

MR. NOLAN:
Withdrawn.

D.P.O. HORSLEY:
Okay. We're good?

LEG. MONTANO:
1407 was withdrawn?

D.P.O. HORSLEY:
Is 1407 --

LEG. ROMAINE:
1381.
**LEG. MONTANO:**
Oh, 1381.

**D.P.O. HORSLEY:**
Yeah. 1407 - *Sale of County owned real estate pursuant to Local Law No. 13-1976 Mark M. Cirillo (SCTM No. 0900-045.00-01.00-039.000) (Co. Exec.).*

**LEG. MONTANO:**
I'll make a motion to approve.

**LEG. CALARCO:**
Second.

**D.P.O. HORSLEY:**
Seconded by Legislator Calarco.

**LEG. MONTANO:**
On the motion.

**D.P.O. HORSLEY:**
On the motion.

**LEG. MONTANO:**
Yeah. This was tabled at the last meeting because I believe Legislator D'Amaro had some questions as to whether or not this is an adjacent property. Had gone through the process and no one from Real Estate was here. I believe that Pam Greene is still -- is she still here?

**D.P.O. HORSLEY:**
Yes, she is.

**LEG. MONTANO:**
Pam, would you come forward? I know you were at the last committee meeting. You had some thoughts on this bill and another one, so why don't you share them with us.

**D.P.O. HORSLEY:**
Ms. Greene.

**MS. GREENE:**
Good morning, everyone. This bill authorizes the direct sale of a 64-by-100 piece of property located in the Town of Southampton to an adjacent owner. I believe at the time of your last full meeting it was asked whether or not this had been vetted under Local Law 3 of 2009. It had been. That bill -- that law requires that the property contain 50 feet of road frontage on an improved road. The aerial for this does not show that it's on an improved road. And as well, it also requires that for inclusion under the provisions of Local Law 3 the property be in nature and character with the surrounding areas. We have the tax map number and the aerial for you to review to see that this is an area where most of the properties are far in excess of a 65-by-100 piece of property. Therefore, the division did not feel that this met the requirements of Local Law 3 and sold it by a direct sale. It does come with a deed restriction that prohibits it from ever being independently approved with a habitable dwelling.

**LEG. MONTANO:**
Thank you.
MS. GREENE:
You're welcome.

LEG. MONTANO:
I think that answers the question. Legislator D'Amaro, I think it was your questions at the last meeting.

LEG. D'AMARO:
Yeah, that's fine.

LEG. MONTANO:
Are you good with this?

LEG. D'AMARO:
(Nodded in the affirmative)

LEG. MONTANO:
Okay. Thank you, Pam.

MS. GREENE:
You're welcome.

D.P.O. HORSLEY:
Okay. We have a motion to approve. All those in favor? Opposed? So moved. It has been approved.

MR. LAUBE:
Seventeen. (Absent: P.O. Lindsay)

D.P.O. HORSLEY:
1446 - (Adopting Local Law No. -2012) A Charter Law to protect the County Legislature’s deliberative law making process (Montano).

LEG. MONTANO:
I make a motion to table.

LEG. STERN:
Second.

D.P.O. HORSLEY:
Legislator makes a motion to table; second by Legislator Stern. All those in favor? Opposed? So moved. It has been tabled.

MR. LAUBE:
Seventeen. (Absent: P.O. Lindsay)

D.P.O. HORSLEY:
1464 - Directing the Department of Public Works to hold public hearings on implementing new bus fares for the Suffolk County Accessible Transit, SCAT, Paratransit Bus System (Co. Exec.).
LEG. CILMI:
Motion to table.

LEG. GREGORY:
Motion to approve.

D.P.O. HORSLEY:
Okay. Legislator Cilmi makes a motion to table. Is there a second on the motion?

LEG. D'AMARO:
I'll second the motion to approve.

D.P.O. HORSLEY:
Okay. We have a Legislator -- I missed the first approval. Who is the first -- was that Legislator Schneiderman?

LEG. SCHNEIDERMAN:
No, but I'll second the motion to table.

D.P.O. HORSLEY:
All right. We got a -- we have the second on Legislator -- Legislator Schneiderman makes a second to table.

LEG. CALARCO:
Gregory made the motion to table.

D.P.O. HORSLEY:
Gregory? Legislator -- sorry, DuWayne. Legislator Gregory makes the motion to approve. Is there -- then there was a second on it. Whose was that?

LEG. D'AMARO:
(Raised his hand).

LEG. CALARCO:
D’Amaro.

D.P.O. HORSLEY:
D’Amaro, I’m sorry. Legislator D'Amaro. So we have a motion to table, as well as a motion to approve. Tabling motion comes first.

LEG. ROMAINE:
Roll call.

D.P.O. HORSLEY:
You guys, no? No conversation? We're all ready to go on this?

LEG. SCHNEIDERMAN:
You know, I'll say one thing.

D.P.O. HORSLEY:
On the motion.

LEG. SCHNEIDERMAN:
You know, this bill is looking toward a dollar increase on the SCAT fares. It's too much, and I think the biggest increase we had was a 50 cent increase on the main fare. And the disabled community has been here and spoke out against this. I think we need to look at other alternatives. We at least should have an option of a 50 cent increase in front of us, which we don't, and I think we should --

**LEG. HAHN:**
It's been amended.

**D.P.O. HORSLEY:**
I think --

**LEG. SCHNEIDERMAN:**
It's been amended?

**D.P.O. HORSLEY:**
It's a very good point, but I think that this has -- this is open-ended. I don't think it says $1. But maybe the Administration -- is there somebody here from the Administration who would like to discuss this?

**LEG. SPENCER:**
They're in the back.

**LEG. D'AMARO:**
Wayne.

**D.P.O. HORSLEY:**
Legislator D’Amaro.

**LEG. D’AMARO:**
Well, I believe the -- the reason why I'd like to support the resolution is that it only authorizes a public hearing on the fare increase, if any. And I believe it authorizes up to $1 increase, which would keep in accordance with what other fares have been doing. Bus fares in the County have risen as well, and this fare hasn't gone up for many years. And I think, at a minimum, there should be -- the process should be allowed to go forward and there should be a public hearing so people can come out and voice their opinion one way or the another. Thank you.

**LEG. HAHN:**
Here's Ben.

**D.P.O. HORSLEY:**
Thank you very much, Legislator. Next one up is Legislator Stern.

**LEG. STERN:**
Thank you, Mr. Chairman. Legislator D’Amaro is correct, that this legislation in no way implements a fare increase, it merely provides for a public hearing process so that we can hear from the ridership, so that we can hear from Suffolk County residents, and I think that that is important. I don't think that we can mandate a particular fare increase without having gone through that process, so I think the process is important. It is a fare that has not been raised since 1994. And so I think, at the very least, it's important that be take a look at what the current status is and hear from area residents.

Let me also say that it should be open-ended, because if there is going to be some type of a fare increase, we should have the flexibility to determine what that amount should be and perhaps what
circumstances it might apply. I don’t believe that it needs to be an all-or-nothing type of a fare increase. You know, we can look at municipalities locally and across the country. It’s time for Suffolk County to come into the 21st Century when it comes to charging our residents for these types of services. It doesn't have to be a particular fare increase every time you get on and off the bus.

If anybody has a metro card, you know that if you buy in volume, a number of rides, that there's an incentive for doing that, and you don't necessarily have to pay the full fare. Any of us that has an EZ Pass knows that if you buy it in bulk, if you allow them to charge your credit card for it, then you're not paying necessarily the full fare.

So there is flexibility that we can build into the process, it doesn’t need to be an all-or-nothing. And I would like to hear from area residents whether it's something that any of these number of options that are used across the country might be worthwhile, might be appropriate for our residents here in Suffolk County.

**D.P.O. HORSLEY:**

Sounds like future legislation. Legislator Cilmi.

**LEG. CILMI:**

Thank you, Mr. Chair. Legislators D’Amaro and Stern are correct, that the bill authorizes a public hearing. But what's not been said is that that public hearing, in turn, authorizes the Director of Transportation Operations to then raise the fare at his discretion or her discretion. And so while I agree, that there should be a public hearing, I think there are many folks in the County that would like to speak on this issue. I would say that any fare increase should come before this Legislature for approval first, regardless of whether it's 25 cents, 50 cents or a dollar.

So I will oppose this resolution because I am opposed to giving the Director the authority to decide how much our fares should increase or not. I think that should be the responsibility of this body. Thank you.

**D.P.O. HORSLEY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. And, you know, my colleagues are correct in pointing out that we've not had a fare increase here. But I think we're missing what the broader picture is with our bus system here in Suffolk County. We subsidize it to the tune of 22 million dollars a year. Our ridership is maybe 15 to 20,000 at most. Our SCAT bus trip has a hard dollar cost of $38 per ride. No amount of fare increase is going to go to what is a broader systemic dysfunction we have with the operation of the transit system. And so before we look at any dollar increase, I think we need a broader overhaul of how SCAT and, quite frankly, how our broader transit system operates.

We're 12 days away from having 260 employees go free-fall, but yet we will continue to subsidize a transportation system that is woefully inept and does not function anywhere near cost effective nature. So I’ll oppose it until we do some more work on it.

**D.P.O. HORSLEY:**

Thank you, Legislator Kennedy. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

All right. Firstly, Legislator Cilmi is correct in stating that it doesn't come back to us. So once you approve this, the Commissioner of Public Works has the authority to go up that full dollar, so we
have relinquished the control we would have.

When we raised the fare on the main bus, we raised it from $1.50 to $2. It still was lower than the Nassau bus, which was a two-and-a-quarter rate. So when you look at regionally and you compare it to other fares, we are still a pretty good deal. That's not the case with SCAT. You go to $4, you're higher than Able Transit in Nassau, you're higher than anybody, I think, in the state for that service. I think, you know, that's something we ought to look at before we go ahead and give this blanket authority.

Also, there was a shortfall on SCAT, and this was -- this was proposed, this SCAT fare increase, but that was also before we ended up getting another million-and-a-half dollars in STOA funding from the State, which I've been told is being used to fill that shortfall on SCAT. So I'm not sure we need to raise SCAT rates at all. However, a 50 cent increase would be -- would not be unreasonable.

We have a serious budget deficit, nobody's going to deny that, but we don't want to -- we don't want to balance the books on the backs of the disabled. That's not going to work and we can't do that. These people, for many cases, just don't have enough money to do this now. And that dollar increase, you know, each way, that's $2 every time they take SCAT, you know, every week of every year, it's a lot of money, sometimes multiple times during the week.

So I think this should be tabled. Let's take a look at what the regional SCAT fares are in the various other counties that do this and let's keep in line with those fares and not go above them. Thank you.

D.P.O. HORSLEY:
Thank you very much, Legislator. Legislator Spencer.

LEG. SPENCER:
My question was answered. Thank you.

D.P.O. HORSLEY:
Thank you, Legislator. Legislator Montano.

LEG. MONTANO:
I just want to be clear. The talk was that the increase would be limited to a dollar, is that -- did I misunderstand that, Legislator Schneiderman? If you can answer that through the Chair.

LEG. SCHNEIDERMAN:
This would authorize a dollar fare increase on SCAT, it currently is $3.

LEG. MONTANO:
I don't see that "up to," I don't see that in the bill. What -- maybe I'm missing it. I have the bill in front of me. What section -- let me ask Counsel, what section in the bill talks about the dollar?

MR. NOLAN:
There is no specific reference in the resolution, but I think the SCAT fare cannot be more than twice the regular bus fare. So I think it is capped at $4. That's as high as it could go, even though it's not specifically referenced in the resolution.

LEG. MONTANO:
So you're saying that there would be a legal impediment, assuming that the hearings determine that the fares should go beyond a dollar. We would not, or the County would not be able to do that?
MR. NOLAN:
We can't do that, that's my understanding.

LEG. MONTANO:
Okay.

MR. NOLAN:
So I think we're talking about with up to a dollar.

LEG. MONTANO:
Okay. Number one, I think that --

LEG. SCHNEIDERMAN:
Was the budget -- the budget mitigation plan was for a dollar, the County Executive announced. So this is all part of that budget mitigation plan, so it's not specifically in the bill.

LEG. MONTANO:
Right, but it's not -- it's not specific to the bill and I think it should be.

The other point that I would make -- you'll have to excuse me, I'm losing my voice -- the second resolved clause very clearly points out what Legislator Cilmi has referenced in that it says that upon the holding of the public hearings, if there's a determination made by the Director of Transportation that the fares be increased, then it becomes automatic, it does not come to the Legislature for any kind of approval or denial. Is that normally the way that we would write a bill like this, or is -- are we abdicating some responsibility that we've exercised in the past?

MR. NOLAN:
I think this is pretty normal for the bus fares. This is the way I believe we've done them traditionally in the past. We authorize the public hearing, and upon holding the public hearing, the Department of Public Works Division of Transportation can raise the fare, if that's what they conclude. So this is not out of the ordinary.

LEG. MONTANO:
Well, this isn't -- my opinion, and this is a delegation that I think we should reconsider, I don't feel comfortable simply holding public hearings, giving someone else the authorization to raise the fare without it coming back to us, because we don't know, you know, how these hearings are going to be conducted, who's going to show up, etcetera. And I think it needs a further review process, so I will vote to table this.

D.P.O. HORSLEY:
Thank you very much, Legislator. Legislator Barraga.

LEG. BARRAGA:
On the resolution. I have no deep zeal to increase rates 33% from 3 to $4, but what you have to remember here is that, you know, this is part of the first phase of the mitigation, and there are hundreds of thousands of dollars in that mitigation plan generated from this increase.

Now, if we're going to start picking each one of these apart and taking a look at the overall bus service and what we should be doing here, whether we should have a public hearing, time is running, time is running. You know, if you're not happy with this, what is your plan to offset the hundreds of thousands of dollars that will not be generated if you don't increase the fare from 3 to $4? Same way with ferries. You know, there were "X" amount of dollars in there, in the mitigation plan for an increase in the ferry service. Obviously, that could not go forward. But as you pick apart
each one of these, I mean, what is the situation economically? You know, there could always be made a case why you shouldn't do something, but the reality is the 530 million is still there. Six months have gone by, I don't see a lot of activity. We spend most of our time here on the layoffs. It's unfortunate, because the layoffs should have been the last thing we did, not the first. We should be dealing with the 530 million.

(*Applause*)

But picking apart each one of these in some overall scheme for every one so we don't generate the revenue that we need, it doesn't help our situation. I don't think things are getting any better economically, whether it's for the County or anyplace else. So I think we should have the public hearings. And if somebody else has to increase the fares, you increase it to $4, it's part of the plan. What do we meet, six weeks from now and then take apart another piece of it that we don't happen to like? A lot of this stuff I don't like. A lot of the stuff you don't like, but, unfortunately, it's absolutely needed.

If someone wants to tell me, "Look, Tom, you know, the seven or eight hundred thousand, whatever it's going to generate over the next two years, I've got an offset, I've got another way of generating the revenue," I want to hear it, I'd like to hear it right now. But just to complain about something because it sounds great, it really doesn't meet the ultimate goal. We have to close the 530 million dollar gap and we don't seem to be moving very aggressively in any front to do that.

D.P.O. HORSLEY:
Thank you very much, Legislator Barraga. Legislator Gregory.

LEG. GREGORY:
Thank you, Mr. Vice-Chair. I have to say that I agree with my colleague, General Barraga. This is the part of the budget mitigation plan. We are slowly, but surely, picking apart and dismantling the budget mitigation plan, which is to address the 530 million dollar deficit. If memory serves me, this is an 18 million dollar program, of which maybe $700,000 is subsidized from the general budget. You know, a 50 cent increase will not significantly improve that situation, but it will certainly move the ball in the right direction.

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

LEG. GREGORY:
Gail, I won't ask you on the spot to list all the fees and things that we've done in the budget, but could you -- I would ask that you verify that it's been significant. I mean, this is not the first thing that we've done. We've done, you know, park fees and all types of fees and licensing fees that we've increased. And this, in the line of other fee increases, would be appropriate, I think, particularly for a program that is highly subsidized by the General Fund as opposed to revenue generated from ridership. This is part of the budget mitigation plan. It hasn't been raised since 1994. You know, there are very few options and, you know, no one wants to raise fees for the disabled, but everyone has to chip in their part of the solution and we're asking them to chip in 50 cents for a ride.

LEG. SCHNEIDERMAN:
A dollar.

LEG. GREGORY:
Well, up to a dollar.
**D.P.O. HORSLEY:**
Let's not debate that now. Okay?

**LEG. GREGORY:**
That's it. Thank you.

**D.P.O. HORSLEY:**
Legislator D'Amaro, I understand you're next.

**LEG. D'AMARO:**
Yeah, I just want to repeat. I mean, I seconded, offered the second on the motion. I don't have a fear of allowing the public hearing to go forward without it coming back to the Legislature. I mean, the issue will be fully discussed at that public hearing. We have -- the hearing is going to take place before the agency or the department head that's responsible for administering the bus system and is in the best position to know what the fare increase should be after hearing all the testimony. And I also know that I'm also limiting only up to $1, the increase. So I don't really have the fear of letting a public hearing go forward and let people talk about that issue.

I also want the make the point that by offering my second, I'm not seeking to balance the budget on the backs of the disabled. No more than we're balancing the budget on the backs of employees, security guards, contract agencies, the Parks Department and every other department here in Suffolk County; I think it's unfair to make that point. This is really an increase that may happen after the public hearing that would just help to keep pace with the cost of providing the service. I've heard the figure thrown about over the last few weeks that it's actually $40 per ride to provide the service, and we're asking the individual who may be using the service to go from $3 to potentially $4. It's still quite a bargain when you consider the alternatives of taking cabs or other means of transportation. So Legislator Gregory is exactly right, it is a sacrifice. It's not something -- like Legislator Barraga says, it's not something we do lightly. These are all tough decisions. It does involve the concept of shared sacrifice, but I think it's fair. I think it's a fair thing to do in light of the expense and the cost of providing the ride. And what's the alternative? If we don't -- if we don't deal with this budget crisis and if we don't at least allow the expense of the revenue to keep pace with the expense, somewhat, which it doesn't because it's $40 a ride, the alternative is to cut back the service and we don't want to go there either. So I think even up to a dollar increase would strike a very fair balance for a service that's very expensive for the County to provide and that we want to continue to provide.

**D.P.O. HORSLEY:**
Thank you very much, Legislator D'Amaro. Legislator Browning.

**LEG. BROWNING:**
I was very opposed to a $1 increase. I have constituents who use that transportation to get to and from work, very limited income. But I'm glad that the County Executive did come back with a bill just to allow for a public hearing. And I think -- I do have concerns with us not being able to have a say. But if it comes back with a dollar, I'll be the first one to put in legislation to say that's too much and to reduce that.

I do think there are some serious concerns. Legislator Barraga, you said that it's part of the mitigation. Are we all going to have to sit back here, if we don't do something, and make a slight increase to do more layoffs? I am not doing that again. And we have to come up with a way to balance this budget, fill the hole. And when you hear the numbers of how much the system does cost and what it actually -- you know, what the subsidy is, we have to do something about that.
The service is not good. I don't agree that -- it's not a good service. I don't believe that any increase is going to make it a better service, but that's another issue that has to be brought up, and I'm hoping the County Executive will look at that also. But I am willing to support, now that he has not put a dollar amount in there, I can support having the public hearing. But if I don't agree with what they say, with what the Director says, I will put in legislation to put in an amount that I believe is an appropriate amount.

D.P.O. HORSLEY:
Fair enough. Legislator Hahn. I didn't see you before, by the way.

LEG. HAHN:
That's okay. I do not support this. I have asked the County Executive to come forward, kind of along the lines of what DuWayne was getting at, to come forward with a list of every fare, fine, fee that we charge and when it was last updated, what it is. This is not -- this is not a fare -- this is not a population that we need to be going after first. A 33% increase, the possibility of a 33% increase is outrageous on this population and that would be balanced -- working at balancing the budget on the backs of the disabled. Still quite a bargain. And fair is -- you know, you have not walked in the shoes of these individuals and this will be devastating for some of these people. I don't think it's true that the only alternative is to cut back services. From what I hear, there are a lot of efficiencies to be found in the SCAT service. Let's do that first. Let's get it operating a little more efficiently before we charge them another dollar for every ride, possibly $10 a week, 40 plus dollars a month on a population that's getting cut back in every other way, charged more in every other way. I'm sorry, but this is not what we have to do now. And, you know, I hate to say it, but with Jack gone, I'm the social worker on the horseshoe here and this is not a population that we need to be increasing fares on, potentially 33% at this time. So that's why I am opposed to this.

D.P.O. HORSLEY:
Thank you very much, Legislator Hahn. Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Thank you. First to my colleague, Legislator Browning, who said it wasn't a good service. I work with these SCAT riders quite a bit and they say far more good things about the service than they do bad. It's not perfect, I'll admit, but it's a pretty darn good system we have of getting people around.

To Legislator D'Amaro and to Legislator Barraga who both asked for alternatives, I'll give you an alternative, a 50 cent increase -- I don't like it, but I can stomach it -- and making up the difference by increasing the transfer fare, which is a quarter, which allows you to go from one bus within a certain period of time to another. Make that a 50 cent transfer, I think that should cover the difference, and it does it in a way that I think is a little bit easier on the disabled community. Thank you.

D.P.O. HORSLEY:
Legislator Montano.

LEG. MONTANO:
Yes, I just want to be clear with respect to the bill. Ben, what I'm saying is that if the bill were before me without the second RESOLVED clause, that is a bill that would allow us to then digest what came out of the public hearing and make a determination as to whether or not we have a fare increase and how much, I would support it.

What I don't support is the delegation or the abdication to the Director without having had a chance to review. That's why I'm not going to support this, but I just wanted to be clear on that. If it were reworded, I think public hearings would be in order. And a fare increase may or may not be in
order, but we can discuss that at the appropriate time. I don’t feel comfortable doing it in this fashion, so I cannot support it.

D.P.O. HORSLEY:
All righty. Thank you very much, Legislator. Ben, did you want to -- I know I brought you up there, it must have been an hour ago.

LEG. MONTANO:
It wasn't that long.

D.P.O. HORSLEY:
But good to see you.

MR. ZWIRN:
It took me an hour to get here.

D.P.O. HORSLEY:
Your comments from the Administration on this? And maybe, you know, if you would just add -- how do we get -- it seems to me that there is many Legislators that think 50 cents is preferable to a dollar. How is that done without us -- in having our -- you know, if we can get some sort of commitment on that, if that's the case.

MR. ZWIRN:
Well, I think that traditionally this is the way fares have been addressed; I think Counsel to the Legislature has expressed this. We didn't draft this bill specifically, so it would not come back to the Legislature.

I believe historically there was an incident in the past where there was a fee increase that was actually reversed by the Legislature, they didn't like what came out of the public hearings or the decision that was made by Public Works at that time and they rejected it. We took out language that indicated that it would go to a dollar when that would be the maximum cap that it could be.

All the comments that are made by the Legislators I think are part of the public record, and I think would be part of the public hearings that would go forward. So that when the hearings are conducted, there is a sense of where the Legislature would go and where they would not go. And I think that would be done with sensitivity, it’s not done in a vacuum. And I think that at that time, Legislators can address at the public hearing on their own.

Certainly the County Executive has heard what you have said. Nobody wants to raise fees on anybody. We don’t want to raise fees anywhere. But part of our problem going forward is that we cannot cut enough to balance this budget, and there are going to have to be some fee increases along the way, some revenue-generating fees or revenue coming in to help. I mean, you could lay everybody off and you might not be able to balance this budget. I mean, it's not -- it can't be done, at some point, on the backs of the employees, as they have testified. So we're going to have to look for ways that are unpleasant, that people are going to have to grit their teeth and vote for some of these things.

As I said, I think the 50 cent number is a number that I think has been clearly delineated as a line in the sand, and I think that message would be relayed at the public hearing to the -- when it's held. And if it was more than that, I believe that the Legislature could act independently, and I would hope that you would go ahead and at least vote out so that we could have the public hearing on this so we can move forward.
D.P.O. HORSLEY:
That is correct; we could act independently, as Legislator Browning has indicated. Legislator Cilmi.

LEG. CILMI:
Just very quickly. We need only look at the state of affairs in the County and in the State and in the country to know that tradition may not be the best way to look at things as we move forward. So I would say forget about the way we traditionally did things, because it's gotten us into a $500 million deficit, and let's look forward and let's not abdicate our responsibility to somebody who wasn't elected to represent the people.

LEG. D'AMARO:
Wayne?

D.P.O. HORSLEY:
Okay, thank you very much. Legislator D'Amaro, we have one more.

LEG. SCHNEIDERMAN:
Wayne?

D.P.O. HORSLEY:
Two more.

LEG. D'AMARO:
Yeah, I'm looking at a bill from 2011, it's IR 2037 of 2011, it's entitled, "Directing the Department of Public Works to hold public hearings on new bus fares"; identical, I believe, to the bill that we're looking at today procedurally where we would approve such a resolution, it would go to Public Works for the hearings and then a decision would be made. That bill passed 17-1. So --

LEG. MONTANO:
Who was the one?

LEG. BARRAGA:
I'm the one.

LEG. D'AMARO:
Legislator Barraga.

(*Laughter*)

LEG. MONTANO:
Sorry, Tom.

LEG. BARRAGA:
Glad you asked.

LEG. BROWNING:
We all knew anyway.

LEG. D'AMARO:
And I make that point just -- I know some of my colleagues are concerned procedurally, but this is the way that it's set up, I guess in our Charter or under our rules in the County. We've supported
this system in the past and I think it's a good system because it gives -- it directs the public hearing to those who are responsible for running the bus system.

The other point I just want to emphasize, which everyone else has who's, I guess, in favor of this, is that this is budget mitigation. This is not something we do lightly. You know, last week at a budget hearing we talked about other ways to mitigate the deficit in our budget and none of it's pleasant, none of it is pleasant. This is not singling out any one population or constituency here in Suffolk County, it is simply trying to spread that as fair and evenly across the board as possible. And I wanted to ask Budget Review, what is the revenue expected to be generated by an increase?

**LEG. SCHNEIDERMAN:**
Five hundred thousand.

**MS. VIZZINI:**
Approximately 470,000 in '12 and again in 2013.

**LEG. D'AMARO:**
For both years. Oh, in '12 -- this year and next year, 471,000 per year?

**MR. LIPP:**
That was in the Phase I budget mitigating package that the Executive put together.

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

**MR. LIPP:**
That's how they stated it.

**LEG. D'AMARO:**
So over two years, almost 900,000.

**MR. LIPP:**
Nine hundred and forty thousand.

**LEG. D'AMARO:**
Nine hundred and forty thousand. And if you supported the budget mitigation measure, what you're doing today is you're not funding a vote that you already took, or potentially not funding. I mean, of course we don't make the decision at the end, it's going to be after the public hearing, and I just see that as inconsistent, wholly inconsistent. I think you should stick with the concept of budget mitigation because it is a fair way to go forward. Again, it's a ride that's being highly subsidized by the County, $40. Each time you get on the bus, we're asking residents to go from three to $4. It's not a pleasant thing to do, but I think it is the right thing to do given all our circumstances and that we have many other constituencies that we're also trying to protect and be fair to at the same time.

**D.P.O. HORSLEY:**
Thank you, Legislator D'Amaro. No, you can't, but I have Legislator Schneiderman first, then you.

**LEG. SCHNEIDERMAN:**
All right. First, I have to challenge those numbers. I know they came out of BRO, but they can't possibly be correct because there's only 400,000 SCAT rides a year. If you raised it by a dollar, you'd get your 400,000 a year, but for 2012 we only have half a year in front of us, so it's got to be a number around 200,000 for this year at best.
MR. LIPP:
What we were stating is what was in the Phase I budget mitigating package that the Executive put together. That wasn’t our number.

LEG. SCHNEIDERMAN:
Okay, so that's the impact for this year. Legislator D’Amaro, you brought up the last time we raised fares. Those fares were contained in that bill, it was a 50 cent fair, there was a couple of other fares that were changed too and they were fully vetted by this body. I think that the max increase under that bill, we were accepting as we gave it to Commissioner Anderson to hold hearings and make a final decision. It sounds to me like a lot of us are not comfortable with that dollar increase.

Hearing what Mr. Zwirn said, if they hear that line in the sand, give us a CN. Change the bill, make it a 50 cent maximum increase and then let's pass it. But, you know, there's got to be a little working with both bodies here. So if you would do that, I could support a 50 cent increase, I think you'd have a greater level of comfort here.

D.P.O. HORSLEY:
Thank you very much, Legislator. Legislator Anker.

LEG. ANKER:
Yeah, I think it's important. Again, a public hearing will provide input and I think it needs to go forward. You know, the numbers I have, 11,561 riders use SCAT services. They take a total of seven hundred and -- 471 -- oh, it's 471,000, right, per year; is that what you got, Gail, for your number? And then I have 18 million to provide the services. You know, it's a valuable service. We all -- my constituents call me, there's been some issues. I think we need to look at this and I think we need to provide a hearing to hear what's going on. And I'll tell you what you're going to hear; you're going to hear that the services need to be improved. I've had constituents call me saying that, you know, the service was not easy to use. We need to look at that.

What's happening with this particular service, people are calling up, the County is spending $40 for this bus to go to their house and these people are not taking -- are not there at that house. They're not following through. Now, I don't know if there's penalties, I'm not sure how the County can do it, because these are services that we are required to do for disabled people. And it's a wonderful service, but we have to address that. And I think through the public hearings we will find out, you know, how we can address these issues. But again, there's a lot of sacrifices that we're all giving and I would like to see a public hearing happen.

D.P.O. HORSLEY:
Thank you very much, Legislator. I think we've exhausted ourselves at this point, so why don't we do a roll call vote? We have the tabling motion comes first. Roll call.

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

LEG. CILMI:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. SPENCER:
Pass.
LEG. D'AMARO: No.

LEG. STERN: No.

LEG. GREGORY: No.

LEG. NOWICK: Yes.

LEG. KENNEDY: Yes.

LEG. BARRAGA: No.

LEG. MONTANO: Yes.

LEG. CALARCO: No.

LEG. ANKER: No.

LEG. HAHN: Yes to table.

LEG. MURATORE: Yes to table.

LEG. BROWNING: No.

LEG. ROMAINE: Yes.

D.P.O. HORSLEY: No.

LEG. SPENCER: No.

P.O. LINDSAY: (Absent).

MR. LAUBE: Eight (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Okay, the tabling motion fails. Motion to approve. Roll call.

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

LEG. GREGORY:
Yes.

LEG. D'AMARO:
Yes.

LEG. SPENCER:
Yes.

LEG. STERN:
Yes.

LEG. NOWICK:
No.

LEG. KENNEDY:
No.

LEG. BARRAGA:
Yes.

LEG. CILMI:
No.

LEG. MONTANO:
No.

LEG. CALARCO:
Yes.

LEG. ANKER:
Yes.

LEG. HAHN:
No.

LEG. MURATORE:
No.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
No.

LEG. ROMAINE:
No.

D.P.O. HORSLEY:
Yes.

**P.O. LINDSAY:**
(Absent).

**MR. LAUBE:**
Nine (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Okay. The motion fails.

**LEG. MONTANO:**
Procedurally, may I ask, does it have to be reintroduced now?

**D.P.O. HORSLEY:**
I believe it would have to be.

**LEG. MONTANO:**
Okay. Thank you. Mr. Deputy?

**MR. NOLAN:**
Unless it's a motion to reconsider.

**LEG. MONTANO:**
Mr. Deputy, I'd like to request taking a bill out of order so we can dispose of it before lunch; 1527, a Charter Law to reapportion Suffolk County Legislative Districts.

**D.P.O. HORSLEY:**
The page on that is --

**LEG. MONTANO:**
Page ten.

**D.P.O. HORSLEY:**
-- page ten, right?

**LEG. MONTANO:**
The last one on page ten.

**D.P.O. HORSLEY:**
Is there a second on the motion?

**LEG. CILMI:**
Second.

**D.P.O. HORSLEY:**
Second by Legislator Cilmi. All those in favor? Opposed? So moved, it has been taken out of order.

**1527-12 - Adopting Local Law No. -2012, A Charter Law to reapportion Suffolk County Legislative Districts (Presiding Officer Lindsay).**

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

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D.P.O. HORSLEY:
Do you have a motion now, Legislator Montano?

LEG. MONTANO:
I'll make a motion to table for purposes of discussion.

LEG. CILMI:
Second.

D.P.O. HORSLEY:
Seconded by Legislator Cilmi. I'll make a motion to approve.

LEG. D'AMARO:
I'll second.

D.P.O. HORSLEY:
Second by Legislator D'Amaro. So we have both table and approval resolutions in front of us. On the motion? I can't believe anybody doesn't want to speak on this. Are we good?

LEG. SCHNEIDERMAN:
The consequence again of tabling in terms of a timeline; do we have a certain deadline to meet?

D.P.O. HORSLEY:
Yeah, I think that's a very good question and I think we should go through that. Counsel, would you want to maybe take that one?

MR. NOLAN:
Well, under our Local Law, in regards to reapportionment, we have till July 13th to complete a plan. And under the law, if we don't complete a plan by that date, it does direct the County Attorney to seek the appointment of a Special Master to draw a map. That's what's on the books.

LEG. SCHNEIDERMAN:
So are you saying without a Special Meeting of some kind, since we don't have another meeting scheduled until after that point, we run the possibility that these lines would be drawn by a Judge, we lose control?

MR. NOLAN:
Well, in order for that to happen, we would have to miss the deadline and then the County Attorney would have to do what the law says to do which is go seek a Special Master.

LEG. MONTANO:
If I may?

D.P.O. HORSLEY:
Legislator Montano, yes, I know you're biting at the bit.

LEG. MONTANO:
Yes, I am. I just would like to address that. The way -- first of all, I was the Legislator that first proposed the time limit; it has since been changed. But I just want to be very clear that the movement for the appointment -- just so you're clear, the movement for the appointment of a Special Master does not mean that the Legislature loses control of the redistricting process. There is no court that would interfere with the redistricting, and I know this because I was the one that was
involved in the 2003 litigation and I'm very familiar with the law. There's no court that would interfere with our ability to pass lines so long as we did not run out of time, as was done with the Congressional redistricting. So this artificial date that we are talking about is simply that, an artificial date. We are not compelled and under no serious threat of losing our ability to redistrict if this were to be tabled. So whether you want to pass it or you don't want to pass it, I think this wall that's been put up there that if we pass this magic date we somehow have lost control, that is not going to happen. We have sufficient time. Our elections don't even take place until next November. So, you know, that is a misunderstanding and a miss -- you know, a very clear misunderstanding of what we're up against. Having said that, if there are any questions, I'll be glad to answer it.

D.P.O. HORSLEY:
All right, that being the case. Let me go back to -- under those circumstances, I'll ask a question, then, to Counsel. Under what Legislator Montano just said, do you change or alter your statement on this time line?

MR. NOLAN:
No, I'm just telling you what the time line is in the Charter. What would happen if it got to a -- you know, the County Attorney went to court and got a Master appointed, what would happen after that I can't say. I know the courts are -- you know, they're not dying to draw Legislative boundaries, so it may go down the way Legislator Montano says. But under our law, July 13th is the date.

D.P.O. HORSLEY:
So to your best legal advice, that that is the date and that is what we are under.

LEG. MONTANO:
No.

MR. NOLAN:
We should try to -- in my opinion, we have a law in terms of a time line, we should try to comply with it. I'm not going to dispute what Legislator Montano says, what a Federal Judge would do. They are deferential to let other bodies --

D.P.O. HORSLEY:
I'm not looking for decisions, I'm just looking for, you know, law.

MR. NOLAN:
Right. Yeah, I mean, a court would prefer for the Legislative body to draw the boundaries.

LEG. MONTANO:
If I may respond? I just want to be clear. So that you know the process, the mere application would take time for the court to consider, and they would not begin the process -- even if we went into court, the court would say, "Go to the table, as in any case, and try and reach your settlement before we get involved." So this date, while it is on the books, it's not written in stone, and the process is such that there is really no reasonable, legal fear that we would somehow lose the ability to redistrict. I just want to make that clear.

D.P.O. HORSLEY:
It has been made clear. Does anyone like to be heard on this? We're good? Legislator Kennedy?

LEG. KENNEDY:
I'm on the list.

D.P.O. HORSLEY:
Oh, I didn't have you, but you're on right now and you're up.

LEG. KENNEDY:
Thank you. When we spoke about this last, I shared much of the same sentiments that Legislator Montano has voiced, and I'll go one step further. We've been at this process now in various iterations for the better part of two years, and there were various purported drop-dead, poison pill clauses that were in the prior pieces of legislation, but in all cases it was based on an actual direction to the County Attorney to go to court to seek the appointment of a Master. And quite frankly, that's not come to bear at this time.

If there are still legitimate questions as to the essence, be it population shift, district composition or any of those other things, to use the notion that somehow on July 12th this whole process packs up and leaves our body I think is just a misrepresentation.

D.P.O. HORSLEY:
Thank you very much, Legislator Kennedy. Anybody else? Legislator Browning, you're good?

LEG. BROWNING:
Uh-huh.

D.P.O. HORSLEY:
Everybody, we're good? Excellent. Let's -- we have a motion to -- we have two motions on the floor. Motion to table has precedence, so motion to table. Roll call.

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

LEG. MONTANO:
To table, yes.

LEG. CILMI:
Motion to table this is?

LEG. MONTANO:
Yes.

LEG. CILMI:
Yes.

LEG. SPENCER:
No.

LEG. D'AMARO:
No.

LEG. STERN:
No to table.

LEG. GREGORY:
(Not present).
LEG. NOWICK:  
No to table.

LEG. KENNEDY:  
Yes to table.

LEG. BARRAGA:  
No.

LEG. CALARCO:  
No.

LEG. ANKER:  
No.

LEG. HAHN:  
No.

LEG. MURATORE:  
Yes to table.

LEG. BROWNING:  
No.

LEG. SCHNEIDERMAN:  
Yes to table.

LEG. ROMAINE:  
Yes.

D.P.O. HORSLEY:  
No.

P.O. LINDSAY:  
(Absent).

MR. LAUBE:  
Six (Not Present: Legislator Gregory - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:  
The tabling motion fails. Motion to approve. Roll call.

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

D.P.O. HORSLEY:  
Yes to approve.

LEG. D’AMARO:  
Yes.

LEG. SPENCER:  
Yes.
LEG. STERN:  
Yes.

LEG. GREGORY:  
(Not present).

LEG. NOWICK:  
Yes.

LEG. KENNEDY:  
No.

LEG. BARRAGA:  
Yes.

LEG. CILMI:  
No.

LEG. MONTANO:  
No.

LEG. CALARCO:  
Yes.

LEG. ANKER:  
Yes.

LEG. HAHN:  
Yes.

LEG. MURATORE:  
No.

LEG. BROWNING:  
Yes.

LEG. SCHNEIDERMAN:  
Yes.

LEG. ROMAINE:  
No.

P.O. LINDSAY:  
(Absent).

LEG. GREGORY:  
Abstain.

MR. LAUBE:  
Eleven (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:  

Motion passes, it has been approved.

All righty. We'll move back to *Tabled Resolutions*.

Okay. We're on **1523B (Bond Resolution of the County of Suffolk, New York, amending Bond Resolution No. 431-2012 heretofore adopted on May 8, 2012, authorizing the issuance of $700,000 bonds to finance a part of the cost of the reconstruction of CR 16, Portion/Horseblock Road, Town of Brookhaven (CP 5511.211)**

**LEG. MURATORE:**
Motion.

**D.P.O. HORSLEY:**
Motion by Legislator Muratore to pass, to approve. Is there a second on the motion?

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

**D.P.O. HORSLEY:**
Seconded by Legislator Cilmi. All right? This is a Bond Resolution, we have to have a roll call vote. Roll call.

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

**LEG. MURATORE:**
Yes.

**LEG. CILMI:**
Yes.

**LEG. SPENCER:**
(Not present).

**LEG. D'AMARO:**
Yes.

**LEG. STERN:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. KENNEDY:**
Yes.

**LEG. BARRAGA:**
No.

**LEG. MONTANO:**
Yes.
LEG. CALARCO:  
Yes.

LEG. ANKER:  
Yes.

LEG. HAHN:  
Yes.

LEG. BROWNING:  
Yes.

LEG. SCHNEIDERMAN:  
Yes.

LEG. ROMAINE:  
Yes.

D.P.O. HORSLEY:  
Yes.

P.O. LINDSAY:  
(Absent).

MR. LAUBE:  
Fifteen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:  
All right, the motion is approved. The Bond Resolution has been approved.

**HR 13-2012 - Requesting the State of New York to enact amendment to the Retirement and Social Security Law, in relation to performance of duty disability retirement allowance for Deputy Sheriffs employed by Suffolk County (Barraga).**  Legislator Barraga?

LEG. BARRAGA:  
Motion to table.

D.P.O. HORSLEY:  
Motion to table. I'll --

LEG. BROWNING:  
Second.

D.P.O. HORSLEY:  
Second by -- I'm sorry, I missed who that was. By Legislator Browning. All those in favor?

LEG. MONTANO:  
Hold on, hold on.

D.P.O. HORSLEY:  
On the motion?

LEG. MONTANO:  

Yeah, I just want to know why the tabling. Is there a technical reason as we did last time, or is there a substantive reason?

LEG. BARRAGA:
The bill as drawn in the Assembly and the Senate is incorrect. It winds up giving the Deputy Sheriffs something in terms of a benefit that no other police organization currently has.

LEG. MONTANO:
Right, that’s what I understood the last time. So that has not been changed.

LEG. BARRAGA:
That has not been changed.

LEG. MONTANO:
Okay. Thank you, Tom.

D.P.O. HORSLEY:
Okay. On the vote on that, the tabling resolution, all those in favor? Opposed? So moved, it has been tabled.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
All righty. Let’s move to the agenda on page six, Introductory --

Okay. No, I think we'll -- yeah, let’s get rid of the -- let’s move on to the agenda at this point in time.

Okay, Introductory Resolutions for June 19th meeting, starting with Budget & Finance:

1020-12 - Adopting Local Law No. -2012, A Charter Law to require timely filing of budget amendments to increase public awareness (Cilmi).

Mr. Cilmi?

LEG. CILMI:
Motion to approve.

LEG. ROMAINE:
Second.

D.P.O. HORSLEY:
Seconded by Legislator Romaine. I'll make a motion to table.

LEG. CALARCO:
Second.

D.P.O. HORSLEY:
Second by Legislator Calarco. So we have motions to approve and motions to table. Let’s keep moving. Okay, we have a motion to approve and a motion to table. Tabling resolution take precedence.
LEG. SCHNEIDERMAN:
On the motion.

D.P.O. HORSLEY:
Okay, Legislator Schneiderman.

LEG. SCHNEIDERMAN:
You know, we all know we're going into a very challenging budget for 2013. And it's also the County Executive's first budget, though this is really affecting this body in terms of our ability to modify the budget that the County Executive gave us. And one of the things this bill does is really changes the power of the Presiding Officer, and he's not here. So in deference to our Presiding Officer, I think we ought to table this and get some input from the person who we've chosen to lead this body.

But if BRO wants to comment in terms of their ability to meet the deadlines that will be before us, you know, I am hesitant to create any more impediments to the budget process in terms of adopting it in a timely fashion.

MR. LIPP:
We've always had difficulty with this in terms of doing the actual work. That being said, you need to weigh the additional difficulty for us versus the additional time that it's out in the public. But we would have some problems with it. It would create a little more difficulty in terms of the possibility of making mistakes and having to fully vet things out.

D.P.O. HORSLEY:
Okay? Legislator Cilmi.

LEG. CILMI:
Yes. Thanks, Mr. Chair. I want to thank the members of the Budget & Finance Committee for approving this out of committee last week. The Presiding Officer has been -- has been vocally opposed to this bill, so waiting for additional input from him I don't think is necessary. I certainly appreciate Legislator Schneiderman's sentiments. But the fact of the matter is the time to do this is now. We have tremendous budgetary challenges facing us this year. No doubt those decisions will impact many constituencies; employees, taxpayers, not-for-profit agencies that do necessary work in this County. Those constituencies should have the maximum available time to know. When we propose an amendment to the upcoming operating budget, they should have the utmost time available to review that amendment and comment on it so that we then can make decisions having all of the information, knowing what the implications of those amendments are.

There is absolutely no reason. Yes, it may put Budget Review under additional time restraints, that's difficult for Budget Review to deal with, I appreciate that. But the added time will give us the necessary time to deal with the input that we receive from those constituencies that the amendments that we sponsor affect, and that needs to be weighed equally with Budget Review's concern for their time. And the fact of the matter is if resolutions are prepared and presented and laid on the table five days prior, if there are changes that need to happen to those amendments, that can happen. And if there are instances whereby bills need to be laid on the table after that five day deadline, that can still happen as well, it just requires the Budget Review Office to request and for 12 of us to approve. And I would suggest to all of you that when there are instances that that is necessary, I have no doubt that 12 of us will approve of laying those bills on the table.

So I would encourage my colleagues to support this bill. I think it's timely. I think it's necessary. I think the history of the past several months shows that, you know, when these things get vetted, people's eyes open to the implications that may not have been opened previously. So I would ask
my colleagues to support this bill and take a step in the direction of more transparency for our budget process. Thank you.

D.P.O. HORSLEY:
Thank you very much, Legislator Cilmi. Legislator Romaine.

LEG. ROMAINE:
Yes. For all the reasons enumerated by my colleague, Legislator Cilmi, I am going to support this law, oppose tabling. This law is fair, it doesn't insult our intelligence, it actually says you really should read these amendments and consider them before you cast a vote.

I don't know if you remember, but I certainly do. On November 8th last year, I'm sure we all remember because that was Election Day for us, the next day we were supposed to vote on the budget. At 11:23 PM on Election Day, on that night, I received an e-mail for the budget amendments I was supposed to vote on the next day, at my office. And believe me, I went right after Election Day, went home, went to bed, got up the next day, had some coffee and then went to the Legislature. I didn't go to my office. Fortunately, we get our e-mails on our laptops and I checked them. And I have to tell you, for me to consider all of those amendments and give them careful consideration was ridiculous.

This is a law that says five days before we get the amendments, five days before we can consider those amendments. And, by the way, if at the last minute one of us wants to submit another amendment, we just need 12 signatures. Now, I look across at my Legislative colleague, Tom Barraga, and he says to me, "You know, from us, discharge petitions, whether I'm for it or against it, I'll sign it just to get it out on the floor." Well, I'll make an offer; even if I'm not in favor of the amendment but someone wants to propose it and they need 12 signatures, I'll sign it. But I want to get those amendments five days beforehand, not 11:23 the night before on a holiday. I want to see what I'm voting on. I want to understand, digest and discuss what I'm voting on. So I'm all in favor of Legislator Cilmi's resolution, and anyone that gives any credence to Legislative deliberation should be in favor of this resolution as well. Thank you very much.

D.P.O. HORSLEY:
Legislator Montano?

LEG. MONTANO:
Thank you. I actually had a question, either to the sponsor or to Counsel. If you'll recall, when we passed the Capital Budget I had submitted a standalone, and the reason I submitted the standalone resolution for a project that was incomplete was because the committee did not recommend it. And then when the standalone came up for a vote, it was discussed and certain things that were not considered by the committee were revealed by the Department of Public Works, and I actually made a verbal amendment to the bill on the -- you know, on the floor; that was accepted and the standalone was approved. Under this bill, would that have been allowable?

MR. NOLAN:
It would be allowable. The only difference is on the current law, you have to get the permission, a vote of ten Legislators to allow the amendment; this would up it to two-thirds. And incidentally, this bill only applies to the Operating Budget and not to the Capital Budget.

LEG. MONTANO:
But procedurally, it would be the same for the Capital Budget as the Operating Budget; am I correct, in terms of offering standalones and resolutions?

MR. NOLAN:
Yes, but with this bill, before you could offer that amendment to an Operating Budget amendment --

**LEG. MONTANO:**
You would need two-thirds.

**MR. NOLAN:**
-- it would have to be a procedural vote, two-thirds approved by the Legislature to allow it and then you would get a vote on the amendment.

**LEG. MONTANO:**
But the amendment would only require ten votes; am I correct?

**MR. NOLAN:**
Ten, that's correct. And under current law, you can amend it with a 10 vote as opposed to the 12; that's the difference.

**LEG. MONTANO:**
Okay. To the sponsor -- I'll withdraw that. I got it. Thank you.

**D.P.O. HORSLEY:**
Thank you very much, Legislator Montano. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**
I'm actually concerned about some of the same groups that Legislator Cilmi is, you know. And I certainly respect your desire to give them as much notice as possible. But this body, too, we're working on a very strict timeline. You're not asking to back up the time you have in other bills where the County Executive submits his budget so that we'd have more time to respond. So we're going to have a very limited amount of time and we now have to really try to get those -- our amendments in early, and I'm afraid that we won't -- we'll miss things, we're going to be within that five-day window, and now suddenly there's a super majority requirement just to get the bill before the Legislature might be creating an impediment. So in spirit, I hear what you're trying to do to get as much public input as possible to help these organizations. At the same time, there may be a better way to do this.

First of all, that super majority thing seems to give the minority a new power that it didn't have before. The Presiding Officer has the power to bring it here. The Presiding Officer is elected by a 10-vote majority. What Counsel was referring to was 10 votes; 10 votes seems to make more sense than 12, that's a super majority. But, you know, I'm concerned that we're creating this new barrier to getting bills in front of the Legislature, particularly in a year where we're going to have a budget like none we've seen before in terms of complexity and difficulty, and to add that one more hurdle to me seems like the wrong year, certainly, to do it. Good idea, the spirit I agree with, but the mechanism I have serious issues with.

**D.P.O. HORSLEY:**
Thank you very much, Legislator Schneiderman. May I just take the liberty of asking, Ms. Vizzini, you weren't here before and I know Robert answered that question. I'd like you to detail the problems you would have as Budget Review Office in putting together a budget so this could be made. Could you just, off the cuff?

**MS. VIZZINI:**
Well, as we've discussed in the past, we try to finish (laughter). We work -- we work seven days a week during that timeframe where the Working Group is meeting or the Legislators are asking for amendments. And when we finish, we have to check it and it's better that it be right rather than have to do technical corrections later on, so there is some degree
of checking involved. This will, you know, move up the time by which we have to finish, which then places the responsibility on the Legislature and the Working Group and the Legislators to provide to us any of the amendments or changes they wish to make. So the process has to come to a conclusion so that we can finish and balance.

Thinking ahead, in the event that we cannot practically finish, I would suspect that we would have to get the Working Group to sponsor that initial petition and seek out support knowing that, you know, we can give you -- and just to be fair, I always make myself available, and I did last year, to brief the respective caucuses on the content and to give them an index of what is in the Omnibus. But completing it in the prescribed technical fashion, what we have to do, the way we have to do it, and we're constantly trying to think of ways to do it more expeditiously to work under the time frame. So if this is the desire of the Legislature, we will push, we will get this done. But I think the Legislature itself will be involved in rather difficult decision making, especially this year for the 2013 budget, we're already making decisions in regards to that or at least reviewing policies. So Budget Review will do whatever is the pleasure of the Legislature.

D.P.O. HORSLEY:
Thank you very much, Ms. Vizzini. Anyone else like to be heard? We're good? Legislator Cilmi.

LEG. CILMI:
Just Budget Review says they'll get it done. I have every reason to believe that Budget Review will get it done, if it's the desire of this Legislature. So we're either going to be for transparency, for time for us as Legislators to review these pieces of legislation, for time for the public to look at this legislation, or we're going to be against it. We have the opportunity to choose today; let's choose wisely. Thank you.

D.P.O. HORSLEY:
Okay. Thank you very much, Legislator Cilmi. I believe this requires -- well, not requires, but certainly is in need of a roll call vote. Mr. Clerk? This is on the tabling motion.

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

D.P.O. HORSLEY:
Yes to table.

LEG. CALARCO:
Yes.

LEG. SPENCER:
Yes.

LEG. D'AMARO:
No.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. NOWICK:
No.
LEG. KENNEDY:
No.

LEG. BARRAGA:
No.

LEG. CILMI:
No.

LEG. MONTANO:
Yes.

LEG. ANKER:
Yes.

LEG. HAHN:
Yes.

LEG. MURATORE:
No.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
No.

P.O. LINDSAY:
(Absent).

MR. LAUBE:
Ten (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
The motion to table passes. It has been tabled.

All right, I have an announcement to make. I see that our friends from Labor are still here. That the interim positions have been brought forth by the County Executive Offices, as promised, and they have been signed by the Chief of Staff, Terry Pearsall. So I wanted to let everybody know that.  

Applause

All right. 1545. Ready, you guys?

1545-12 - Amending the 2012 Operating Budget and appropriating funds in connection with bonding a settlement for an Auto Liability Case (County Executive).

LEG. D’AMARO:
Motion.
LEG. CALARCO:
Second.

D.P.O. HORSLEY:
Motion by Legislator D’Amaro. Seconded by Legislator Calarco.

LEG. KENNEDY:
On the motion?

D.P.O. HORSLEY:
On the motion.

LEG. KENNEDY:
Where's the Bond?

D.P.O. HORSLEY:
Counsel?

MR. NOLAN:
There's no Bond with these.

LEG. BROWNING:
There is.

LEG. KENNEDY:
I don't understand that. Why is there no bond? I mean, we may have been doing it this way, George, but taking a look at it now, can you explain how it is if we're -- how were we bonding this?

MR. NOLAN:
I'll have to find out. I'm trying to remember now if we do get Bond Resolutions with these. Let me check with the Clerk, okay?

LEG. MONTANO:
Can we pass it over?

MR. NOLAN:
Yeah, pick it up after lunch.

LEG. KENNEDY:
Okay, great.

D.P.O. HORSLEY:
So, okay, we're going to do a pass on 1545?

LEG. MONTANO:
Yeah.

D.P.O. HORSLEY:
Okay. Thank you very much. Okay. George remind me of that, right?

1583-12 - Tax Anticipation Note Resolution No. -2012, Resolution delegating to the
County Comptroller the powers to authorize the issuance of not to exceed $105,000,000 Tax Anticipation Notes of the County of Suffolk, New York, in anticipation of the collection of taxes levied for County purposes or returned to the County for collection for the fiscal years commencing January 1, 2009, 2010, 2011 and 2012, and to prescribe the terms, form and contents, and provide for the sale and credit enhancement of such notes (County Executive).

LEG. NOWICK:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Nowick. Is there a second on the motion?

LEG. STERN:
Second.

D.P.O. HORSLEY:
Second by Legislator Stern. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Okay. Counsel just has advised me that we do have a Bond on 1545, so we're going to go back to 1545, if everyone is in agreement. Okay. Where did I leave off? We had a motion to approve, right?

LEG. MONTANO:
No.

MR. LAUBE:
Yes.

LEG. MONTANO:
Quick question?

D.P.O. HORSLEY:
Yes, we did.

LEG. MONTANO:
Yes, you did. I made a mistake.

D.P.O. HORSLEY:
Okay. But question on the issue.

LEG. MONTANO:
Yeah, I know that the settlement was approved, obviously by Ways & Means at some point. Which case is this? If somebody would just briefly refresh our recollection.

LEG. BROWNING:
Seven hundred thousand.

LEG. MONTANO:
Is this the bus case?

MS. LOLIS:
No.

LEG. MONTANO:
No?

MS. LOLIS:
A Police pursuit, trial, there was a jury verdict.

LEG. MONTANO:
Oh, yes. Okay. Intersection accident.

MS. LOLIS:
Intersection accident.

LEG. MONTANO:
Thank you.

D.P.O. HORSLEY:
Okay?

LEG. MONTANO:
Yeah.

D.P.O. HORSLEY:
Is there anything else? We're good? We have a motion to approve. All those in favor? Opposed? So moved, it's been approved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Then we have a Bond on that. I don't have any language in it, and you'll note that this is for 1545A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $700,000 bonds to finance the cost of payment of a settlement in an auto liability case), which would be the Bond for 1545. Motion?

LEG. STERN:
Motion.

D.P.O. HORSLEY:

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

LEG. STERN:
Yes.

LEG. NOWICK:
Yes.
LEG. SPENCER:
Yes.

LEG. D'AMARO:
Yes.

LEG. GREGORY:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.

LEG. MONTANO:
Yes.

LEG. CALARCO:
Yes.

LEG. ANKER:
Yes.

LEG. HAHN:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
No.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent).

MR. LAUBE:
Sixteen (Opposed: Legislator Romaine - Absent: Presiding Officer Lindsay).
D.P.O. HORSLEY:
All right, the motion passes. The Bond has been approved.

1620-12 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover salaries for interim positions authorized in the Adopted 2012 Discretionary Budget (County Executive).

LEG. D’AMARO:
Motion.

D.P.O. HORSLEY:
I’m sorry. Who said that? Legislator D’Amaro makes the motion.
I’ll second it.

LEG. KENNEDY:
On the motion, Mr. Chair?

D.P.O. HORSLEY:
On the motion.

LEG. KENNEDY:
Just a quick question to BRO. Does this look like it lines up as far as the amounts that are being spoken about and the positions that have been restored?

MS. VIZZINI:
It's very tight, but it lines up in terms of the -- we put -- we put almost $11 million in the contingency for salaries and some portion of benefits, so this is to replenish the salary accounts for the six month interim salary expenditures.

LEG. KENNEDY:
Have you gotten any indication yet of how many folks may be availing themselves to the retirement option? Will that then offset some of the salary requirements?

MS. VIZZINI:
Yeah, there's about 64. We got a list of about 40 initially and then we got another 24 just the other day, but we haven't received the final list yet. So about 64.

LEG. KENNEDY:
So we've got restoration for what the Exec has done administratively, and that we've had to fund. But, in fact, we may wind up getting some relief from these 64 plus running up to June 30 that are going off the payroll; right?

MS. VIZZINI:
Correct.

LEG. KENNEDY:
Okay, good. Thank you.

D.P.O. HORSLEY:
Okay. Anyone else? We have a motion to approve. All those in favor? Opposed? Abstained. So moved, it’s been approved.
MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

LEG. KENNEDY:
All right, 1621-12 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover salaries for interim positions authorized in the Adopted 2012 Mandated Budget from the 2012 Adopted Discretionary Budget (County Executive).

LEG. D'AMARO:
Motion.

D.P.O. HORSLEY:
Motion by Legislator D’Amaro. I’ll second the motion. We’re good? All those in favor? Opposed? Abstentions? The motion has been approved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
All right. Moving down to Economic Development & Energy:

1486-12 - Adopting Local Law No. -2012, A Local Law to increase the membership and clarify jurisdiction of the Gabreski Airport Conservation and Assessment Committee (Schneiderman).
Legislator Schneiderman?

LEG. SCHNEIDERMAN:
Motion.

D.P.O. HORSLEY:
Motion to approve. I guess I’ll second that motion. Everyone good? All those in favor? Opposed? Abstentions? The motion has been approved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1633-12 - Authorizing use of property at Francis S. Gabreski Airport by the Kiwanis Club of Greater Westhampton (County Executive).

LEG. SCHNEIDERMAN:
Motion.

D.P.O. HORSLEY:
Legislator Schneiderman makes the motion. Seconded by?

LEG. MURATORE:
(Raised hand).

D.P.O. HORSLEY:
Legislator Muratore. All those in favor? Opposed? Abstentions? The motion has been approved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Let's move to Environment, Planning & Agriculture:

1064-12 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 -Gorman property – Town of Riverhead (SCTM No. 0600-007.00-03.00-043.000) (Romaine).

LEG. ROMAINE:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Romaine.  Second by Legislator Anker.
All those in favor?  Opposed?  Abstentions?

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen (Opposed: Legislator Barraga - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
The motion has been approved.

1543-12 - Authorizing acquisition of land under the Suffolk County Open Space Preservation Program (1986) - for the estate of Frieda Langman property- Mud Creek - Town of Brookhaven (SCTM No. 0200-975.70-03.00-001.000)(County Executive).

LEG. CALARCO:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Calarco.

LEG. ANKER:
Second.

D.P.O. HORSLEY:
Second by Legislator Anker.

LEG. CALARCO:
Tim, cosponsor.

D.P.O. HORSLEY:
Okay.  All those in favor?  Opposed?

LEG. BARRAGA:
Raised hand.

D.P.O. HORSLEY:
Abstentions?
MR. LAUBE:
Sixteen (Opposed: Legislator Barraga - Absent: Presiding Officer Lindsay).

D.P.O. HORSELY:
Sixteen. The motion has been approved.

1544-12 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(b)] – for the Grausso Property - Hampton Hills County Park Addition - Pine Barrens Core - Town of Southampton (SCTM No. 0900-237.00-01.00-006.000)(County Executive).

LEG. SCHNEIDERMAN:
Motion.

D.P.O. HORSELY:
Legislator Schneiderman makes a motion to approve. Is there a second on the motion?

LEG. CALARCO:
(Raised hand).

D.P.O. HORSELY:
Seconded by Legislator Anker.

LEG. KENNEDY:
On the motion, Mr. Chair?

D.P.O. HORSELY:
On the motion.

LEG. KENNEDY:
Just a real quick question. This is old Drinking Water money? There's still money left in Southampton Town?

MR. LIPP:
Correct. There's restrictive requirements, so there's still some money out there.

LEG. KENNEDY:
And the only place that this money can go to is for purchase of land in that specific town.

MR. LIPP:
Correct.

LEG. KENNEDY:
Thank you.

D.P.O. HORSELY:
We're good? Okay. All those in favor? Opposed?

LEG. BARRAGA:
Opposed.

D.P.O. HORSELY:
Abstentions?
MR. LAUBE:
Sixteen (Opposed: Legislator Barraga - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
The motion has been approved.

1557-12 - Authorizing planning steps for the Acquisition of Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - February 2012 - Vitti Farm property - Town of Southold (SCTM No. 1000-059.00-03.00-027.000 p/o) (County Executive).

LEG. ROMAINE:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Romaine.

LEG. KENNEDY:
Second.

D.P.O. HORSLEY:
Seconded by Legislator Kennedy. All those in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

LEG. CILMI:
Opposed.

MR. LAUBE:
Fifteen (Opposed: Legislators Barraga & Cilmi - Absent: Presiding Officer Lindsay).

LEG. ROMAINE:
Could the Clerk please list me as a cosponsor?

MR. LAUBE:
Will do.

D.P.O. HORSLEY:
The motion has been approved.

All right. 1558, page seven, Authorizing planning steps for the Acquisition of Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - February 2012 - Szuster Farm property - Town of Brookhaven (SCTM No. 0200-500.00-01.00-001.003 p/o) (County Executive).

LEG. BROWNING:
Motion.

D.P.O. HORSLEY:
Motion by -- I’m sorry, I missed that.

LEG. BROWNING:
Right here.

**D.P.O. HORSLEY:**
Legislator Browning. Second by Legislator Anker. All those in favor? Opposed? Abstentions?

**LEG. BARRAGA:**
Opposed.

**LEG. CILMI:**
Opposed.

**MR. LAUBE:**
Fifteen (Opposed: Legislators Barraga & Cilmi - Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Motion has been approved.

1560-12 - Authorizing planning steps for the Acquisition of Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - February 2012 - L & L Farm LLC property - Town of Riverhead (SCTM No. 0600-061.00-01.00-007.002 p/o) (County Executive).

**LEG. ROMAINE:**
Motion.

**D.P.O. HORSLEY:**
Motion by Legislator Romaine.

**LEG. KENNEDY:**
Second.

**D.P.O. HORSLEY:**
Seconded by Legislator Kennedy. All those in favor? Opposed?

**LEG. BARRAGA:**
Opposed.

**LEG. CILMI:**
Opposed.

**D.P.O. HORSLEY:**
Abstentions?

**MR. LAUBE:**
Fifteen (Opposed: Legislators Barraga & Cilmi - Absent: Presiding Officer Lindsay).

**LEG. ROMAINE:**
Could the Clerk please list me as a cosponsor?

**MR. LAUBE:**
Got it.

**D.P.O. HORSLEY:**
MR. NOLAN:  
You missed one.

D.P.O. HORSLEY:  
Did I miss one?

LEG. HAHN:  
What happened to 1561?

LEG. BROWNING:  
You missed one, 1561.

D.P.O. HORSLEY:  
All hell breaks loose then.

(*Laughter*)

LEG. KENNEDY:  
Not on the record.

D.P.O. HORSLEY:  
(Laughter). All right, 15 -- can I continue with 1563? Thank you, I appreciate that.

"No" said in unison

LEG. HAHN:  
No, we have to take it out of order.

D.P.O. HORSLEY:  
Oh, it’s out of order. Yeah. As I said, all hell breaks loose (laughter).

1561-12, I got carried away with my approvals here, Authorizing planning steps for the Acquisition of Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - February 2012 - Hamlet Organic Garden property - 

Town of Brookhaven (SCTM No. 0200-974.20-02.00-021.001 p/o)(County Executive).

LEG. BROWNING:  
Motion.

LEG. HAHN:  
Second.

LEG. ANKER:  
Second.

D.P.O. HORSLEY:  
Legislator Browning, and Legislator Anker seconds the motion. All those in favor? Opposed? Abstentions?
LEG. BARRAGA:
Opposed.

LEG. CILMI:
Opposed.

MR. LAUBE:
Fifteen (Opposed: Legislators Barraga & Cilmi - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
All right. 1563-12 - Authorizing planning steps for the Acquisition of Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - February 2012 - Densieski Family Farm property - Town of Southampton (SCTM Nos. 0900-249.00-01.00-010.001 p/o and 0900-288.00-01.00-001.000 p/o) (County Executive).

LEG. SCHNEIDERMAN:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Schneiderman. Seconded by?

LEG. BROWNING:
Second.

D.P.O. HORSLEY:
Legislator Browning. All those in favor? Opposed?

LEG. BARRAGA:
Opposed.

LEG. CILMI:
Opposed.

D.P.O. HORSLEY:
Abstentions?

MR. LAUBE:
Fifteen (Opposed: Legislators Barraga & Cilmi - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Motion is approved.

1564-12 - Authorizing planning steps for the Acquisition of Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - February 2012 - DeLea Sod Farm - Town of Huntington (SCTM No. 0400-168.00-03.00-041.003 p/o) (County Executive).

LEG. STERN:
Motion.

LEG. SPENCER:
Second.

**D.P.O. HORSLEY:**
Motion by Legislator Stern and second by Legislator Spencer. All those in favor?  Opposed?  Abstentions?

**MR. LAUBE:**
Fifteen (Opposed: Legislators Barraga & Cilmi - Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
The motion is approved.

1625-12, and lunch, *Amending the 2012 Adopted Operating Budget to accept and appropriating funds from the Suffolk County Water Authority (SCWA) to Suffolk County Department of Health Services for the provision of well drilling services (County Executive).*

**LEG. ROMAINE:**
Motion.

**D.P.O. HORSLEY:**
Legislator Romaine makes a motion to approve.  Second by Legislator Anker.  All those in favor?  Opposed?  Abstentions?

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
The motion has been approved and we are in recess.

(*The meeting was recessed at 12:28 PM & was reconvened at 2:30 P.M.*)

**D.P.O. HORSLEY:**
Mr. Clerk, would you please call the roll.

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

**LEG. ROMAINE:**
Present.

**LEG. SCHNEIDERMAN:**
Here.

**LEG. BROWNING:**
Here.

**LEG. MURATORE:**
Here.

**LEG. HAHN:**
(Not present).
LEG. ANKER:
Here.

LEG. CALARCO:
Present.

LEG. MONTANO:
(Not present).

LEG. CILMI:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not present).

LEG. NOWICK:
Here.

LEG. GREGORY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
(Not present).

LEG. SPENCER:
Here.

D.P.O. HORSLEY:
Here.

P.O. LINDSAY:
(Absent).

LEG. MONTANO:
I'm here.

MR. LAUBE:

D.P.O. HORSLEY:
All righty, everybody. And welcome back to --

LEG. MONTANO:
Round two.

**D.P.O. HORSLEY:**
-- part two; yes, there you go. And we are -- this is now the -- we'll be moving into the *Public Hearings* that were scheduled for 2:30. Everybody ready to go?

The first *Public Hearing is Procedural Motion 10-2012 - To set a public hearing regarding the authorization of the alteration of rates for South Ferry Inc.* *(Presiding Officer Lindsay)*. I have several cards on this issue. Our first speaker will be Mr. Cliff Clark.

**MR. CLIFF CLARK:**
Thank you, Sir. Three minutes, I got it now.

**D.P.O. HORSLEY:**
There you go.

**MR. CLIFF CLARK:**
I won't even take that.

**D.P.O. HORSLEY:**
You're on the clock.

**MR. CLIFF CLARK:**
I won't even take that. We have the application in, we spoke a few weeks ago. We're in the season, we very much appreciate your positive vote on this and helping us get these rates so we can do what we have to do and provide the service we need to provide. And unless there are any questions, I won't take any more of your time.

**LEG. MONTANO:**
One quick question.

**D.P.O. HORSLEY:**
We have one quick question.

**LEG. MONTANO:**
Maybe not to you, more to BRO. Did you do a review or make a recommendation on this? Cliff, I just want to hear from them.

**MR. CLIFF CLARK:**
Oh, I apologize, I thought that was directed to BRO. BRO did and they recommended approval and we've had no letters to the editor and we've had no people pushing back. We had a town meeting and --

**LEG. MONTANO:**
I'm seeing Gail's lips move but it's your voice, so I guess you're in concurrence. Thank you.

(*Laughter*)

**MR. CLIFF CLARK:**
There you go.

**LEG. MONTANO:**
Thank you, Gail.
MR. CLIFF CLARK:
But we need your support, if this can be done. Anything else?

LEG. MONTANO:
No.

MR. CLIFF CLARK:
Thank you, Sir.

D.P.O. HORSLEY:
All right. Are there any further questions? We're good? This is -- yes. I have Bill Clark as well as Cliff. Bill?

MR. BILL CLARK:
Thank you. I put the card in mainly if Cliff went over three minutes again. And since he didn't, I just want --

D.P.O. HORSLEY:
We love you guys.

MR. BILL CLARK:
I just really would like to thank you for your favorable consideration and the respectful way that you've treated our family business. Thank you very much.

D.P.O. HORSLEY:
Thank you. All right. Do we have a motion? Would anyone else like to be heard on Procedural Motion 10? Would anyone like to be heard on Procedural Motion 10? Okay. Mister --

LEG. ROMAINE:
Motion to close.

D.P.O. HORSLEY:
Motion to close by Legislator Romaine.

LEG. SCHNEIDERMAN:
Second.

D.P.O. HORSLEY:

MR. LAUBE:
Sixteen (AMENDED VOTE: Fifteen - Not Present: Legislators Hahn & Kennedy - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
/Public Hearing on) Procedural Motion No. 11-2012 - To set a public hearing for the inclusion of new parcels into existing Agricultural Districts in the Towns of Brookhaven, East Hampton, Huntington and Southold (Presiding Officer Lindsay). I have -- the first speaker, we have Mayor Patricia Irving of Asharoken who would like to speak on Procedural Motion 11. Welcome. It's an honor.
MAYOR IRVING:
Thank you. Thank you very much. Good afternoon. I am Pat Irving, Mayor of the small but influential Village of Asharoken. Thank you for the opportunity to address you today.

I wish to comment on the application of Sandpiper Farm for the proposed designation of property in Asharoken Village known as the Morgan Estate as part of an agricultural district. Asharoken Village is entirely residential. We have no commercial property whatsoever. No business or trade, except agriculture, has ever been carried on in the village. There has been no agricultural use of land in the village since 1939. Furthermore, our village code specifically excludes any commercial use of property including agriculture. As a result, the entire village is divided into three residential districts; 10,000 square-foot lots, one-acre lots and two-acre lots.

Sandpiper Farm claims that it’s operating a facility for an agricultural use. The purpose of the agricultural districts is for the preservation of farmland. Equestrian use -- uses are included, but I would think that’s for the breeding of horses, not the training for fox hunts; that’s right, I said fox hunts. The applicant claims they are using the facility for training horses for fox hunts. This is more of a recreational or a sporting event than an agricultural use.

The subject property is 442 acres of mostly wooded property. There are some cleared meadows and an area of barns and paddocks encompassing approximately ten acres. The facility is used for the training of horses for fox hunts. There are trails through the woods where these fox hunts take place. To grant an agricultural designation to this property would be wrong and make a mockery of farmland preservation.

Sandpiper Farm has a history of trying to use this land for equestrian purposes. Back in the early 80's, 1980's, Sandpiper Farm was involved in a dispute with the village over the issuance of a Certificate of Occupancy for a riding rink when Sandpiper Farm was operating a riding school. The village took the position that it was a commercial use of the property prohibited by the village code, and Sandpiper Farm took the position it was an educational or academic facility permitted by the code. The case went to the Appellate Division of the Supreme Court and the Court ruled in favor of the village. The Court stated, and I quote, "The general purpose and manifest policy intended to be promoted by the village zoning ordinance is the preservation and maintenance of the residential character of a community. The drafters of the ordinance unequivocally expressed their intent to exclude businesses and other activities not recognized as compatible with an exclusively and traditionally residential area." The Court concluded, "After careful consideration of the evidence, adduced, we conclude that Sand Piper is more in the nature of a commercial riding establishment than a school of horsemanship." It is no different now. The village will take whatever action that it deems necessary to enforce its code. This Legislature should not permit an application to usurp local codes under the guise of farmland preservation.

D.P.O. HORSLEY:
Madam Mayor, you might have to kind of rush it a little bit.

MAYOR IRVING:
Okay. Finally, I'd like leave to leave with you two exhibits, a copy of the relevant Asharoken Village Code, a copy of the Appellate Division decision, and I thank you for your time and attention.

D.P.O. HORSLEY:
Thank you very much. And we do --

LEG. CALARCO:
Just real quick?
D.P.O. HORSLEY:  
Yes. Mayor?

LEG. SPENCER: 
I have a question.

D.P.O. HORSLEY:  
We have several questions.

MAYOR IRVING: 
Okay. I do have the village attorney and the assessor with us for questions.

D.P.O. HORSLEY:  
Well, you're welcome to bring them up as well, if you'd like. Legislator Calarco has a quick question.

LEG. CALARCO:  
I just have one real quick question. Is it the preference of the village, at this point in time, to see the owners sell and subdivide and build homes on this property?

MAYOR IRVING:  
No, it is not.

LEG. CALARCO:  
So you want to continue to pay taxes as a residential property, but not be allowed to build residences on her property.

MAYOR IRVING:  
I think the taxes, 200,000 for the village, I think there could be something worked out. But again, if the village code was put in place to preserve also, you know, I have an obligation.

LEG. CALARCO:  
The residential character of the property.

MAYOR IRVING:  
Correct.

LEG. CALARCO:  
So, therefore, it would be -- in order for her to be able to take advantage of her property rights, she would then, therefore, in keeping with the village code, be best suited to subdivide the property and build residences.

MAYOR IRVING:  
No. I'm going to ask the attorney to come in.

D.P.O. HORSLEY:  
Please speak into the mic.

MAYOR IRVING:  
Okay. I'm going to ask the village attorney to speak at this point.

MR. SAVIN:  
Kenneth Savin, Village Attorney for the Village of Asharoken. There is nothing prohibiting the
applicant from submitting an application to subdivide the property; they've indicated they have no interest in doing that. But the property is being taxed as vacant land. It's 442 acres of land, it's 50% of the property in the village.

**LEG. CALARCO:**
No, I understand that. And it's her property, 470 acres, and so it should be her -- if this particular owner decides that, "Hey, I can't afford to continue to operate as this equestrian facility," especially since the village has just made it pretty clear you don't want to have a business operating in your village, then it would be prudent for her to be able to maximize her property as a property owner to seek to have permission to subdivide according to the village's codes and build homes and have homes on their property instead.

**MR. SAVIN:**
Absolutely. But if you look at the history, when this current owner purchased the property, they purchased the property back in 1978 in order to prevent the development of the property into residential homes. If they have changed their mind, they have that opportunity to submit the application to the village. There are conditions -- there are covenants in the property where they would have to give the village two years notice before they did that.

**LEG. CALARCO:**
The question is whether that's not an infringement on their property owner rights as well, to have to give -- but anyways, I'm just --

**MR. SAVIN:**
That's a covenant that's on the property, it's not something we put up.

**LEG. CALARCO:**
I'm just speaking to find -- she is obviously clearly paying a lot of taxes on her property, and this issue comes down to whether or not the village is going to continue to benefit from her tax paying or is going to allow her to become an agricultural district, which clearly will change her tax assessment and the amount she's paying on that property. I'm just seeking to protect her property rights, as a property owner, to either be able to develop her property according to the existing codes if we're seeking to shut her down as an agricultural operation, or whatever kind of commercial operation she might be.

**MR. SAVIN:**
We've never prohibited their right to develop it under the codes.

**LEG. CALARCO:**
Okay. Thank you.

**MR. NOLAN:**
Doc Spencer.

**D.P.O. HORSLEY:**
Okay. Thank you very much, Legislator. Legislator Spencer.

**LEG. SPENCER:**
Thank you, Mayor, for coming out. And I'm fortunate to have Asharoken in my Legislative District. Did I hear you correctly when you indicated that this property is half of the land area of the entire village?

**MR. SAVIN:**
That's correct.
MAYOR IRVING: Correct.

LEG. SPENCER: So the Village of Asharoken is approximately 800 and some-odd acres, then.

MAYOR IRVING: That's correct, a little bit more.

MR. SAVIN: I would assume that's correct.

LEG. SPENCER: And if you had this piece of property -- so it takes up half of the land area and it's not being taxed per acre at the same rate as a difficult one-acre resident, it's taxed at a reduced rate?

MR. SAVIN: Yeah. There's numerous residences on the property, but the bulk of the property is taxed as vacant land. There's several residences, some of them being used. There's what you call the Manor House still on the property, which the owners chose to board up and not use, but there are, I think, at least five other residences on the property.

LEG. SPENCER: And in terms of the history, I don't know the history of the property. Is this a situation where you have someone seeking an agricultural relief because of financial hardship? Is it --

MR. SAVIN: Well, I don't know if it's financial hardship, but they're certainly seeking the agriculture of this for financial relief.

LEG. SPENCER: Thank you. And with regards to if this agricultural district is granted, is there a sense of the impact on the school district and the village residents in terms of a percentage tax increase? If that revenue is lost, would it --

MAYOR IRVING: You have to also understand --

MS. MAHONEY: Use the microphone, please.

MAYOR IRVING: You have to understand the infrastructure of Asharoken. We have one road in and one road out, so to develop that property would be --

MR. SAVIN: Yeah, what the impact would be, the assessor would have to reassess the property. The question is is they're looking for 442 acres to be included in the agricultural district, where you certainly -- 442 acres is not being used for breeding horses or even training horses if you decide that's an agricultural use, they use trails in the woods. So a portion of it certainly might be used for what they call an agricultural use, but certainly not 442 acres if it's mostly wooded.
LEG. SPENCER:  
Is it the village's position, their objection to this petition is that it would create a significant burden on the village?

MR. SAVIN:  
It is, but the objection of the village is it's a violation of the code.

LEG. SPENCER:  
Thank you very much. I appreciate that. Thank you, Mayor, for taking the time. I appreciate it.

MAYOR IRVING:  
I appreciate it. Thank you for the time.

D.P.O. HORSLEY:  
Thank you very much.

LEG. ROMAINE:  
Question.

D.P.O. HORSLEY:  
Oh, excuse me. Madam Mayor? We have another question from Legislator Romaine.

LEG. ROMAINE:  
Right. Obviously the objection would have to be to the code.

MAYOR IRVING:  
Right.

LEG. ROMAINE:  
Because everyone included in an agricultural district, any municipality or taxing jurisdiction could make the same argument. And I believe agricultural districts are a result of State law, and the reason that they were set up was to encourage those in an agricultural industry which, by the way, equestrian use is considered to have that ability.

MAYOR IRVING:  
Right.

LEG. ROMAINE:  
There was a Farmland Committee that was set up just to meet, I think it meets once a year, to examine a whole host of applications for agricultural districts. Do you recall the vote on this of the Farmland Committee?

MAYOR IRVING:  
We've been there for the last three years.

LEG. ROMAINE:  
Right.

MAYOR IRVING:  
And the last vote brought it here to this far.

LEG. ROMAINE:
And what was that vote; was that a unanimous vote?

MAYOR IRVING:
Yes, I believe it was.

LEG. ROMAINE:
Thank you.

D.P.O. HORSLEY:
Thank you very much, Legislator. We have a second speaker, Elizabeth Baldwin also speaking on the same matter.

MS. BALDWIN:
Good afternoon. My name is Elizabeth Baldwin, I’m here today on behalf of the North Shore Land Alliance, a 501(c)3 non-profit land trust operating under the laws of New York State in support of Eatons Neck LLC and Sand Piper Farms’ application for enrollment in Suffolk County Agricultural District Program, Agricultural District 3.

The mission of the North Shore Land Alliance is to protect and preserve in perpetuity the green spaces, farmlands, wetlands, ground waters and historical sites of Long Island’s north shore for the enjoyment and benefit of future generations and the protection and enhancement of quality of life. Eatons Neck LLC and Sandpiper Farm have proposed returning this unique land and farm to an active agricultural use through the establishment of Sandpiper Farm Riding, Inc., whose mission is to supply sport horses to clients in the tri-State, mid-Atlantic areas. The North Shore Land Alliance fully supports their application for the following reasons. The land types that exist on Eatons Neck LLC and in its large size are of regional significance. This extraordinary 400 plus acre parcel owned by Eatons Neck LLC is located at the tip of Eatons Neck at the northeastern portion of the Town of Huntington. It is a unique combination of beach bluff, fresh water and salt water wetlands, along with grassland, secondary growth forest -- and secondary growth forest exemplify the elements of our mission like no other property in the Land Alliance designated area. This property is without question of regional significance and contributes greatly to community character and the environmental well-being of our area.

The history of Eatons Neck LLC combined with its geography make it an outstanding location for this very specialized equine business. As suburban expansion sprawled across Nassau County heading eastward, farms and estates that hosted strenuous equine activities like hunter pace riding, field hunting, driving and eventing have basically disappeared, and with it, the local residents ability to observe and participate in this part of Long Island history. Long Island today maintains a very large and active population of riders. Equine activities, as described previously, are very popular throughout the world and through this country. The key to success in these activities is great stamina for both the rider and the horse that developed only through regular workouts along miles of trails, meadows and other natural terrain and varied topography. This unique property with its existing structures and varied topography, from open field to woodland, an extensive network of trails make it an ideal training ground for hunting, jumping and other equine sporting activities.

Agricultural represents one of the most cost effective ways to improve two of our most pressing environmental challenges; water quality and climate change. Well-managed, agricultural land like Eatons Neck supplies important, non-market goods and services for our environment.

D.P.O. HORSLEY:
Would you wrap it up, Ms. Baldwin?

MS. BALDWIN:
Yep. It is the North Shore Land Alliance belief, based on Dr. Landeau's experience and the information presented in the business plan she submitted for Sandpiper Farm, that the farm is deserving of protection offered by an agricultural district designation. Thank you.

D.P.O. HORSLEY:
Thank you very much. We appreciate you coming down.

LEG. SPENCER:
I have a question.

D.P.O. HORSLEY:
Oh, we have a question. Okay, I think the first question was Legislator Gregory.

LEG. GREGORY:
Thank you, Mr. Vice-Chair. Hi. What's your name again?

MS. BALDWIN:
Elizabeth Baldwin.

LEG. GREGORY:
Hi, Ms. Baldwin. Now, it's my understanding that this is not the first time the property owner applied for this designation; is that true?

MS. BALDWIN:
Yes, that is my understanding.

LEG. GREGORY:
Okay. I think the Mayor verified that, back to the 80's, right? I think there was an application last year.

MS. BALDWIN:
Yes.

LEG. GREGORY:
And it was -- what was the status of the application then?

MS. BALDWIN:
I believe from -- I'm not understanding your question.

LEG. GREGORY:
It's my understanding that this applicant had applied in the past, whether it was last year or a few years ago, and was denied.

MS. BALDWIN:
Right.

LEG. GREGORY:
Right. And they applied again this year.

MS. BALDWIN:
Correct, and we supported them last year as well.
LEG. GREGORY:  
Okay. Can you explain to me what was the difference and why it was denied last year, or a few years ago and accepted this year?

MS. BALDWIN:  
I cannot explain the difference.

LEG. GREGORY:  
Is there a change in the use of the property?

MS. BALDWIN:  
I am not aware of that.

LEG. CALARCO:  
Legislator Gregory, I think I could probably answer your question. New York State has recently amended their law and the way the program applies to equestrian facilities and expanded the types of usages that would qualify you as agriculture under their law to include businesses and different types of riding and training activities that happen on most horse farms in Suffolk County that usually do not qualify but now do under the State Law. And I think that's probably what led to her now becoming a qualified land use under an agricultural district program as opposed to in previous years.

LEG. GREGORY:  
Okay.

LEG. ROMAINE:  
Correct me if I’m wrong, Legislator Calarco; that change in State law came through in August of last year.

LEG. CALARCO:  
That is correct. And actually, it was something that our Long Island Farm Bureau lobbied for through the State Farm Bureau and eventually got the State to pick it up.

D.P.O. HORSLEY:  
Thank you for that clarification.

LEG. GREGORY:  
One last -- I’m confused. I thought that someone said the use here is for fox hunting or something, but there’s -- you’re talking about training horses?

MS. BALDWIN:  
It's for --

LEG. GREGORY:  
Or is it for both?

MS. BALDWIN:  
It's for training for hunting, which I would include fox hunting, I'm assuming. It's for hunting -- where is my little note here?

LEG. GREGORY:  
I'm not a hunter, so I don't know; excuse me (laughter).
I am not either, so. Hunter pace riding, field hunting, driving and inventing.

**LEG. GREGORY:**
Okay, so they're both horses and fox use on this property.

**MS. BALDWIN:**
Right. That's what I'm told.

**LEG. GREGORY:**
Okay, I thought it was -- I thought they were exclusive. Okay.
Thank you.

**D.P.O. HORSLEY:**
Thank you very much, Legislator. Legislator Spencer?

**LEG. SPENCER:**
Thank you very much. I definitely appreciate your testimony, and also I respect the work of the board and the need for agricultural districts.

I guess my question relates to as we looked at the properties that were granted, there were 21 properties and a total of 607 acres. And of those 21 properties, two of them were yours, one 400 acres, the other one 41 acres. The next biggest property on the list is 25 acres. So I guess my concern is that -- and I wanted to address this, is that although the property may qualify in terms of a particular activity, whether or not it's one acre or ten acres, I think the disproportionate size -- so out of the 600 acres and 21 properties, you represent almost half or more -- I'm sorry, two-thirds. So it seems if you reach that threshold to be an agricultural district and you feel -- you're saying that it's justified to have all 441 acres now included in that district when the next one on the list is 25 acres? Because you reach the minimal threshold to be considered under that category, so it seems -- I think that that's what my concern is; are all 441 acres, which makes up half a village, being utilized for this function?

**MS. BALDWIN:**
I don't represent the property owner.

**LEG. SPENCER:**
Oh, you don't. Okay.

**MS. BALDWIN:**
I represent the North Shore Land Alliance --

**LEG. SPENCER:**
Okay. I apologize, then. Thank you.

**MS. BALDWIN:**
-- supporting the property owner's application.

**LEG. SPENCER:**
I think that that's what my question is. That it's almost like, sure, I can understand the need, but it almost seems like a loophole where because whether or not you're doing it on a one-acre or a thousand acres, why not just -- you know, that's a huge amount of land there. So that's my concern.

**D.P.O. HORSLEY:**
Okay. Thank you very much, Dr. Spencer. And thank you very much, Ms. Baldwin. The next person I have is Randy Parson? Parsons?

**D.P.O. HORSLEY:**
Welcome.

**MR. PARSON:**
I'm speaking on behalf of The Nature Conservancy. Quickly, the Conservancy's 50 years old, it has programs in 30 countries, 50 -- all 50 United State's, the oldest chapter is in New York and has three offices in Suffolk County; Huntington, East Hampton and Shelter Island, and 15,000 members on Long Island.

One of our New York State top land protection priorities on Long Island is this piece of property, for a variety of reasons which I can list. But we strongly support the application of the applicant for a variety of reasons, and I give you an comparable example, the Town of East Hampton has a 20-year conservation easement with the Goelet Family over 3200 acre Gardiner's Island. And it's a similar, although not exactly the same, situation where a private owner is continuing to manage in a sound way and keep land open and they are given, they are given tax relief. They're given tax relief, in fact, under the Federal, State and County and local codes all recognize that open space and farmland protection should be given tax relief because there's a public good. The public good is that farmland and open space have been shown to pay more in property taxes than they demand in services. So it may sound contrary to what you would expect, but, in fact, Eatons Neck is keeping the property taxes low in Asharoken Village. Eatons Neck is paying much more in property taxes than it uses in public services.

You heard testimony about 200,000 to the village, but the total tax bill each year for Eatons Neck is over a million dollars. So again, in order to be consistent, really, with the -- not that you're interested in consistency here, but I mentioned it as a well established public policy in the United States, that open space and farmland be given tax relief because of its public benefit. And it also benefits -- not only does it benefit property taxes, but it benefits our environment and it benefits our economy.

So Eatons Neck has prime agricultural soils. It's agricultural operation has gotten a unanimous approval from your agricultural board which scrutinized whether or not it was eligible under the State program.

*(Beeper Sounded)*

Typically equestrian operations have large areas of land to train horses. It's not like -- it's not like growing strawberries where you grow the strawberries on the five years acres and that's maybe a little bit around it in a storage barn.

**D.P.O. HORSLEY:**
Mr. Parson, you're going to have to start wrapping it up.

**MR. PARSON:**
Okay.

**D.P.O. HORSLEY:**
Thank you.

**MR. PARSON:**
My point is that I think all 440 acres could qualify -- and that your own board unanimously found
that it qualified for this.

**D.P.O. HORSLEY:**
Thank you very much. We do appreciate you being here today.

**MR. PARSON:**
And let me just add one other thing, Sir; if I may?

**D.P.O. HORSLEY:**
Quickly.

**MR. PARSON:**
New York State Department of State has recognized Eaton's Point, 114 acres, as a significant coastal fish and wildlife habitat. The Long Island Sound Program, a Federal Program run by the EPA has recognized all of Eatons Neck as one of the 33 property stewardship sites on the Long Island Sound Estuary. This property is very --

**D.P.O. HORSLEY:**
It sounds beautiful.

**MR. PARSON:**
Very special.

**LEG. ROMAINE:**
It is.

**MR. PARSON:**
I hope that you will help allow the owner -- help allow the owner to continue her great stewardship of it without any public expense for acquisition. Thank you.

**D.P.O. HORSLEY:**
Thank you very much. The next speaker is Tom Rost; same matter.

**MR. ROST:**
Yes. I'm just here as a private citizen who happens to love the land, and I urge you to grant the agricultural designation for the simple reason that some of the previous speakers allege -- I mean, spoke.

**D.P.O. HORSLEY:**
Are you speaking into the mic, Sir?

**MR. ROST:**
I'm sorry. I can hear myself just fine (*laughter*). I urge you to allow what I believe the intended applicant has made for the use of this property, which is to continue it as open space. The voters of Suffolk County in the past have voted to have a sales tax to pay for buying open space, so clearly the population believes in saving open space. That fund, I understand, is also a little low and has -- needs to be replenished before they could ever purchase, if the County decided to or the State decided to buy this land to keep as open space.

In the meantime, by allowing tax relief to the owner, it allows us to buy time. It allows the owner to figure out what they're going to do with the land, it allows them to keep it for a longer period of time, it allows the County and other government or Nature Conservancy kind of people to raise the money if they ever want to preserve this land, because once the land is gone, it's gone. And I think
that this allows the owner the relief that could continue to keep the property going.

And I also -- no one has mentioned the fact that although there's one road in, one road out, I used to live on Eatons Neck out on the other point. If 200 homes are built on that land and they're going to be affluent families, they're going to have two or three cars going to school, work, the store, there's going to be school buses, fuel trucks, landscape trucks; the people on that narrow, little road won't be able to get out of their driveways, I swear. Anyway, I ask you to consider this on a long-term basis, not a short-term basis.

And then one last incendiary remark that was made earlier that I would like to diffuse a little bit, and that was the emphasis on fox hunts. They no longer hunt adorable little foxes. A fox hunt, they drag a scented bag around the property. And I believe the applicant is not only training horses just for fox hunts, there's going to be hay, crops, there are going to be other agricultural uses and I think that the details of that applicant should be referred to before other remarks are made. Okay? Thank you very much.

D.P.O. HORSLEY:
All right. Thank you very much, Mr. Rost. And thank you for clarifying that fox issue. I don't think we knew that.

MR. ROST:
It's not Bambi.

D.P.O. HORSLEY:
Yeah (laughter). They're after the fox (Laughter).

LEG. SPENCER:
Brief question?

D.P.O. HORSLEY:
Oh, I'm sorry. Mr. Rost, please, Legislator Spencer.

MR. ROST:
Yes, Sir?

LEG. SPENCER:
Mr. Rost, actually you wrote me a letter.

MR. ROST:
Yes.

LEG. SPENCER:
I do appreciate you extending that. And I did knock on your door. I wanted to indicate, I think that a question I have for you, because I'm an avid proponent of the environment and open space and preserving the land that we have. So I listened to the previous testimony. My question and concern here is that all of Asharoken is kind of in a similar sort of agricultural sort of vein that the village, if they're in a situation where each of the homes decides that they want to take advantage and do this same thing, I'm curious as to how is the village supposed to exist? In other words, if you could take one property -- and I would be supportive if they said, "We're willing to do it with the 41 acres," but left the 400 acres alone. But my question is that do you see that granting an agricultural district does not compete with open space? What's to prevent every property owner from doing a similar sort of situation when you talk about a small village? Is that village just supposed to cease to exist? Or what remedy would you see them having in a situation like that?
MR. ROST:
Well, I believe as some of the exhibits, maybe perhaps the exhibit that The Nature Conservancy provided or your aerial surveys, I only have driven through there, I’m not a resident of Asharoken, I was a resident of Eatons Neck; I’d say three-quarters of the village, roughly, or give me half, are 50 to 100 foot wide lots that are very narrow. There are hundreds of -- most of the houses are on very narrow, little, tiny beach front cottages have been approved over the years and the proportion of one-acre zoning is, I believe, quite small in the population. So I don't know of any property there that rally, other than a backyard horse and a paddock, would ever support a crop. They're never going to grow hay, they're never going to have any kind of open space. This is one of the densest villages, I would say. That's the Mayor, the lawyer can correct that, but the aerial map will show that most of the village is narrow.

It also -- as an observer, I believe that it's a very affluent, affluent community. And I don't know what -- and they didn't provide the tax increase, what this 200,000 spread out over the number of houses, what that would do. That's not my expertise, but I don't think it would break the bank there.

LEG. SPENCER:
Thank you for taking the time and thank you for taking time to write the letter to me also.

D.P.O. HORSLEY:
Thank you.

LEG. SPENCER:
I appreciate it.

MR. ROST:
Any other questions?

D.P.O. HORSLEY:
Thank you, Mr. Rost. We do appreciate you coming down. I have another card, John Santemma? I think the village is here today.

MR. SANTEMMA:
Good afternoon. John Santemma, I’m the attorney for Sandpiper Farm and for Eatons Neck. And I hope if there's any questions afterwards, we can address some of the things that have been already been discussed. This particular piece of property was a farm since 1850, Beacon Hill Farm, a dairy farm. It operated as such until 1939 when it was purchased by a fellow named WS Morgan who ran it as his country estate, country gentleman's farm, whatever you wish to call it. But at that time, he raised pheasants, he raised corn, he raised dogs, he conducted fox hunts on the property, he had a stable of horses that he kept there, and he continued to operate like that until he passed away in 1982. At that time, he had transferred the property to his trustees who sold it to Eatons Neck which leased it to Sandpiper Farm and it is that same configuration for the past however many years, 30?

Now, Sandpiper Farms -- excuse me -- is owned by Dr. Laurie Landeau who is a veterinary graduate of University of Pennsylvania, School of Veterinary Medicine. She’s recognized throughout the eastern seaboard as an able equestrian, an extraordinarily able teacher and a person who is a businessperson who operates successful horse farms in Virginia, Maryland and an agriculture oyster
farm in Maryland as well. She took this property in 1981 and began to teach people how to ride horses; not only ride horses, but ride horses at the toughest possible level for equestrian competition. And from then until now, that property is a site for training for what they call carriage races, drivers who drive these rigs around in circles in competition, both as to time and as to form. And visage in which all these horses run in a particular line, geometric formations, you've probably seen them at the National Horse Show on television, and jumping over obstacles; again, in paddox.

And then the exciting things where they get into the field and they have events, racing through the woods, topography notwithstanding, up and down on trails, around jumps, timing events. And finally, what they call fox hunting here actually is just called field hunting. Field hunting has its roots in the times that the farmers used to have to chase vermin out of their fields and that's how they did it, with horses and dogs. And it's become a sport that's recognized throughout the country with the hot bed really being right now in Suffolk County and in New England. Dr. Landeau gives of her time in Southampton teaching, she's up teaching right now in Rhode Island and she's operated this property since 1982. She built a farm -- a riding rink, an indoor riding rink, got permission from the village, building permits, certificates of occupancy, up and running, the school is vibrant, the school is teaching youngsters, it's teaching adults, it's training horses, it's operating. The village says, "Oh, sorry, that's commercial." They go to a Supreme Court and they get an order that says, "Yeah, that's commercial." Horses were not a protected agricultural crop at that time, they had no defense. We're operating a commercial thing, but we've done it for years. Take down the barn; $100,000 gone. Close the school, turn out those kids, and that's what happened. But she continued, her own horses, training them, running them, showing them. The Smithtown hunt, one town over --

D.P.O. HORSLEY:
Mr. Santemma, you're going to have to to start winding this up.

MR. SANTEmma:
Well --

D.P.O. HORSLEY:
You're a spellbinder, but --

(*Laughter*)

MR. SANTEmma:
It's so important. It's so significant. Your policy, the policy of this great County and the policy of the State says you have a right to farm. It can't be because it's too big, you can't deny it. They need the 440 acres. Imagine the varied topography on this site. These horses are trained --

D.P.O. HORSLEY:
You know what maybe we can do? Ms. Anker is going to ask you a question and you can answer the question.

MR. SANTEmma:
Fine.

D.P.O. HORSLEY:
As a lawyer, I know you can do it.

MR. SANTEmma:
Okay.

D.P.O. HORSLEY:
Legislator Anker.

LEG. ANKER:
It sounds like you're very passionate about equestrian. My daughter is a rider, we have a horse. And again, you know, I'm trying to visualize, what's the best situation for the area? And I can't imagine -- well, if Dr. Landeau, you know, if she's not able to get if, and perhaps she might think about selling this, could you develop -- you know, would there be development on this property in some way?

MR. SANTEMMA:
The village, in its wisdom, has created a cluster zone development. We do not want to develop the property. Right now the real estate taxes, as we mentioned earlier, a million dollars a year; that's an awful lot to support a facility that is trying to train horses for various equestrian events. We have not sought any relief against the tax burden of the village. We're proceeding here to try to get ourselves classified as we are. Eleven people on your Farm Protection Board voted for this, unanimously approved. Farmers, people who know the community who know what we do here, they approved it. I was told before someone said, "You'll be on twice before," yes. It went out the first time and they said, "Well, you know, we usually look to see if you've got any economics of producing money for the past two years. I said that's not really the way I read this statute, but I don't want to fight, so I withdrew it and I went back the next year, last year. The hearing was held on Holy Thursday night. There were seven members of the board there out of eleven, a quorum to hold the meeting. And at the end of the evening they voted; one abstained, one voted no, five voted in favor of my application. I got it. No, our board requires a majority of the whole; you need six votes, I had five, I lost one to five.

LEG. MONTANO:
That's the law.

MR. SANTEMMA:
I'll come back next year. I came back this year, 11-0, everybody who was there voted. If you want to cumulate it, 16-1, but those are the people who know. And you've got before you a whole package of properties, each one of which has to be judged by the same test. Are these viable, agricultural lands? They have minimum qualifications. You have to be a certain size, you have to generate a certain amount of money, you've got to be operated in accordance with recognized principals. And whether they're large or small, if they meet those criteria, they're entitled to the protection of this State and this County and this Legislature. So I would really request that you treat these together. That you close this, refer it to your EPA Committee or take it up further with them and report back here hopefully for your approval.

LEG. ANKER:
Can I ask you a quick question?

MR. SANTEMMA:
Yeah.

LEG. ANKER:
Does that farm provide lessons for some of the -- the other -- like pony club, you know? We were very active in pony club and it's a very strong organization across Long Island, you know, promoting all the equestrian programs. Do you -- are there services provided other than the private services?

MR. SANTEMMA:
We do not. We cannot operate under the village ordinances as they currently stand as a commercial activity. Dr. Landeau owns each of the 15 horses that are there. She owns each one that's trained.
She sells them and replaces them with others. And the key to it is that these horses have to be able to go over every square foot of this terrain. If you can imagine, they have to go through thickets, trees, woods where you and I can't walk. The horses get hit in the face with twigs and foliage, and they can't start. If they jump, they lose a rider.

LEG. ANKER:
Okay.

MR. SANTEMMA:
So all of that takes place here as training to enable us to sell these horses so that people who are interested in equestrian events can carry on with them.

LEG. ANKER:
Well, I can't imagine -- again, whether you're going to the area from car or by boat, you know, seeing the beautiful open space and the wooded areas and the equestrian versus development, and I would think the open space would be much more preferable, even for the entire town. So thank you so much for coming here to testify.

D.P.O. HORSLEY:
Thank you very much, Legislator. Legislator Gregory, quick question.

LEG. GREGORY:
I know you're an attorney and you get paid by the hour, but I have one quick question for you. I looked at the requirements really quickly and my quick reading of it is you have to have two prior years of running that establishment. And just by your admission, if I heard you correctly, because of the village zoning law you can't operate, so how do you meet that requirement?

MR. SANTEMMA:
We run not commercially from that standpoint, because we don't take other people's horses. She buys her own horses. Nobody comes in, nobody boards horses, nobody rents us horses, we don't rent other people's horses. So because she was able to bring in her own horses since 1981 and train them and sell them off-sites to one of her other farms, we're producing a profit for the Sand Piper operation that we're not operating commercially on that particular site because no sales tax place there. Okay? So it's -- we do have experience, economic experience that meets the statutory requirements.

D.P.O. HORSLEY:
Okay. I think we wrapped that up. Legislator, you had a question?

LEG. SPENCER:
Yes, question.

D.P.O. HORSLEY:
Doc Spencer.

LEG. SPENCER:
I am commenting a lot, obviously, this is something that's extremely important to me. And I just wanted to get back to really you addressed kind of the history of the property and the owner and I understand the agricultural designation or you're trying to preserve a farmer who is really trying to do something agriculturally and having a large burden.

Where I respectfully disagree, and there's a question that's coming, is you indicate that if it fulfills the criteria then the whole thing should be in or out. And that board can look at the criteria. It is
my responsibility as a Legislator to look at -- because there's such a thing as a loophole. What my concern is is that anyone with a hundred acres or a thousand acres or 10,000 acres, if they plant one or two acres, fulfill the criteria and then they don't pay their fair share in taxes, and that's really what the issue is. And the history you gave, this is the Morgan of JP Morgan and Chase. And the previous -- the Landeau is Landeau that sold to Dow Chemical. We're not talking about a financial hardship. I understand, I think this -- I may have my facts wrong, but are we talking -- is this not a financial hardship that a farmer is not able to maintain the land because of the agricultural responsibility? You mentioned that this owner has horses up and down the eastern seaboard, lands, perhaps even a billionaire. And so I guess we're not talking about a financial hardship here. So I feel that it's our responsibility as Legislators, if we're looking at a loophole, why is this not a loophole? What's the difference -- you're saying if you meet the criteria, no matter what the size of the land, you should be included. So you're telling me that -- and I -- we're all citizens, we have to pay our fair share. So if I own 1,000 acres and I put some strawberries on three acres, then I should have my thousand acres exempted; is that the point you're trying to make?

MR. SANTEMMA:
Absolutely not. Absolutely not. That's -- because not this case. This case, all of the land is used. You have to use the whole piece of land to train the horses because of the nature of the hunt, field hunt is through all-varied terrain. It's what I was mentioning before about the woods and the thickets and the branches knocking off the horses; the horses have to be stable. You can't plant three acres of strawberries on a thousand acres and get an exemption for the whole thing. You might be able to get the three acres, but that's up to the assessor. That's not the determination of the Legislature. The assessor decides what he believes is the proper assessed valuation to place on this property, given these activities, whether it's one acre or five acres or 15 or 100 or 200 or a thousand; that's his call.

LEG. SPENCER:
The one that sent it back, they're all 400 acres and you get the exemption. So you're saying all 400 acres, even the marshlands, there are areas on this property that there are no horses and there's no fox hunts, there are areas that are wetlands that are here and that should be included? There are no horses that are possible to go on some of the areas we're talking about.

MR. SANTEMMA:
They don't have to live there. What they have to do is be able to transverse it. And if I'm on a horse and I've got to chase a quarrie or something that goes over there and it goes through marsh, I better doggone well have that horse trained to go through marsh. So it doesn't matter what you see there, because whatever you see there is what the horse is going to see in that actual environment. But the requirements are that you must have actual use, and there are eleven members of that Farm Board that found that we have actual use. I think that's entitled to a lot of deference.

LEG. SPENCER:
Thank you, Sir.

D.P.O. HORSLEY:
Thank you very much, Mr. Santemma.

MR. SANTEMMA:
Thank you.

D.P.O. HORSLEY:
We appreciate your comments today. Does anyone else like to be heard on this Procedural Motion? No, you've been already up, Sir.
That being the case, Legislator, what do you want to do with this?

**LEG. ROMAINE:**
Motion to close.

**D.P.O. HORSLEY:**
Motion to close.

**LEG. CALARCO:**
Second the motion.

**D.P.O. HORSLEY:**
Second by Legislator Calarco. Is there any other motions? That's it, okay. All those in favor?

**LEG. NOWICK:**
To close?

**D.P.O. HORSLEY:**
Yes, to close. All those in favor? Opposed? Abstain? So moved, it has been closed.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:** *(Public hearing on)* IR 1291-12 - Adopting Local Law No. -2012, A Local Law to modify requirements for contract agency funding (Calarco).

**LEG. CALARCO:**
Motion to close.

**D.P.O. HORSLEY:**
Anyone like to be heard on this motion, first of all? Would anyone like to be heard on this? That being the case, Legislator Calarco, would you like to make a motion?

**LEG. CALARCO:**
Motion to close.

**D.P.O. HORSLEY:**
Motion to close. Is there a second on the motion?

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

**D.P.O. HORSLEY:**

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:** *(Public Hearing on)* IR 1341-12 - Adopting Local Law No. -2012, A Local Law to amend the
prompt payment policy for all not-for-profit contract agencies (County Executive). I do not have any cards. Would anyone like to be heard on this motion, on this IR? Would anyone like to be heard? That being the case --

LEG. BROWNING:
Motion to recess.

LEG. MONTANO:
Second.

D.P.O. HORSLEY:
We have a motion to recess by Legislator Browning. Seconded by Legislator Montano. Any other motions; we're all good? All those in favor? Opposed? Abstentions? So moved.

MR. LAUBE:
Sixteen. Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
(Public Hearing on IR) 1480-12 - Adopting Local Law No. -2012, A Local Law establishing registration requirement for Health Department expeditors (Browning). Would anyone like to be heard on this? I do not have any cards. Would anyone like to be heard on this? Legislator Browning, this is yours.

LEG. BROWNING:
Motion to close.

D.P.O. HORSLEY:
Motion to close. Is there a second on the motion?

LEG. STERN:
Second.

D.P.O. HORSLEY:
Second by Legislator Stern. Anything else? All those in favor? Opposed? Abstentions? So moved, it has been closed.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
(Public Hearing on) IR 1489-12 - Adopting Local Law No. -2012, A Local Law to improve the safety of vehicles used by child care providers that contract with the County (“Look Before You Leave Our Children Act”) (Stern).

LEG. STERN:
Motion to recess.

D.P.O. HORSLEY:
Hang on a second. All those --

(*Laughter*)

Would anyone like to be heard on this matter? Would anyone like to be heard on this matter? I
have a motion from Legislator Stern that wants to recess.

**LEG. MONTANO:**
Second.

**D.P.O. HORSLEY:**
Seconded by Legislator Montano. All those in favor? Opposed?
So moved, it's been recessed.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
*Public Hearing on IR* 1522-12 - Adopting Local Law No. -2012, A Local Law to enhance provisions for enforcement of certain Consumer Protection Laws (County Executive).
Would anyone like to be heard on this matter? I do not have any cards. Would anyone like to be heard on this matter? That being the case, it’s the County Executive’s.

**MR. ZWIRN:**
Recess this.

**LEG. MONTANO:**
Recess it.

**LEG. BROWNING:**
Motion to recess.

**D.P.O. HORSLEY:**
We'd like to have a -- motion to recess by Legislator Browning. Seconded by Legislator Muratore. All those in favor? Opposed? Abstentions? It has been -- opposed?

**LEG. ROMAINE:**
No.

**D.P.O. HORSLEY:**
Oh, okay. All those in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Very good.

*Public Hearing on IR* 1528-12 - Adopting Local Law No. -2012, A Local Law to ensure advanced planning for emergencies by nursing homes, long-term care facilities and group homes for the disabled ("Prepared To Protect Our Most Vulnerable Citizens Act") (Stern). I do not have any cards on this. Would anyone like to be heard on this IR? Would anyone like to be heard on this IR? Legislator Romaine.

**LEG. ROMAINE:**
Yes, I have a question. Obviously the sponsor is concerned that nursing homes have long-term -- and long-term care facilities have and establish with FRES Emergency Preparedness Plans; is that
correct?

**LEG. STERN:**
(Nodded head yes).

**LEG. ROMAINE:**
I assume the answer is yes. My reason for asking you that question is to put on the record that I believe all of our agreements with other nursing homes for John J. Foley, in case of disaster, were canceled, and I would ask this Legislature to look into that. Thank you.

**D.P.O. HORSLLEY:**
Thank you, Legislator. Legislator Stern, did you have a --

**LEG. STERN:**
Motion to close.

**D.P.O. HORSLLEY:**
Motion to close. Is there a second on the motion? I'll make the second on the motion. All those in favor? Opposed? Abstentions? Okay, it's been closed.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLLEY:**
*(Public Hearing on IR) 1577-12 - Adopting Local Law No. -2012, A Local Law to require public notification of sewage contamination in Suffolk County (Romaine).* I do have a card on this; George Bartunek.

**MR. BARTUNEK:**
Good afternoon. My name is George Bartunek, I'm representing the North Fork Environmental Council, 40-years old this year. The NFEC supports the proposed law introduced by Legislator Romaine which would require notification of a Suffolk County Health Department of the release of untreated or partially treated sewage from any municipal or privately-owned sewage treatment plant in Suffolk County. Given the potential for human diseases, the degradation of the marine environments and the deleterious impact to the sole-source aquifer of Long Island that may result from the discharge of untreated sewage, it is paramount that the Department of Health services, the County Executive and the County Legislature be made aware of such discharges so that immediate mitigation can take place to protect the public health. That was the shortest one you've heard all afternoon.

**D.P.O. HORSLLEY:**
I believe it is.

**MR. BARTUNEK:**
Thank you.

**D.P.O. HORSLLEY:**
And we appreciate it.

**LEG. ROMAINE:**
Thank you, George.

**D.P.O. HORSLLEY:**
Okay. We have -- that's the only card that I have. Would anyone else like to be heard on 1577?
Would anyone else like to be heard on 1577? Do I have a motion?

LEGG. ROMAINE:
Motion to close.

D.P.O. HORSLEY:
Motion to close by Legislator Romaine.

LEGG. CILMI:
Second.

D.P.O. HORSLEY:
Seconded by Legislator Cilmi. All those in favor? Opposed? Abstentions? It has been closed.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Okay, (Public Hearing on IR) 1586-12 - Adopting Local Law No. -2012, A Charter Law to ensure the independence and integrity of the County Ethics Process (Romaine). I do not have any cards on this. Would anyone like to be heard on this matter? Would anyone -- this is 1586. Anyone like to be heard? Okay. That being the case, Mr. Romaine, what do you want to do?

LEGG. ROMAINE:
Motion to close.

D.P.O. HORSLEY:
Motion to close. Do I have a --

LEGG. CILMI:
Second.

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

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
I remembered you this time, Tim.

(Public Hearing on IR) 1601-12 - Adopting Local Law No. -2012, A Local Law to update the County’s Domestic Partnership Registry (Spencer).
I do not have any cards on this. Would anyone like to be heard on 1601? 1601.

LEGG. SPENCER:
Motion to close.

D.P.O. HORSLEY:
Motion to close by Doc Spencer.

LEGG. STERN:
Second.
D.P.O. HORSLEY:
Seconded by Legislator Stern. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1601 is closed.

(Public Hearing on IR) 1602-12 - Adopting Local Law No. -2012, A Local Law to update and strengthen the County’s Responsible Bidder Statute (Spencer). I do not have any cards on this. Anyone like to be heard? Anyone like to be heard on this matter? That being the case, Doc Spencer?

LEG. SPENCER:
Motion to close.

D.P.O. HORSLEY:
Motion to close. Is there a second on the motion?

LEG. MURATORE:
(Raised hand).

D.P.O. HORSLEY:
Second by Legislator Muratore. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
It has been closed.

(Public Hearing on) IR 1622-12 - Adopting Local Law No. -2012, A Local Law to further regulate utility poles on County road right-of-ways (Schneiderman). I do have a card; Patrick Lespinasse. Welcome, Sir.

MR. LESPINASSE:
Good afternoon, Mr. Deputy Presiding Officer and members of the Legislature. My name is Patrick Lespinasse and I’m with the Government Affairs Division at Verizon. I’m here this afternoon to register comments on IR 1622, a Local Law to further regulate utility poles on County Road right-of-ways.

In 2010, the Legislature considered IR 1578, which then became a Local Law, 46-2010, which also sought to regulate utility poles as well. In consideration of that Local Law, myself and other representatives from Verizon met with Legislators, staff and the Department of Public Works. We worked together, we developed a fantastic working relationship with the folks at DPW. We were very responsive and Verizon met all of its commitments. But last week we were a bit surprised to notice that the Public Works Committee considered and passed IR 1622. Having had a fantastic relationship with DPW, and not having heard anything from anyone from the Public Works Committee, including its Chairman with whom I believe we have a great working relationship, we were a little taken aback. Needless to say, we have strong reservations, both legal and practical, regarding this proposed resolution. And in the spirit of good faith, we respectfully request that the hearing be kept open for three reasons.
One, Verizon would like to assess the implications of the proposed resolution, both legal and practical. Two, we’d like to communicate with Legislators regarding the scope of the issue in their districts. And three, we’d like to communicate with the Chairperson of the Public Works Committee and members of the committee to go over the numbers, review Verizon’s commitment and to assess where, if anywhere, we didn’t meet those commitments. To date, we haven’t had such conversation. And so, we respectfully request that the hearing be kept open so that we can assess the implications of the local law. Thank you.

(The following was taken by Lucia Braaten, Court Stenographer, and transcribed by Kim Castiglione, Legislative Secretary)

LEG. SCHNEIDERMAN:
I have some questions.

D.P.O. HORSLEY:
Yes, we have several already. Legislator Montano has a quick question for you, Mr. Lespinasse.

LEG. MONTANO:
Hi, Patrick. How are you doing? Patrick, just one comment first. I think you said that the committee let it out of committee. I don’t think that's accurate. It's really just a formality to have it come here for public hearing and then we'll decide whether or not to close it, so there's really no action on that. But can you just articulate? When you say regulate, further regulate, what is this bill actually doing and what is your opposition to it, briefly?

MR. LESPINASSE:
Sure. At the present moment we are assessing the implication of the bill. However, upon first glance it appears that the scope of this bill goes beyond the scope of the previous law. Whereas the previous law regulated damaged poles that pose a threat to public safety, this proposed resolution seems to include all double poles whether or not they pose a threat to public safety, and it's these permit requirements that we are currently assessing both legal and practical. I don't have any further information. Again, we learned of this last week, thus the request for more time to look at this.

LEG. MONTANO:
Okay. Thank you.

D.P.O. HORSLEY:
Thank you very much, Legislator. Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Thank you. Thank you, Legislator Montano, for that correction there. It was just tabled, I believe, in committee because it has to have a public hearing which we're here today for, so there's been no action in committee.

You spoke of a good relationship. As I recall, you guys had -- were providing monthly or quarterly progress on removing double poles. You completely stopped doing that about a year ago. About a year ago there was 11,000 double woods in Suffolk County and I think you completely stopped removing it, except for those that are public safety hazards. This is a blight throughout the County. What this bill does is it allows actually a vendor, not Department of Public Works, but Department of Public Works to do an RFP to hire a contractor to notify Verizon, Cablevision, whoever it might be, about the double pole situation and give you 90 days to get it out of there. After that 90-day period
there starts to be a fee assessed, as simple as that.

You're not doing your job and it's not fair to the residents of this County to drive around and have to see this blight, as simple as that. So you may think there's a good relationship, I'm happy to talk with you, but it would be a good relationship if you guys would keep your word. Get rid of some of these double poles. You've abandoned this.

**MR. LESPINASSE:**
With all due respect, Legislator Schneiderman, Verizon committed to removing "X" number of poles per month. Granted, we might not have been able to provide you with monthly reports, and I take responsibility for that, however, we have been providing these reports and have been working in conjunction with the Department of Public Works, as was agreed. And so when you say that we have not kept our commitments, we have. Whether we also need to communicate with members of the Legislature in addition to the staff at DPW, we will do that. But we have been in constant communication with the folks at DPW. We've met every commitment to date.

**LEG. SCHNEIDERMAN:**
For example, let's take the Town of East Hampton, that's part of my district. How many double poles have been removed in that town since the last time we spoke about this issue?

**MR. LESPINASSE:**
I will be able to answer the question after having --

**LEG. SCHNEIDERMAN:**
Might it be zero?

**MR. LESPINASSE:**
I'm sorry?

**LEG. SCHNEIDERMAN:**
Might that number be zero?

**MR. LESPINASSE:**
I don't know what that number might be because I don't have those facts available with me today. I'll be more than happy --

**LEG. SCHNEIDERMAN:**
If you can provide me with the summaries that you were supposed to provide me with as Chair of that committee I'll consent to -- I'll support the tabling of this, but I want to see that you guys have kept your end of the bargain, and so far I have seen none of it.

**MR. LESPINASSE:**
We have kept our end of the bargain and I'll be more than happy to provide you with that information.

**D.P.O. HORSLEY:**
All right. Thank you very much. Legislator Nowick.

**LEG. NOWICK:**
Yeah. Just to Legislator Schneiderman. Are they by law, are they supposed to remove just a certain amount of double poles or all double poles?

**LEG. SCHNEIDERMAN:**
So what typically happens if there's an old pole or a car accident or whatever, LIPA will erect a new pole and those are the little wires, the thinner wires at the top. They'll move it onto the new pole and the cable and the Verizon are supposed to then move their, what's the technical word for it, their plant off of the pole onto the new pole. In general they just seem to abandon those poles there for years and years and years. So in terms of a law, I don't know that there is a law that says you can't leave it there. They're in our right-of-way in many cases but they're also in the town's right-of-way and the state's right-of-way. It's just something I think it's -- there's a cost to doing this and they haven't focused on it.

**LEG. NOWICK:**
Legislator Schneiderman, let me ask you a question. You mentioned hiring an agency to go around and look. That will cost the County money, correct? Just --

**LEG. SCHNEIDERMAN:**
The way the bill is written it's for an RFP, so that agency then -- I'm sure when they proposed would charge an administrative fee, a percentage of what they --

**LEG. NOWICK:**
I'm not against it. I'm not against this.

**LEG. SCHNEIDERMAN:**
No, I was just explaining --

**LEG. NOWICK:**
I was just going to say if that does cost money --

**LEG. SCHNEIDERMAN:**
Right.

**LEG. NOWICK:**
And they are supposed to remove it. Does the bill say in it --

**D.P.O. HORSLEY:**
Through the Chair, please, both of you. You guys are getting into a debate here.

**LEG. SCHNEIDERMAN:**
So the bill allows for up to a thousand dollar fee per month, per pole, and then that contract agency would then take a commission from that. You know, whatever that RFP, however they respond, whether it's a 10% or 15%, and then we could see which vendor has the proposal that brought the most revenues to the County.

**LEG. NOWICK:**
Thank you.

**LEG. SCHNEIDERMAN:**
So there would be no -- ultimately actually this could be a revenue generator for the County. That's not why I did this. I did this to get rid of the double woods, but it could also have a budgetary, positive budgetary impact for us.

**LEG. NOWICK:**
Thank you.

**D.P.O. HORSLEY:**
Very good. Aren't you glad you just kept out of that?  

(*Laughter*)

Okay. Anything else? Good. Thank you very much, Mr. Lespinasse.

**LEG. MONTANO:**
You want to recess, Jay?

**LEG. SCHNEIDERMAN:**
I'll make a motion to recess.

**LEG. MONTANO:**
Second.

**D.P.O. HORSLEY:**
Okay. We have a motion to recess by Legislator Schneiderman, seconded by Legislator Montano.  All in favor?  Opposed?  Abstentions?

**MS. ORTIZ:**
Sixteen. (Absent: Presiding Officer Lindsay)

**D.P.O. HORSLEY:**
It's been recessed.  Okay.  I'd like to make a motion to set the date for the following public hearings August 7th, 2012, 6:30 at the Rose Caracappa Auditorium in Hauppauge, New York.  Motion.

**LEG. STERN:**
Second.

**D.P.O. HORSLEY:**
Second by Legislator Stern.  We have a second on the motion.  *IR 1685, Adopting Local Law No. -2012, A Local Law amending Chapter 740 of the Suffolk County Code in connection with revisions to sewer use rules and regulations.  And that appears to be the only public hearing we are setting for that day.  Motion to --*

**MR. NOLAN:**
We have a motion.

**D.P.O. HORSLEY:**
We have the motion.  So all those in favor?  Opposed?

**MS. ORTIZ:**
Sixteen. (Absent: Presiding Officer Lindsay)

**D.P.O. HORSLEY:**
Abstentions?  So moved.

**LEG. ROMAINE:**
Mr. Chair.

**D.P.O. HORSLEY:**
Yes.
LEG. ROMAINE:
I'd like to, if I could, there's a Certificate of Necessity in the red folder, IR 1400, dealing with the South Ferry. I'd like to take that out of order so that we can let the gentlemen from Shelter Island go home with a decision of this body regarding their petition.

D.P.O. HORSELY:
Yes. Mr. Romaine, you know I've got a list here and I'll put that on the list of things that we're going to take out of order. I have a number that I've said that I will be glad to do. But I certainly will take it out of order when we go through the out of the orders. Okay?

(*Laughter*)

All right. The first one -- I'm going to take a Legislative privilege here, a Deputy Presiding Officer privilege. Is there such a thing? And I would like to make a motion to take out of order 1488 on page nine. I'd like to take out of order 1488, Naming a portion of CR 96 in West Babylon in honor of United States Sergeant William McKenna.

Seconded by Legislator Cilmi.

LEG. CILMI:
Yep.

D.P.O. HORSELY:
On the motion. I would like to ask -- excuse me?

MR. NOLAN:
Take it out of order and then --

D.P.O. HORSELY:
Oh, yes. I'm sorry, yes. All those in favor? Opposed? Abstentions?

MS. ORTIZ:
Seventeen. (Absent: Presiding Officer Lindsay)

D.P.O. HORSELY:
Seventeen. It is now taken out of order. I'd like to ask Dina McKenna, the widow of Sergeant Bill McKenna, to stand. Welcome and thank you for being here this afternoon.

(*Applause*)

D.P.O. HORSELY:
As Ms. McKenna is standing I'd like to just quickly read this. First of all, this is a bill to rededicate a street, CR 96, Great East Neck Road, West Babylon, the Sergeant William McKenna Road. First, I would like to acknowledge Dina, of course, as I just did. September 11th -- and as well the mother of their two daughters. September 11th, 2001 was one of the defining moments in our nation's history, as well as the life of Bill McKenna. A sense of patriotism that united our nation after the terrorists attack compelled Bill at the age of 33 to enlist in the United States Army to serve his country.

Bill served two tours of duty in Iraq. During this time he was stationed at Balad Air Force Base, where he was exposed to toxins produced by burn pits. In bases across Afghanistan and Iraq several hundred tons of waste, including amputated body parts, Humvee parts and plastic metal trays were incinerated each day using jet fuel oil in large trenches call burn pits. Thick, acrid, black
smoke permeated the air. Due to the daily exposure to these toxins, Sergeant McKenna was later diagnosed with stage four lymphoma and succumbed to the disease in December of 2011 at the age of 41.

Bill was born on the Fourth of July, 1969. Today we honor the memory of a Suffolk County resident who gave all and we honor the extraordinary sacrifice made for each and every one of us. Bill attended West Babylon schools and graduated from the High School in 1987. This is where the street dedication is going to be out in front of. His wife Dina and daughters live in Lindenhurst.

I also wanted to mention that because of Bill's passing and succumbing to this tragic disease, Congressman Bishop presented a law to the Congress, and because of Bill we now have national recognition of the burn pits as a classified reason why -- that they be accepted as a casualty of war. And we are very -- we are very, very, very much appreciative of you coming here today. And I wanted to take this out of order first and the fact that you are here and your family is here. God bless you and thank you for your services.

And I understand that you've created, because I see it on all my 7-Elevens when I go that you're having a fundraiser coming up and Dina has started the Sergeant Bill McKenna Foundation that is raising funds for others who have succumbed to diseases relating to the burn pits. And with that, I'd like to make a motion to pass 1488.

LEG. CILMI: Second.

D.P.O. HORSLEY: Seconded by Legislator Cilmi. And with that, all those in favor? Opposed? Abstentions?

MS. ORTIZ: Seventeen. (Absent: Presiding Officer Lindsay)

D.P.O. HORSLEY: It has been passed. Thank you very much. God bless you and thank you for your service.

(*Applause and Standing Ovation*)

LEG. MONTANO: Renee, could you put me as a cosponsor.

LEG. BROWNING: Cosponsor.

LEG. MONTANO: I think we'd all like to cosponsor.

D.P.O. HORSLEY: Sure.

LEG. SCHNEIDERMAN: Can I make a motion to take --

D.P.O. HORSLEY: I think we got all the cosponsors.
LEG. SCHNEIDERMAN:
-- CN 1400 --

LEG. SPENCER:
Cosponsor.

D.P.O. HORSLEY:
Let me call on Legislator Kennedy. I believe he has -- wants to take an IR out of order.

D.P.O. HORSLEY:
There's a motion to take it out of order, seconded by Legislator Cilmi. All those in favor? Opposed? Abstentions? It is now taken out of order.

MS. ORTIZ:
Seventeen. (Absent: Presiding Officer Lindsay)

LEG. KENNEDY:
I'll make a motion to approve and Ms. Spahr is here with us, Mr. Chair. If she would be so kind as to come to the podium. I'm pleased and actually quite privileged to be able to go ahead and make this recommendation. Those of you will see that she's got an extensive background and I hope she can tell us a little bit about it. Thank you.

MS. SPAHR:
Thank you. Good afternoon, Mr. Deputy Presiding Officer and Legislators. Legislator Kennedy, thank you for nominating me to this position and for inviting me here today. I am recently retired, about 15 months ago, after 30 years of public service. I had a wonderful opportunity, most of that time was spent working in Suffolk County. I was an Assistant District Attorney for 21 years and had a wonderful career, a pretty broad career and unusual career, I guess, for the D.A.'s office. As I looked back on it, and I've thought about this in the past couple of days since I spoke with Legislator Kennedy about the nomination, I think that I see that ethics, compliance with laws, compliance with codes of professional conduct has kind of been a thread that has run throughout the different parts of my professional career and my public service career.

During my time in the D.A.'s Office for over 20 years, the first half I spent doing investigations, I did special investigations, rackets investigations, business crime investigations, and prosecutions. In the second half of my career, I was in charge of the Environmental Crime Unit, which was a wonderful, wonderful time. I had pretty unique opportunities, unlike most people. When you think about what you do in the D.A.'s office, I had an opportunity to work on public policy and training issues on a statewide level, a national level, and even an international level. Came to understand that there's problems with respect to compliance, with codes of ethics, with local laws, with civil laws and criminal laws, are there the same wherever you go in the country and I guess throughout the world.

After I left the D.A.'s Office, I worked for New York State Parks for six years as the Deputy Regional...
Director. It was another part of my life. I referred to it then as getting a real job instead of working as a lawyer, and I found out that there really is something different about running a department and an agency instead of second guessing what had been done by other people when you tried to figure out did they do it right or did they do it wrong.

I came back to the County Attorney’s Office for the last four years of my public service career and I did have an opportunity, actually, to work with a lot of the Legislators through the various committees, the various agencies that I would counsel to and contract and whatnot. It was a terrific time.

Since I retired 15 months ago, I’ve taken the advice of people that I trust very much, I have enjoyed and felt my retirement. I’ve been reluctant to say yes when people have asked me to volunteer. I’ve done a little bit of pro bono work. I’ve done a little bit of volunteer work for my church and I was finally convinced to serve on the Board of Managers for my condo association, but I haven’t taken any paid jobs. I don’t think that this is really a paid job, but when I spoke with Legislator Kennedy about the opportunity to serve in this capacity, it was something that I thought a lot about and I decided that if given the opportunity I would very much like to serve on the Board of Ethics. And I’d be happy to answer any questions you might have.

D.P.O. HORSLEY:
Okay. We have several questions. Legislator Montano.

LEG. MONTANO:
Good morning, Ms. Spahr. How are you?

MS. SPAHR:
Good, thank you.

LEG. MONTANO:
I don’t know if you remember me, but from ’80 to ’88 I was Executive Director of the Suffolk County Human Rights Commission, so we have met. And at that time I think you were -- were you in charge of the White Collar Crime Unit?

MS. SPAHR:
I probably was, yes.

LEG. MONTANO:
Normally this appointment would go through the Ways and Means Committee, of which I’m Chair, and when Legislator Kennedy called me to tell me that it would be presented as a C of N I told him that I do know who you are, I know your reputation. We have interacted in the past. You know, I told him that, you know, in my opinion you are more than eminently qualified. You know, I consider you a lawyer's lawyer by reputation. So I’m, you know, very pleased to support this nomination, even in the form of a C of N and, you know, I’m sure you’ll be confirmed. And you have excellent credentials.

The only thing I would say is that there has been a history with respect to the Ethics Committee that you probably know about, and there's also been a history with respect to the Ethics Committee at the State level, which you probably know about. And, you know, your role here is that the Ethics Committee is not to be used as a sword or as a weapon against anyone or a partisan tool, it's really to be used for a purpose of ensuring that we run a smooth, clean government and I'm sure you will bring that. So I’m going to just say that I support this appointment, and thank you for offering to serve. I think you're an eminently qualified professional for this position.
MS. SPAHR:
Thank you, sir.

D.P.O. HORSLEY:
Legislator Gregory.

LEG. GREGORY:
Thank you, Mr. Vice Chair. I’ve had the opportunity to quickly look at your resume and I will ditto the remarks of Legislator Montano that I think you’re eminently qualified. I just have some questions, if I may, for Counsel. I know that with the newly constituted Board of Ethics there is -- I had an opportunity to make a recommendation. We’ve had conversations and it was very difficult because of the stringent requirements that the new rules hold for appointments. And it raises two questions as I go through Ms. Spahr’s resume.

It's my understanding, and please verify this through the Chair for our Counsel, that any person on the Ethics Commission cannot have any involvement with any government whether village, town, county, state federal government, and I see two appointments, Ms. Spahr, she's -- I'm not sure if it qualifies under that guideline, but it does raise a question. One is she’s a member of the Environmental Enforcement Advisory Committee of New York State Department of Environment Conservation. And she's also, this is less of a concern, but yet I think the question is appropriate to raise, she's a contract consultant for the Department of Justice. So would that apply to the visions in the law that there’s -- that there be no association within the government entity?

MS. SPAHR:
If I may, all of those are past appointments. I think the only one that lists -- it may appear -- I updated that resume a few days ago in response to a request so I apologize if some of them may appear to be active. I don't have any active service in those positions.

LEG. GREGORY:
Okay. Because the one in the Department of Justice says current, the other ones -- one has a date, the others don't.

MS. SPAHR:
Yes, I apologize. I should have taken those dates off, but I haven’t looked for a job lately, so.

LEG. GREGORY:
Okay.

MS. SPAHR:
I'm sorry, to clarify I do not serve in any other government positions. I have not received any money from government other than my pension and I will not serve in any such capacity during the time of my service if I am appointed to the board.

MR. NOLAN:
Based on the testimony of Ms. Spahr I think there isn’t a problem here.

LEG. GREGORY:
All right. Great. Then it would be my honor to support your nomination.

MS. SPAHR:
Thank you.
D.P.O. HORSLEY:
All right. Mr. Clerk, I just want to let you know that there is a second on this, Ms. Nowick.

LEG. NOWICK:
Yes.

D.P.O. HORSLEY:
You got that, right? Okay. Anybody else? Good. Let me just mention, Linda, that I'm sorry that our tenures didn’t cross working with State Parks. I had heard that you were there and did a wonderful job, and everyone seemed very impressed.

MS. SPAHR:
Thank you. It was an honor. It was definitely a different experience.

D.P.O. HORSLEY:
It's a great place. I still think of it somewhat as my home, but that's -- it's good stuff. Okay. Anyone else? We're good? We have a motion to approve the appointment of Linda Spahr to the Ethics Board. All those in favor? Opposed? Abstentions? Good.

MR. LAUBE:
Seventeen. (Absent: Presiding Officer Lindsay)

LEG. SPENCER:
Cosponsor.

D.P.O. HORSLEY:
You've been approved. Congratulations.

MS. SPAHR:
Thank you very much.

LEG. SCHNEIDERMAN:
There's a second Ethics Board appointment who's also here, IR 1637, Robin Long, if we could take that out of order.

D.P.O. HORSLEY:
Sure, why not?

LEG. ROMAINE:
Is that on the list ahead of 1400?

D.P.O. HORSLEY:
All right, all right. Good point, good point.

LEG. SCHNEIDERMAN:
I think we should do them together. We just did one Ethics Board, we might as well.

D.P.O. HORSLEY:
I think the next one -- never mind, Jay.

LEG. SCHNEIDERMAN:
It's up to you.
D.P.O. HORSLEY:
The next item on my list of things to catch up on with is I have a request to -- a motion to reconsider the college vote of -- I don't have the number in front of me, due to reason that -- thank you. Okay. That is 1686, and the reason why is Doc Spencer was unfortunately out on a phone call, he had -- he had one of his phone calls and was unable to vote and he wanted to make sure that his vote was recorded in the affirmative. So what I'll do is I'll open -- I'll make a motion to reconsider 1686.

LEG. SCHNEIDERMAN:
Second.

D.P.O. HORSLEY:
Second by Legislator -- that's the College Board vote. Seconded by Legislator Schneiderman. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Presiding Officer Lindsay)

D.P.O. HORSLEY:
Okay. 1687 is now back on the table. (Adopting 2012-2013 Operating Budget total for Suffolk County Community College). Do I have a take a new vote on this?

MR. NOLAN:
Yes.

D.P.O. HORSLEY:
Okay. Roll call vote.

MR. NOLAN:
Get a motion and a second.

D.P.O. HORSLEY:
Oh, didn't I make the motion? No. Okay. I'll make the motion to approve the Operating Budget total for Suffolk County Community College, 1686.

LEG. STERN:
Second.

D.P.O. HORSLEY:
Second by Legislator Stern. Okay. All those in -- sorry. You can cosponsor.

LEG. ANKER:
Thank you. Cosponsor.

D.P.O. HORSLEY:
All those in favor? Oh, no, it has to be roll call vote. Let's do that. No? All those in favor? Opposed? Abstentions? We're good.

MR. LAUBE:
Seventeen. (Absent: Presiding Officer Lindsay)

LEG. SPENCER:
Thank you. Thank you very much. Appreciate that.
LEG. SCHNEIDERMAN:
I'll make a motion to take 1630 -- or 1400 --

D.P.O. HORSLEY:
Fourteen-hundred is the next one I have on the list.

LEG. SCHNEIDERMAN:
Fourteen-hundred out of order.

D.P.O. HORSLEY:
What page is that, Jay?

LEG. SCHNEIDERMAN:
It's a CN.

LEG. ROMAINE:
That's a CN.

D.P.O. HORSLEY:
Do I have a second to take this out of order?

LEG. ROMAINE:
Second.

D.P.O. HORSLEY:
Seconded by Legislator Stern. All those in favor? Opposed? Abstentions? *(1400, Authorizing alteration of rates for South Ferry Inc.)*

LEG. SCHNEIDERMAN:
They have a ferry to catch, so.

LEG. ROMAINE:
I'll make the motion to approve.

D.P.O. HORSLEY:
Legislator Romaine makes the motion to approve, seconded by Legislator Schneiderman. All ready for this? All those in favor? Opposed? Abstentions?

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

MR. CLARK:
Can I ask permission to address. May I?

D.P.O. HORSLEY:
Off the record.

MR. CLARK:
With your permission.

D.P.O. HORSLEY:
Please.

**MR. CLARK:**
Thank you so much. The support we have gotten, the partnership with this body, with the Budget Review Office and Ms. Vizzini, Ms. Ortiz, Mr. Freas, our two Legislators, Romaine and Schneiderman, this is important to us and we had no wiggle room this time, zero. If we didn't get it today, this season -- this is huge and it's going to affect jobs, it's going to affect service and it's going to help the community. Thank you so much on behalf of the Clark family. We're grateful beyond words. Thank you.

**D.P.O. HORSLEY:**
Thank you, Mr. Clark. All right.

**LEG. SCHNEIDERMAN:**
1637, that's Robin Long.

**D.P.O. HORSLEY:**
All right. Why don't you make the motion, Mr. Schneiderman?

**LEG. SCHNEIDERMAN:**
All right. I will make a motion to take IR 1637, it's the last one in your packet, on your agenda, 1637 out of order. It's to appoint Robin Long to the Ethics Board.

**LEG. STERN:**
Second.

**D.P.O. HORSLEY:**
Second by Legislator Stern. All those in favor? Opposed? Abstentions? It's taken out of order. *(1637, Appointing member of the Suffolk County Board of Ethics (Robin L. Long)).*

**MR. LAUBE:**
Seventeen. (Absent: Presiding Officer Lindsay).

**LEG. SCHNEIDERMAN:**
We need a motion and a second.

**D.P.O. HORSLEY:**
I was getting there. Okay. We need a motion to --

**LEG. SCHNEIDERMAN:**
I make a motion to approve.

**D.P.O. HORSLEY:**
1637. Seconded by?

**LEG. STERN:**
Second.

**D.P.O. HORSLEY:**
Legislator Stern. All those in favor?

**LEG. SCHNEIDERMAN:**
I'd like to hear from her, please.
LEG. MONTANO:  
She went through committee.

LEG. SCHNEIDERMAN:  
Any questions while she's here.

D.P.O. HORSLEY:  
Ms. Long, would you like to say hello?

MS. LONG:  
Yes.

D.P.O. HORSLEY:  
Since you're here and you've been waiting you should have that right.

MS. LONG:  
Good afternoon, and I'm available if there are any questions.

LEG. SCHNEIDERMAN:  
Ms. Long, you have been politically active in the past. Are you going to refrain from any future activity during your service on the Ethics Board?

MS. LONG:  
I've already resigned from any political positions that I held. That's already been accomplished.

D.P.O. HORSLEY:  
Okay? Any further questions? All right. We have a -- we have a motion to approve.

LEG. KENNEDY:  

D.P.O. HORSLEY:  
Yes, on the motion, Mr. Kennedy.

LEG. KENNEDY:  
Good afternoon, Ms. Long. Thank you for coming forward. My question is -- I apologize. I did not get a chance to go ahead and read your experience and background. I know you are an attorney. General areas that you've worked in or operated in?

MS. LONG:  
Certainly. If you've -- according to my resume the first part of my career -- my career has gone backwards from my other member of the board. I was public service for about the first eight years or six years in my professional career. I've been an attorney practicing law for over 30. My first position was with Legal Aid because I wanted to continue my public service. I later on went into private practice, where I'm very proud to say I've been able to mix private practice with community service. I've done substantial counseling for people who have been in distress and foreclosure, I've also done training for realtors and helping people who are in distressed housing. I did continue with my public service being a member of the Southampton Housing Authority, which I've also resigned from. And for our men and women in the armed forces, I am an assistant or assist in the 106th Rescue Wing, giving free legal services there. I have two children. My daughter and her husband are both in the Army, so it's my way of giving back.
LEG. KENNEDY:
That's commendable, as a matter of that, that you go ahead and you continue to service. So would you describe yourself as -- are you semi-retired or do you continue to remain in active practice?

MS. LONG:
No, I have an active practice. I practice mostly real estate law, which is the reason why I've been helping and assisting public and community people in foreclosures and distressed properties. But I am primarily a real estate attorney. I believe that being a real estate attorney you do know the fiduciary responsibility of being a real estate attorney. I do handle the funds of our borrowers and banks that I close for.

LEG. KENNEDY:
Absolutely, yes.

MS. LONG:
That has some very strong fiduciary responsibilities and the Code of Ethics controls all of my actions at all times. So it's a way of life for me.

LEG. KENNEDY:
It's good that you point that out. As a matter of fact, all of us know, I guess, the importance in the fiduciary responsibility and that goes towards I think a lot of what a person has to bring on the Ethics Board.

Real estate, and I had the opportunity to do some practice, much more so before I got elected, but from time to time you do wind up having to be before village boards, town boards, variance relief, change of zone relief, things like that.

MS. LONG:
To be quite honest, sir, I never took a case where I would have to appear before the boards. Sitting on the Housing Authority I felt that that would be a conflict of interest or using whatever powers or influence I could have improperly. So that any time a client came to me with a question of zoning or such I referred that out to other firms. I did not ever take any case that appeared before any boards in Southampton or anywhere else.

LEG. KENNEDY:
And so I would assume that that would be the policy you would continue there.

MS. LONG:
But of course that will continue.

LEG. KENNEDY:
All right. Thank you very much.

D.P.O. HORSLEY:
Thank you very much, Mr. Kennedy. Anyone else? We're all good? We have a motion and a second. All those in favor? Opposed? So moved. Thank you very much.

MR. LAUBE:
Seventeen. (Absent: Presiding Officer Lindsay)

D.P.O. HORSLEY:
Good luck to you.
MS. LONG: Thank you.

LEG. SCHNEIDERMAN: Tim, you want to mark me as a cosponsor?

D.P.O. HORSLEY: I understand -- does that consummate the board now? Do we have a full board?

MR. NOLAN: Constituted.

D.P.O. HORSLEY: Constituted. Nice going, guys. All right. Okay. The next thing that I have that's special --

(*Laughter*)

-- is a Home Rule Message 14 Requesting New York Legislature to amend the General Municipal Law, the Vehicle and Traffic Law and the Criminal Procedure Law to create a Traffic and Parking Violations Agency in Suffolk County (Assembly Bill A.9539-D and Senate Bill S.5634-F).

Maybe I just might want to ask -- Counsel, do you want to go through this?

LEG. CILMI: Do you want a motion to take it out of order?

D.P.O. HORSLEY: Sure, that would be great. Seconded by Legislator Calarco. All those in favor? Opposed? Abstentions?

MR. LAUBE: Seventeen. (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY: We're taking it out of order.

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

D.P.O. HORSLEY: We have a motion to approve. Same motion, same second. Now on the motion.

MR. NOLAN: This is yet another Home Rule Message having to do with this Traffic and Parking Violations Agency. Apparently there's been another amendment of the bills that are pending up in Albany. I think the latest change is just changing the effective date of the law, which makes it April 1, 2013. Despite the fact that it's a small change, we have to do a new Home Rule Message and hopefully they'll move it before they leave.

D.P.O. HORSLEY:
Anything anyone wants to add on this? Administration, you guys good? Do you want to talk?

**MR. ZWIRN:**
No, we're good.

**D.P.O. HORSLEY:**
We're good? Okay. Everybody? Okay. We have a motion and a second. All those in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen. (Absent: Presiding Officer Lindsay)

**D.P.O. HORSLEY:**
It's been approved. I think that's it, right? Is there any more that was passed my way? I think we're good. Page seven. Okay, gang. We're on page seven and moving right along.

**Government Operations:**
This is Government Operations. **1290, Establishing County policy to utilize employees separated from County Service.**

**LEG. SPENCER:**
Motion to approve.

**LEG. CALARCO:**
Second.

**D.P.O. HORSLEY:**
I have motion to approve, second by -- was that second by Legislator Calarco? Yes, Legislator Calarco seconds the motion. All those in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen. (Absent: Legislator Lindsay)

**D.P.O. HORSLEY:**
**1579, Amending Resolution No. 366-2012, requiring health insurance contributions by exempt employees.**

**LEG. CILMI:**
Motion.

**D.P.O. HORSLEY:**
Motion to approve by Legislator Cilmi.

**LEG. CALARCO:**
Second.

**D.P.O. HORSLEY:**
Second by Legislator Calarco. This says the County Executive, that's correct, right? Okay. So we have a motion and second. All those in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen. (Absent: Presiding Officer Lindsay)
D.P.O. HORSLEY:  
**1581, Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Board Of Ethics: Executive Director of the Suffolk County Board of Ethics.**

LEG. STERN: 
Motion.

D.P.O. HORSLEY: 
Motion by Legislator Stern.

LEG. GREGORY: 
Second.

D.P.O. HORSLEY: 
Second by Legislator Gregory.

LEG. KENNEDY: 
On the motion.

D.P.O. HORSLEY: 
On the motion.

LEG. KENNEDY: 
This is a question for BRO, actually. Since so much time and so much work went into reconstituting this board, Legislator Nowick and myself, along with Legislator Cooper and Presiding Officer Lindsay, spent a tremendous amount of time looking at the whole matter, and Legislator Montano kind of set the stage, and there was always a question about the Executive Director for the Ethics Board. So as this position is created, how is it created and to whom will this individual wind up answering, how are they going to be funded? What's the sum and substance of the position?

MS. VIZZINI: 
Okay. This resolution amends the Suffolk County Classification and Salary Plan to conform with the resolution that made the changes to the Ethics Commission. It deletes the title of the Director of the Suffolk County Ethic Commission and it adds the title of Executive Director of the Suffolk County Ethics Board. In the 2012 adopted Operating Budget, one director, a grade 25 position, and one secretary grade 17, they are abolished, and one executive director, also grade 25, and one secretary, also grade 17, are created. So from a fiscal impact point of view there is none. There were sufficient appropriations and there still are sufficient appropriations for that purpose. The abolished director position happened to have been an AME position. The new one is in the exempt classification.

LEG. KENNEDY: 
And budgetarily, where does it -- where does it sit? Previously, this was a position, no pun intended, but it was out of the County Attorney's Office. That's where the director was, that's where the secretarial support was.

MS. VIZZINI: 
We made it independent.

LEG. KENNEDY:
So it's an entity -- it's completely separate, okay. So then to Counsel, who is the appointing authority for this director?

**MR. NOLAN:**
The board. The Ethics Board will appoint the Executive Director.

**LEG. KENNEDY:**
So it will be a simple majority of the board when they convene and that's -- and the individual then will serve at the pleasure of the board?

**MR. NOLAN:**
I believe that's the provision under the changes we made to the -- when we reconstituted the board we kind of left it the way it was, that it was a stand alone entity, the new board, and that the board would appoint the Executive Director who would serve at their pleasure. That's my understanding.

**LEG. KENNEDY:**
Okay. Thank you.

**D.P.O. HORSLEY:**
Legislator Montano.

**LEG. MONTANO:**
I think my question was answered, probably three-quarters of it. I'm just trying to recall, when the former director position was appointed, was the Legislature or did the Legislature have to confirm that appointment?

**MR. NOLAN:**
No.

**LEG. MONTANO:**
Okay.

**D.P.O. HORSLEY:**
Okay. We have a motion and a second to approve. All those in favor? Opposed? Abstentions?

**MS. ORTIZ:**
Seventeen. (Absent: Presiding Officer Lindsay)

**D.P.O. HORSLEY:**
The motion is approved. Congratulations, gang. I think we did a good job on that.

**MS. ORTIZ:**
That was 16. (Not Present: Legislator Spencer - Absent: Presiding Officer Lindsay)

**D.P.O. HORSLEY:**
1599, Approving the appointment of a relative of an Acting Supreme Court Judge in the Suffolk County Treasurer’s Office (Emily E. Hudson).

**LEG. ROMAINE:**
Motion.

**D.P.O. HORSLEY:**
Motion by Legislator Romaine, second by Legislator Muratore. All those in favor? Opposed? Abstentions?

**MS. ORTIZ:**
Sixteen. (Not Present: Legislator Spencer - Absent: Presiding Officer Lindsay)

**D.P.O. HORSLEY:**
*1603, Establish a Voluntary Wage Freeze Program for elected officials.* I will make a motion to approve.

**LEG. KENNEDY:**
Motion to table.

**LEG. ROMAINE:**
Second.

**LEG. GREGORY:**
Second to approve.

**D.P.O. HORSLEY:**
Second to approve. Okay. So we have a motion to approve. You got -- and Romaine is the second on the tabling.

**MS. ORTIZ:**
Who was the first on the tabling?

**D.P.O. HORSLEY:**
Kennedy. Okay. Anyone like to speak on the motion?

**LEG. BARRAGA:**
I'd like to speak.

**D.P.O. HORSLEY:**
Yes, Legislator Barraga.

**LEG. BARRAGA:**
When I read this bill I had some concerns about this particular piece of legislation and certainly understand the concept of shared sacrifice and sort of leading the way. But the reality is have we already done that? I mean, what you don't think about, what you should, there is a contract we never hear about, the contract between myself and the constituents who sent me here. I ran for this office and the salary was "X" amount of dollars and the benefits were whatever they happened to be. In that two-year period, I think the only one who can change that contract is Tom Barraga, no one else. Now, I think I've done that.

When we had bills dealing with voluntarily lag payroll, I've supported those bills and I participated. When we talked about contributing to health insurance, certainly I thought that was a justifiable bill, even though it takes effect for the Legislators because of our two-year term, not until January 1st, 2014; I supported that. And much of that support came about because of what was happening to the exempt employees. As we are going through a lag, most of us, they are also going through a lag payroll.

The bill on the health care insurance that we passed doesn't take effect for them in January 1st,
2014, but takes effect, I believe, in November of this year. So as they finish a lag payroll, which is a reduction in their salary because the lag is a lag, they begin to participate almost immediately with reference to contributing to health insurance, which is another reduction, continuous reduction in their salary. There was also legislation put in at the time, I think it's been withdrawn, to freeze their wages, their annual increases and their steps, which I understand has been withdrawn.

Now, this particular bill comes along and wants us to freeze our wages. I don't know what the ultimate goal here -- if we're trying to send a message that we're willing to sacrifice certain things, I think we've done that. I think the exempt employees have, I think the elected officials have, but it doesn't seem to be going any further. How much more do we have to do before somebody somewhere does something?

Now, I will suggest you all vote yes for this bill. You vote yes, the assumption will be that you're going to participate in the freeze. I think that's logical. You vote no, the assumption should be you're not going to participate; you're drawing the line. The worst vote, as far as I'm concerned personally, is to vote yes and not participate. It sort of reminded me of years ago the fellows who used to get up on the floor of the Assembly and debate against the pay increase, yet they were the first ones at the payroll office to make sure their increase was in their check.

Bottom line, I think we've made the statement. We've reached a point where someone has to lead on these issues. You know, I'm sort of in a situation, and you won't remember this, but many years ago used to have these third rate cowboy movies on Tex Ritter and Ken Maynard and Hoot Gibson, and somewhere in these movies a shot would go off and the herd would take off. The herd would take off and they're all running toward the cliff, and now the role of the cowboys was to turn the herd. And to be able to do that they'd get out in front of the lead steer. Well, I don't know who the hell the lead steer is around here. All I know is that I am turning, I am turning, and I'm drawing the line on this because I don't think it's necessary. We've proved a point. It's up to somebody else somewhere to get an all inclusive group of people to participate in some of the things that we are participating in right now.

If you have exempt employees participating in a lag, participating in health insurance contributions and maybe even having to restrict their wages, do you really think any union is going to sit down and agree to all of that? A lag, health insurance contribution, a wage freeze? I don't think so. But something should be happening now and it should be public. It's been like six or seven months.

So on this particular bill, I'll be voting no, and I will not be participating. I'm not going to change the contract with my constituents anymore. I've done it a couple of times, that's enough. It's time for somebody else to do something, to get the herd going in the same direction, to start turning this wheel. Because right now, where we're going, I don't see a lot happening. The lead steer is about ready to go off the cliff and the herd is going to go with him.

**D.P.O. HORSLEY:**
Legislator Cilmi.

**LEG. CILMI:**
I debated whether or not to speak to this resolution, and we talked about it to somewhat -- to some extent at committee. The fact of the matter is that this resolution, while I will vote for it, is unnecessary. It's unnecessary because each of us as elected officials have the inherent authority to freeze our own wages. And while I never had any intention of making this public until this debate started to -- started to happen, I froze my wages in 2010. I didn't do that as a means to lead or, you know, publicly lead in any way. I did that because in my heart I felt that was the right thing for me to do, given economic circumstances that I thought we had to deal with. So -- but that was my personal decision. I wouldn't ask my colleagues to join me in that. It's each of our own
personal decisions.

My only point is that it was as simple as sending a letter to the Comptroller, and I think I probably copied the Presiding Officer at the same time, and said please do not raise my salary from this point forward unless and until I ask you otherwise. And so my salary has been frozen at the initial level at which I was elected. So I just question the need to pass this bill, and I will vote for it, but I question the need to put it in. I question the reasons for putting it in. Thank you.

D.P.O. HORSELY:
Thank you, Legislator Cilmi. Legislator Montano.

LEG. MONTANO:
Thank you. Gail, I'm reading the financial -- the financial impact statement and it says that this bill will save $81,540 next year. Is that accurate?

MS. VIZZINI:
On an annual basis, yes. It's a modest amount predicated on --

LEG. MONTANO:
Let me ask you this.

MS. VIZZINI:
Sure.

LEG. MONTANO:
Since we have a 530 million dollar budget deficit, how modest is this.

MS. VIZZINI:
It's equivalent to the cost to restore one AME average salary person and benefits.

LEG. MONTANO:
Okay. I like that answer.

MS. VIZZINI:
You're welcome.

LEG. MONTANO:
Well prepared. Thank you. I voted against, I guess, political advice when we had the exempt -- what was that bill where we took money from the exempts, I think it was. And, quite frankly, this bill takes effect what, January 1st of 2013?

D.P.O. HORSELY:
Yes. This is for 2013.

MR. NOLAN:
It takes effect immediately, but it won't have any practical effect until 2013 when there's a scheduled automatic raise.

LEG. MONTANO:
So meaning that I don't lose any pay now, but I'll start losing pay assuming I'm here in 2013. Is that correct?

D.P.O. HORSELY:
Right.

**LEG. MONTANO:**
Okay. Well, quite frankly, I'm hoping not to be here in 2013. And if I get my wish, I'll actually be taking a pay cut. But I don't think that these kinds of bills really say anything other than that we just want to pander, pander, pander. I don't think that it's a good statement. I already took a pay cut when I took this position, a substantial pay cut. This is minimal. I would have to agree with Legislator Barraga on this impact. And while it's probably not a smart political move to vote against this, I just can't see myself engaging in this kind of activity. I don't think it serves any purpose.

I think that, you know, I read the article this past weekend about the lack of urgency, the Joye Brown article about the lack of urgency in dealing with the budget issue, and we're over here nickel and diming when we've got some real issues and we're trying to send a statement that really is false. Oh, we're making this tremendous sacrifice, etcetera, etcetera.

So I'm not going to belabor the point, I'm just not going to vote for it whether it's politically smart or not. I don't see why we need to do this. I kind of think that we should deal with our issues on a broader level, and $81,000 and a very minuscule amount is really nothing. I don't even want to waste my time on it. We've got some big issues here.

**D.P.O. HORSLEY:**
Legislator Nowick.

**LEG. NOWICK:**
I think that Legislator Cilmi answered my question, but I will ask Counsel. Counsel, if a Legislator or an elected official, any elected official, wants to pay for their medical insurance, might they do that without legislation?

**MR. NOLAN:**
I'm sure that you could, yeah.

**LEG. NOWICK:**
And if an elected official wants to freeze their salary, might they do that without legislation? And if any of the -- any of the perks or contractual, as Legislator Barraga said, any of that, an elected official, a Presiding Officer or Deputy Presiding Officer could say no to the extra stipend if they wanted without being told? I assume everything is voluntary?

**MR. NOLAN:**
I think all those things can be done voluntary, yes.

**LEG. NOWICK:**
Well, why are we passing legislation if we can volunteer for something? This is just legislation to volunteer, am I right?

**MR. NOLAN:**
It's establishing a voluntary program.

**LEG. NOWICK:**
Oh, okay. So it's legislation to establish a voluntary.

**MR. NOLAN:**
That's what it's about, yeah.
LEG. NOWICK:
Okay.

LEG. ROMAINE:
You could do without the legislation.

D.P.O. HORSLEY:
Okay. Legislator D’Amaro.

LEG. D’AMARO:
I don’t think it’s necessarily a bad thing to highlight the fact that we have the ability to do the various things that some of my colleagues are referring to. I don’t think the legislation is doing any harm. I think it’s also letting people know, you talk about transparency in government and letting people know what we’re thinking. I think this is a very good way of achieving that.

I did a lag, I’m going to be contributing to my health care, and now I am going to freeze my pay and I’m going to represent that here today by supporting this bill. I don’t think you can ever overemphasize the message that we are sending by a bill like this, especially to those people who we’ve heard from in the last few weeks, County employees especially, that are suffering.

In my view it’s very difficult in good conscience to argue against a bill like this. I think as elected leaders in this County, I think we have an obligation to lead by putting our best foot forward and I think this bill does exactly that. And I might add, it’s not the head steer, did you say, Legislator Barraga, that’s going over the cliff? What was it, the head steer?

LEG. BARRAGA:
The lead steer.

LEG. D’AMARO:
The lead steer going over the cliff.

LEG. BARRAGA:
You don’t remember who.

LEG. D’AMARO:
I don’t. But what I do know, what I think going over the cliff is the County of Suffolk, that’s how I see it. And I think that any measure, whether it’s involving millions of dollars, thousands of dollars, or even a small amount, every little bit that we do helps towards pulling the County back from going over that cliff and that’s why I’m prepared to support this today.

D.P.O. HORSLEY:
Legislator Anker.

LEG. ANKER:
I just have to say, every little bit counts. If it’s going to save one worker, everybody contributing, then it’s worth it. I think it’s -- in a way it’s symbolic that we’re all contributing in some way and it is a voluntary program, but it’s a program, it’s actually creating that program, so that’s I think something that needs to be mentioned. But, again, I will be supporting this.

D.P.O. HORSLEY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
I guess my first question is that $4500 that we're all being asked to give back to the County next year, is it tax deductible? Do we get it as a charitable contribution or no, not the way we've structured it, right? So if we gave the money to a contract agency, let's say, that got defunded, a not-for-profit, we'd actually get some tax deduction from that $4,500 contribution. So something to think about.

We've already done health care, right, we've already agreed to give to health care. We've already agreed to lag our payroll twice now. The budgetary impact is conditioned upon all of us actually doing it, the $81,000. It's a voluntary program, we can do that now. I guess we only got to do it if the political pressure is on to do it, right, that's the purpose of this bill? But you can do it now if you want to. I think Legislator Cilmi is already doing it.

So I don't know that this bill is necessary. I don't know if it's going to lead to $81,000. And if you're going to give the $81,000 to the County you're better off doing it through some of the not-for-profits who do work for the County so you at least get some tax deductability out of it.

D.P.O. HORSLEY:
Legislator Cilmi.

LEG. CILMI:
If we did it that way we'd probably have to tell our spouses that we were -- (laughter)

D.P.O. HORSLEY:

LEG. KENNEDY:
Thank you. We started this year, all of us, with a lag, so that we would save 18 positions in this body, because the recommended 2012 budget would take an aide from each one of our staff. And so in an effort to lead, we took it upon ourselves to preserve those members that assist us day in and day out. This $81,000 that we're being asked to go ahead and try to contribute now, who is it going to save? Where is it going to save? It's not going to any particular person at all. And, quite frankly, this notion that somehow we are taking yet another bold step to go ahead and to lead the steers, or steer the lead, to me I think is unnecessary, and quite frankly, pretty transparent.

I will not support this. Most everyone around this horseshoe I know, and I've had the privilege to serve with for many years, and I know each and every one of your work ethics. And not a single one of you does a 9 to 5 Monday through Friday. Nobody around this horseshoe does a 40 hour week. Yeah, a part-time job. As a matter of fact, I got told that, too, nine years ago.

LEG. GREGORY:
Me, too.

LEG. MONTANO:
Me, too.

LEG. KENNEDY:
And yet, as my colleague has just pointed out, no place else in this County amongst the 10,000 plus employees do you see this kind of initiative or effort or agreement to systematically diminish and pare away and undermine what they do day in and day out in the way of compensation. Quite frankly, I'm offended by this bill. I think that what it does is, is it diminishes the value of what we do day in and day out for our constituents. I don't see it as something that's productive or beneficial at all and I will not support it.
D.P.O. HORSLEY:
Legislator Gregory.

LEG. GREGORY:
Well, John, we would never attempt to diminish what you do. We know that -- we understand what we do is very important. And I, too, get offended when someone says, "Well, you have a part-time job", you know, and we work 50, 60 hours a week. That's a pretty hefty part-time job.

LEG. KENNEDY:
At least.

LEG. GREGORY:
But one lesson I learned when I was in the military was that, you know, as a leader you lead from the top, and I think that this bill demonstrates just that. I think General Barraga, Legislator Barraga's correct in that it will be difficult for the unions to accept all the different terms, the wage freeze, lag payrolls, contribution to health care. But I think it's also important from our end when we just laid off hundreds of employees that are going to be asked to make difficult decisions or concessions for the remainder of this year and next year, maybe the year after, it's important that we send the message that whatever we ask you to do, whether you accept it or not, we're willing to do ourselves. I think that's what the message of this bill sends so I will be supporting it.

D.P.O. HORSLEY:
Okay. Anybody else? Let me just get the last word in here. I support this bill, obviously it's in my name, but I wanted the -- we have just gone through a very, very difficult time period with the layoffs and to me, those heart wrenching stories demand that we, as the leadership of this County, that we lead from the front, and not from the rear. And you know, you may -- will this end one way or the other, is it going to help the negotiations, is it not going to help the negotiations, I don't know at this point in time. We are not privy to where they're at at this point in their negotiations.

But what it does say, what it does say is that we are willing to make a sacrifice as we know that all of our employees are marking -- while all the rest of our employees are making a sacrifice. We are in this with you. We want to make sure that you know that we take the hard choices not lightly, and that this -- and that this is a direction, and the that direction is we've got to make sure that this County survives and we make sure that we provide the best government.

And frankly, I think this is a very positive message to everybody concerned, that everybody's concerned and that the leadership of this County, whether you want to blame it on anybody or the negotiations or whatever, it doesn't matter. What we are, we are leading from the front. And that's all I got to say. And I recognize -- and that's why this is a voluntary program, too. I mean, this is voluntary, so you don't have to agree. Legislator Romaine.

LEG. ROMAINE:
I was tempted to introduce legislation to require the sun to set every day and rise the next, but I'm not going to do that.

D.P.O. HORSLEY:
We're in Riverhead.

LEG. ROMAINE:
Right, because that's a voluntary thing. Voluntary means voluntary. It doesn't mean you legislate volunteerism. It's something we can do without legislation. This legislation --

D.P.O. HORSLEY:
Absolutely it is something we can do without legislation. I don't want to get into a debate.

**LEG. ROMAINE:**
Then why do we have legislation? Why are we wasting time debating this? This is something that could be circulated as an interoffice memo from the Deputy Presiding Officer reminding us all -- because I know I froze my wages in 2010. We could all do this on a voluntary basis. A memo to that effect to all 18 offices would have sufficed. Legislation seems a bit far of a stretch. And again, I believe tonight the sun will set and tomorrow hopefully it will rise. So I don't think we need legislation for that, and I don't think we need legislation for this. Thank you.

**D.P.O. HORSLEY:**
Legislator D’Amaro.

**LEG. D’AMARO:**
Yeah, I would just like to take a moment to thank the Deputy Presiding Officer for introducing this bill, and I'll tell you why we need this bill. We need this bill because we need to have this debate here. I don't want an interoffice memorandum floated around and circulated amongst elected officials, and I want the decision making for a bill as important as this and the message that we're sending to be in the daylight, and I want people to know what their elected officials are thinking. So I want to thank you for introducing this bill.

**LEG. MONTANO:**
May I say something?

**D.P.O. HORSLEY:**
You may.

**LEG. MONTANO:**
I take the opposite position. I think that this bill has been a waste of time. And I would agree that we don't need this bill, so I'm not going to thank you for introducing it. I wish you hadn't wasted my time on it.

(*Laughter*)

**D.P.O. HORSLEY:**
We'll leave it at that. Roll call.

**LEG. SCHNEIDERMAN:**
Which one, motion to table or --

**LEG. ROMAINE:**
Yes, motion to table.

**D.P.O. HORSLEY:**
We have a motion to approve and a motion to table. The tabling motion comes first.

(*Roll Called by Ms. Ortiz, Chief Deputy Clerk of the Legislature*)

**LEG. KENNEDY:**
Yes.

**LEG. ROMAINE:**
Yes.
LEG. SPENCER:  
No to table.

LEG. D’AMARO:  
No.

LEG. STERN:  
No.

LEG. GREGORY:  
No to table.

LEG. NOWICK:  
Yes.

LEG. BARRAGA:  
Yes.

LEG. CILMI:  
Yes.

LEG. MONTANO:  
To table, no.

LEG. CALARCO:  
No.

LEG. ANKER:  
No.

LEG. HAHN:  
No.

LEG. MURATORE:  
Yes.

LEG. BROWNING:  
No.

LEG. SCHNEIDERMAN:  
Yes to table.

D.P.O. HORSLEY:  
No.

P.O. LINDSAY:  
(Absent).

MS. ORTIZ:  
Seven.  (Not Present: Presiding Officer Lindsay)

D.P.O. HORSLEY:
The motion to table fails. Motion to approve. Roll call.

*(Roll Called by Ms. Ortiz, Chief Deputy Clerk of the Legislature)*

D.P.O. HORSLEY: Yes.

LEG. GREGORY: Yes.

LEG. SPENCER: Yes.

LEG. D'AMARO: Yes.

LEG. STERN: Yes.

LEG. NOWICK: No.

LEG. KENNEDY: No.

LEG. BARRAGA: No.

LEG. CILMI: Yes.

LEG. MONTANO: No.

LEG. CALARCO: Yes.

LEG. ANKER: Yes.

LEG. HAHN: Yes.

LEG. MURATORE: Yes.

LEG. BROWNING: Yes.

LEG. SCHNEIDERMANN: Yes.

LEG. ROMAINE:
No.

**P.O. LINDSAY:**
(Absent).

**MS. ORTIZ:**
Twelve. (Absent: Presiding Officer Lindsay)

**D.P.O. HORSLEY:**
The motion passes.

**LEG. ROMAINE:**
Guess I could do what I could have done before.

(*laughter*)

**D.P.O. HORSLEY:**
Lead from the front guys, lead from the front. All righty. We're now moving to Health.

**Health:**

**1578, Establishing a Long-Term Pediatric Care Task Force in Suffolk County.** Where are we with this?

**MR. NOLAN:**
We need a motion.

**D.P.O. HORSLEY:**
We need a motion.

**LEG. D'AMARO:**
Motion to table.

**LEG. ROMAINE:**
Motion to approve.

**D.P.O. HORSLEY:**
Motion to table by Legislator D’Amaro, motion to approve by Legislator Romaine. Do I have any seconds?

**LEG. STERN:**
Second on the table.

**D.P.O. HORSLEY:**

(Roll Called by Ms. Ortiz, Chief Deputy Clerk of the Legislature)

**LEG. D'AMARO:**
What?

**LEG. STERN:**
We're voting.

**LEG. D'AMARO:**
Oh, we're not discussing this bill at all?

**D.P.O. HORSLEY:**
I'm sorry, would anyone like to speak?

**LEG. ROMAINE:**
Yeah.

**D.P.O. HORSLEY:**
Oh, I'm sorry.

**LEG. ROMAINE:**
Obviously I think that this bill is an important bill. It doesn't cost the County any money, but it does set up a Task Force to examine long-term care options for pediatric care in Suffolk County. I think it's long overdue. We've had a number of people appear in front of us in a variety of situations that require long-term care that don't have options in Suffolk County, long-term pediatric care. I think that this Task Force could look at issues relating to cost, licenses, regulations, staffing, space, identify potential solutions to barriers that are identified and examine possible sources of funding to aid in the development of such a facility, in either the private or the public sector. I think a Task Force like this is exactly what we should be doing. I'd love to hear from Legislator D'Amaro or Legislator Stern why they think that this Task Force should be tabled.

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

**D.P.O. HORSLEY:**
Okay. But not right this second.

**LEG. D'AMARO:**
As long as you're asking.

**D.P.O. HORSLEY:**
Hang on, we've got a list.

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

**D.P.O. HORSLEY:**
Legislator Montano.

**LEG. MONTANO:**
Well, actually, through the Chair, I have the same question. I mean, we generally don't table or not approve Task Force if they serve a good purpose. So is there a particular reason why -- having come out of committee by a five-nothing vote, I'm just curious as to why we are tabling this. Is there a defect in the bill or is there a particular issue that I'm not aware of? And I'll ask that either to -- I guess the sponsor doesn't know. So I'll ask maybe through the Chair the person that made -- who made the motion to table?

**LEG. ROMAINE:**
D'Amaro and Stern.

D.P.O. HORSLEY:
He's on the list, that's correct.

LEG. MONTANO:
Who is it?

D.P.O. HORSLEY:
D'Amaro.

LEG. MONTANO:
May I ask through the Chair what the purpose was?

LEG. D'AMARO:
I'll wait for my turn.

D.P.O. HORSLEY:
That's fair.

LEG. MONTANO:
I'll be here.

D.P.O. HORSLEY:
It's good to hear. Okay. Legislator Anker.

LEG. ANKER:
Yeah. We debated this bill in the Health Committee, which I'm part of, and I have a few concerns with this one, this is why I would like to table it, to look more into it. Number one, the resources. I know Legislator Romaine had mentioned there's no money, but according to some of the information, you know, there's going to be mailers, there'll be some expense to this. And as far as the personnel resources, we're pulling off one, two, three, four, five, six, seven employees to attend these Task Force and look into this. You know, that's a concern. So you've got money, you've got resources from our staff. And also, you know, in here it lists Minority Leader and there's no mention of Majority Leader representative. That's a third concern.

The fourth concern is this is a State issue. When I was working with school districts, when you have long-term pediatric care, if you had a special needs child, it would be hundreds of thousands of dollars and these kids absolutely would have to go out of state, out of the County, to get their education or to get health services, and it's a huge expense. But it pretty much falls on the State's responsibility. And again, that's pretty much my concern with these -- with this particular legislation.

D.P.O. HORSLEY:
Thank you very much, Legislator Anker. Legislator Calarco.

LEG. CALARCO:
Thank you. And I kind of wanted to just piggyback on Legislator Anker's comments and also on this particular Task Force. I find having worked for a Legislator who sponsored a Task Force, and finding myself doing the bulk of the work on that, that you have to have somebody -- a commitment behind the sponsor's office to actually make sure the job gets done. We've sponsored an awful lot of Task Force in this County and they don't always actually produce any work because there is no commitment there by somebody to follow-up. I'd like to make sure there is that commitment
through the sponsor of this resolution, that he would be the Minority Leaders's appointment I would assume and would be willing to carry the ball on this.

**LEG. ROMAINE:**
Yes, there is a commitment from my office. I want to state that and just to address some of the concerns that you're concerned about, Legislator Calarco and Legislator Anker. The Chairman of the Health Committee is on this, or his designee. He is a member of the majority party, and there is one member of the minority party, the Minority Leader or his designee. I'm hoping that the Minority Leader will designate myself or someone from my office or someone from his district. I think Mr. Policastro, for example, would be an excellent example of someone that has been involved in long-term pediatric care.

This is not a political issue. I tried to emphasize that to Legislator Anker at the committee. I'm happy that she voted for this at committee. I would hope, again, that this would be voted on. This is not a political issue, this is not a Democrat or Republican issue. This is a Task Force to set up to look at a problem that has been identified not only in this County, but in our neighboring county to the west, Nassau County.

There are no long-term pediatric care facilities, suffice it to say, to take those on waiting lists. And people are forced to go into Westchester or New Jersey because the ones that exist in the City are filled. And there are families that are separated on this issue and parents that can only visit on the weekends because they're far away. Parents that are facing tremendous -- I mean, Legislator Anker said that this is a responsibility of the State. From your lips to the parents' ears, because many of these parents don't have State subsidies or assistance with these long-term care issues. And that is a problem. So that's one of the issues that hopefully this Task Force can look at.

**LEG. CALARCO:**
I appreciate hearing that you would be willing to carry the ball forward on this. The other issue that I do have some concern with the membership of the Task Force, and it's not a matter of majority party, minority party, those things, I don't see any experts. I don't see anybody actually in the field. I don't see anybody in the insurance field, I don't see anybody in the medical field. You have a body of membership here that primarily looks like individuals from the County with one representative out of the pediatric long-term health care facility selected by the Legislature as a whole, I guess. And no offense to Ms. Vizzini or BRO, but I don't see where their expertise lies in the issue.

Usually when we commission these types of Task Forces we want to make sure we have a good number of representatives from the various industries that are associated with it so that we can get their expertise, because that's the importance of a Task Force, to get the expertise of the individuals out there in the field, whether it's pediatrics or insurance or running nursing homes or those facilities.

**D.P.O. HORSLEY:**
All righty. Legislator D’Amaro.

**LEG. D’AMARO:**
Thank you. Normally I would not be opposed to a Task Force, but what's troubling me here is I see there are seven appointments, I believe, most of which are on the County payroll and County officials or their designee. And I, frankly, just don't think that -- I think their workload is already there. I don't think that they have the ability or the time at this point to focus on an issue that's going to take five County employees, over which we have no jurisdiction, and we couldn't afford to implement, even if we had jurisdiction and the money to do it.
So, you know, at this point going along the timeline that we’re in with our budget crisis, I don’t think that this is the direction that we should be going. And I think that where we don’t have jurisdiction and we don’t have funding, even if the recommendations could be implemented by the County, which they cannot, but even if they could, I think it’s even worse to give false hope to those parents’ ears. And I think that’s exactly what this type of Task Force would do. And it’s my understanding that Dr. Tomarken at the committee even testified that the State has control over creation of these facilities and the recommendations would simply go to them.

Now, is it a bad thing to make recommendations? No, but I believe given the specific circumstances right now I don’t think it’s appropriate to impose yet this Task Force responsibility on our Health Commissioner, the Chair of the Health Committee, the County Executive, the Minority Leader etcetera, etcetera. These County employees where we don’t have jurisdiction, we don’t have funding, and -- but what we do have is we do have a committee, a Health Committee, that’s in place. And I would welcome the Health Committee if it chose to and the Chair would control their own agenda, I would welcome the Health Committee if they wanted to take a look at this issue they could do so. But I don’t think that you need a Task Force to do that, especially given the financial crisis that we’re in.

D.P.O. HORSLEY:
Thank you very much Legislator. Legislator Kennedy.

LEG. KENNEDY:
Yes, Mr. Chair. You know, I sat at the Health Committee and we debated this, and quite frankly, what I took away from it was a different stance than some of my colleagues. As a matter of fact, Dr. Tomarken did acknowledge that one of the most basic and fundamental responsibilities of our Health Department is to go ahead and to identify unmet need. And everybody to a person agrees that there is nowhere near enough beds to care for these very, very severely impaired children. And to the families, as we heard with the one mother that came to us, their life has become at a minimum a daily drive to Westchester, or perhaps to Pennsylvania, or in Mr. Policastro’s case, to Connecticut, while he stayed with his young infant child to the age of one when she passed away.

So I don’t see this as being something that is marshaling resources unavailable or directing folks in an area that we don’t necessarily have a responsibility to go ahead and put them. Quite frankly, what we’re doing is is prioritizing for Dr. Tomarken the area that we all collectively know here is an unmet need, and to have it included in our tri-annual survey of health delivery services and unmet needs in our County.

I think it is something that is needed, prudent, wise, and quite frankly, has absolutely nothing to do with any kind of political stacking for any of us. My first move would be, as the sponsor suggested, to find whomever we could get to volunteer with the most expertise and care and planning associated with children in this category. I think it’s very much needed and very timely.

D.P.O. HORSLEY:
Thank you very much, Legislator. Legislator Montano.

LEG. MONTANO:
Yeah. I want to thank Legislator D’Amaro for the explanation. I actually think that I agree with your position, but what troubles me is that the Health Committee, Dr. Spencer, Sarah Anker, Kate Browning, Kennedy and Romaine, took this up. My question is were not these issues that we’re bringing up now discussed in the Health Committee, because it came out of the committee five-nothing. What, if anything, has changed is what I’m trying to understand. Because if this was fully debated, then it should have been tabled in committee so we wouldn’t have to deal with it now until we, you know, iron out these wrinkles. So what is new here that’s taken up time and debate
that in -- with all due respect to the committee, probably should have been taken care of in committee.

**D.P.O. HORSLEY:**
Doctor, you're up next, why don't you answer that question.

**LEG. MONTANO:**
That's rhetorical. That's what I'm struggling with. I happen to agree with Legislator D'Amaro in terms of his assessment on, you know, staff and all right, and I haven't made a full decision as to whether or not this is needed, whether or not it's even jurisdictional, but I am curious about how it got through committee five-nothing and how we are here spending time on this. Thank you.

**D.P.O. HORSLEY:**
Thank you very much, Legislator Montano. Legislator Spencer.

**LEG. SPENCER:**
Legislator Montano, with all due respect, it is our responsibility to spend time on these things. We debated it in committee and it was a very difficult debate. We felt, as we looked at it, that this was something that should be given consideration by the entire body.

Personally looking at this as a physician, when you look at long-term pediatric health care, you know, it takes a village to raise a child. And the reason this body was formed originally out of the Board of Governors -- I mean the Board of Supervisors, was to take on responsibilities that towns couldn't do, such as medical examiners and things of that sort. The issue here with long-term pediatric care is that it is something that is although there is a need, the resources required can be beyond the resources that we have at the County level.

I've spent the last month, many, many hours looking at the Department of Health and we've had to make very difficult decisions with their structural deficit. It really comes down to although there is a need, we do not have the resources to meet those needs. There are some things that it takes a State to do, and long-term pediatric care requires many levels of specialists that have to be there. Once you get into this, you can't get out. So we have things where we have our skilled nursing facility, we have our health care centers that are -- things that it's very difficult to turn our back on.

This committee recognized that there is a need and felt that having the potential of a Task Force to examine this issue was not unreasonable, although we did have the concerns. We did recognize the limitations. And I did -- I was satisfied from the sponsor that he was willing to support or put in the time through his office to be able to back that Task Force process. I'm torn, and because I'm torn, I felt that it deserved consideration. So with all due respect, I do not feel it's a waste of time.

**LEG. MONTANO:**
Do I respond?

**D.P.O. HORSLEY:**
No. What I'd like to have is DuWayne Gregory go next.

**LEG. GREGORY:**
Thank you, Mr. Vice Chair. Just a few minutes ago we debated the wage freeze for elected officials and we kept hearing why are we doing this, we don't need a law to do this, we can do it voluntarily. This bill is almost like the direct opposite. Even if we wanted to do it, we can't afford to do it. You know, we have a 530 million dollar deficit, Ladies and Gentlemen. It's like, you know, putting palettes of cinder blocks on the Titanic. I mean, we're sinking, here we are, we can't afford to pay the responsibilities that we have to take care of already so we're going to look to seek to take on
more responsibility of which, you know, is going to be astronomical with cost? I mean, come on. Let’s be for real. Are we serious about addressing this deficit or are we just going to add on more of a burden to the 530 million dollar deficit that we already have.

This is going to increase our costs. It’s plain and simple. I’d rather use our resources to look at ways to find efficiencies in the operations that we’re already doing instead of looking at establishing Task Force to look at increasing our operations. I mean, it doesn’t make sense to me. Thank you.

D.P.O. HORSLEY:
Thank you very much. Legislator Montano is back.

LEG. MONTANO:
Yeah. Let me be blunt. This, to me, doesn’t -- this motion doesn't pass the smell test. And I’m going to say one thing, with all due respect, Dr. Spencer. Procedurally if there were serious questions about this bill, there is a mechanism in committee to discharge it without recommendation so that we can take this up. That’s not what happened here.

What happened here was that this was discharged with a recommendation for approval and now it’s being -- now it's being debated. So I have serious questions as to the motivation of the tabling motion. And as I said earlier, I don't necessarily disagree with Legislator D’Amaro in terms of do we want to have County personnel handle this, but, you know, I want to be clear when I vote that I’m voting this on the merits and not on personality and not on politics. So I will ask the question rhetorically again and hope I get a response. Why was it approved through committee, and with all these questions why was it then not approved as a discharge without recommendation? Can somebody explain that to me?

D.P.O. HORSLEY:
I don’t think you have to explain that. I think what we got to do -- do you have something that you’d like -- a statement to be made at this point in time?

LEG. MONTANO:
Yeah. I’d like to ask --

D.P.O. HORSLEY:
I know you’re asking the question --

LEG. MONTANO:
-- through the Chair, ask a question to the committee, and I think I’m entitled to an answer, am I not?

LEG. SPENCER:
I can give you an answer.

LEG. MONTANO:
Go ahead.

D.P.O. HORSLEY:
Do you want to answer that?

LEG. MONTANO:
If you want to.
**D.P.O. HORSLEY:**
Fine. Go ahead and let's get this over with real quick. Doc, you want to answer this? We're going to have a big debate over who said what. Come on, answer it.

**LEG. SPENCER:**
Asked and answered. I answered the question before and I explained it.

**LEG. MONTANO:**
Well, maybe a missed it. I apologize. Let's take a vote.

**LEG. SPENCER:**
Okay.

**D.P.O. HORSLEY:**
We have more to hear from John Kennedy.

(*The following testimony was taken by Alison Mahoney - Court Reporter & was transcribed by Kim Castiglione - Legislative Secretary*)

**LEG. KENNEDY:**
Again, I stated my reasons for supporting it in committee before, well, Legislator Montano wasn't here. We are not by creation of this committee committing one dime for care or one dime for construction. We're utilizing existing staff to focus upon an issue identified that is a terrible, significant tragedy for many families in our County, and it is really no different than what we've done in many, many other areas, be it brown tide or be it, you know, a variety of different health issues that we brought our department's focus to bear upon. It does nothing to add to our deficit and, quite frankly, you've seen that we've just had HEAL Grants awarded in the last week for creation of beds both at St. Charles and at Our Lady of Consolation, I believe a total of 20 beds. Today there's a list of over 300 children that need this type of long-term pediatric care, Suffolk County residents. So it is not something that's committing us to add cost, expense or additional burden to our deficit at all, but it is focusing upon one area that County residents have come forward to us and asked us to try to help shine a bright light on. I think it make sense.

**D.P.O. HORSLEY:**
Thank you very much, Legislator Kennedy. Legislator Browning.

**LEG. BROWNING:**
Okay. I was kind of answering some of my questions to him. You know, I voted for it. I did Chair Health & Human Services. We had that woman from Ed's district came and it is a serious problem. We have a lot of children that are having to go to Westchester and everywhere else because we don't have long-term pediatric care here on Long Island. That's why I supported it.

I know that Ric is asking, you know, how it got out of committee, well I know that the people who are requesting the tabling motion are not in the committee, and it wouldn't be the first time something got out of committee and not everybody supported it.

I know that Legislator D'Amaro did make reference to the Health Committee, rather than having a task force having the Health Committee work on that and maybe creating I guess a subcommittee is what you're looking for. And I'm just, you know, since I'm not Chair of the Health Committee, I'm just curious if the Chair is interested in doing something like that, you know. And I would say to the sponsor, if the Chair of the committee is saying he could do that within his committee, then maybe I would support a tabling motion, but otherwise it is something that we truly need to be looking at.
And I know it's a State issue, however, we have these people come to us and I think that for us to create a task force to make a recommendation is not necessarily the worst thing.

I can give you the Sober Home Oversight Committee that I have, have been working very hard. We have people from the State sitting at the table. We've made a lot of noise and we are getting response, so a task force is not necessarily the worst thing to do, but I think I'll let the Chair answer the question if he would be willing to do it through the committee process to address this issue.

**LEG. SPENCER:**
I'm happy to explore any option if we wanted to address it within the committee with the sponsor's consent where we could explore an option of potentially a subcommittee, or whatever would be -- excuse me, acceptable to give appropriate satisfaction to the question of need versus resources. That would be fine with me.

**D.P.O. HORSLEY:**
Okay? Tom Barraga.

**LEG. BARRAGA:**
I'm not a big fan of task force and committees, but I think Mr. Calarco kind of keyed in on something which I think rather stands out in this particular piece of legislation. I think the task force itself has to be strengthened, and I would ask the sponsor maybe to take a second look at that. I mean, five to seven people, basically County individuals. For example, I'd like to see someone from North Shore LIJ, a key person from that particular group on this committee. North Shore LIJ has something like 20 different institutions, hospitals and long-term care facilities. They employ 43,000 people. They are buying and acquiring everything. Stony Brook Medical, I would like to see someone from that area on this task force. And last, you know, the Diocese of Rockville Center runs a number of Catholic Hospitals, someone from that area on the task force.

These are the movers and the shakers. You could have a task force, this particular piece of legislation calls for public, Mr. Gregory, or private, and I agree with you, we don't have any money. But if you sit people like that around a task force they may be able to tell you right away what their particular institution has in mind for this particular group. There may be something already in the works. And if there isn't, they have the power to implement something along these lines in the private sector. They have tremendous resources and they're very successful. So I would ask the sponsor if he might consider expanding the task force to put some of these key medical people and institutions on the task force. Thank you.

**D.P.O. HORSLEY:**
Thank you very much, Mr. Barraga. That was good. This is embarrassing. I wrote down someone's initials here and I don't know whose it is. Who is -- was it you, Ed? Maybe it was. Go ahead, Ed. Why don't you take it.

**LEG. ROMAINE:**
Let me try to answer some of the concerns that were raised of some of my colleagues. First of all, no one on this commission has to be a County employee whatsoever. The first four, the Commissioner of Health, the Chairman of the Health Committee, the County Executive and the Minority Leader, I fully expected John, in discussions with him as Minority Leader, not to designate anyone from the County, but Mr. Palicastro from his district. I would expect that the first four of these appointments would be people such as Mr. -- Legislator Barraga spoke of, people that had some background in this. I'm not familiar with everyone that has background in this field. I'm just familiar with the need. I would think that the Commissioner of Health would probably look for someone in the private sector to designate.
In addition to those four, there's a representative from Nassau-Suffolk Hospital Council, who I think would have some degree of expertise. The Director of the Budget Review Office or his or her designee. Well, obviously Craig has some great deal of background in health care, and I would want someone, at least from Budget Review, if there was to be someone, to serve on that. And then a representative of the pediatric long-term care facility, and there are facilities in which we could get people to serve. I think Angela's House in Riverhead has someone of that nature. So obviously other than the Budget Review, I would expect all of these people to be non-County employees, all of them to be volunteers, all of them to make recommendations.

And I think Kate Browning made an excellent point. I know I supported her on the Sober Homes Task Force, not because I felt the County had jurisdiction, but because I knew of the problem in her district, and I knew that a task force would focus on that problem and make recommendations that people not only the County, but the State and Federal level, would have to take into account.

So here we are with something that you really don't expect a long debate on, but I'm happy to have it because I think that this is an issue that requires attention, for whatever reason that my colleagues on the opposite side of the aisle would bring this debate on. But nevertheless, it does some good because it focuses attention on an issue that we haven't focused attention on. We have formed task forces in the past where this County doesn't have prima facie jurisdiction, task forces not only such as a sober home, but as tick-borne diseases, because although they're vector diseases, they have never been funded by Vector Control. And we've brought attention to Lyme's Disease and other tick-borne diseases and what they're doing and try to get State and local action to help protect our constituents.

I view this as the same way. I wanted to keep this task force small because I know what happens when you make it large. I wanted to report back to this and hopefully have people, like my good friend Rick Brand, if it reports back, do an article on some of the recommendations that they would make to both the County and the State and even the Federal government regarding this issue.

I've watched children who are afflicted with these long-term care issues bankrupt their families. I've watched them be separated from their families and families be heartbroken, and many times the outcome is not always good for these children. I would hope that on reflection my colleagues would not look at this as a way to say, "Oh, a Republican sponsored this, particularly one that's vocal, let's shut him down." I would hope instead they would rise above those petty concerns and look at the greater issue and the greater good. Believe me, I'm not going to win or lose an election based on this issue or this resolution, but I do think it is something worthy of consideration by this County to at least start looking into this problem, because even though the State has jurisdiction, I don't see the State saying, "Wow, there's no pediatric care for three million people in Nassau and Suffolk County." And those people, because the City is essentially all full, they have to go to Westchester or Jersey or Massachusetts or Connecticut. I don't see the State doing that even though it's a State concern.

I think that we need to call a little bit of attention to this issue and come up with some decent ideas. I know I'm not a health expert, but I will tell you this. I don't have to be a designee to tell you that I will be attending or one of my representatives will be attending this task force meeting.

And, yes, I know the great work Mr. Calarco did on Equestrian. Now, someone can say, well, equestrian, horses in Suffolk County? Why would we spend any legislative effort or time or energy on that? But I read that report and I was influenced by that report and I'm working on -- any time that issue comes up I listen to my colleague and I'm going to be guided by his expertise because I know he invested time.

I'm going to invest some time on this. I'm hoping to work with Dr. Spencer who has proven himself
a caring healthcare professional, and I know he cares about this issue and I appreciate his consideration in committee, and I'm going to appreciate, I hope, his consideration for this resolution today. Thank you very much.

D.P.O. HORSLEY:
Thank you very much, Mr. Romaine. Sarah Anker.

LEG. ANKER:
From what I understand there was something in the County Exec's Office, I don't know if Ben is here. Do you want to talk about what you guys are doing with the State?

D.P.O. HORSLEY:
I want to let you know I found out who I was going to call on before, it was Ben Zwirn. That's why I couldn't figure it out, who is BZ that I wrote down.

LEG. ANKER:
I read your mind. Can you discuss what you guys are doing relating to this issue?

MR. ZWIRN:
Thank you. I mean, I've listened to the debate. A lot of the things that have been discussed here are things that we are concerned about and working on.

One of the things is jurisdiction. The State Department of Health allocates beds. I think everybody here would agree that there's a need, I mean, we've got that. New York City doesn't have beds. The closest ones to here, we heard that one family has to go to Westchester. The question of need is apparent.

The HEAL Grants that just came out recently from the State, and I think there was several million dollars to add beds. When those grants run out, then what happens. This is a very expensive proposition as Doc Spencer has indicated, and indicated at the Health Committee that the cost is extraordinary. And with the resources that we have are severely limited. What we had thought is that while we work with the State to find out how they're going to allocate beds and whether they're going to allocate beds to our region, our County or Nassau. I've also heard, you know, Legislator Barraga made very good points about having the right people involved, North Shore Hospital, the Catholic Diocese that runs hospitals. The fact that we could do this -- oh, Legislator Romaine is asking me to get to the point; thank you, I appreciate that.

(*Laughter*)

Is that we would -- let us work with the State to do what we can and to conduct these hearings in committee. I mean, you have a physician who is now Chairman of the Health Committee, which is rare and wonderful, who is very much involved in community medicine. Somebody who's familiar with the issue, and bring the experts before the committee. I mean, the committee makeup is not much different than the makeup of the task force. That's why you have committees. The BRO is at all the committee meetings; everybody is right there. Bring the experts in, do it in the system that you already have. Instead of creating a new level of government to report to the committee, let the committee do the work itself. Set aside some dates and Legislator Romaine can testify and we think that's the best way to go. Let us work on the State level to see what funding is available and what the State Health -- let the Health Department of the County work with the Health Department of the State. In the meantime, let the Health Committee do its job under its function, and we would think that would be a better way to go.

LEG. ANKER:
Thank you for your comments. Again, I do have concerns as far as there are families out there and they are in desperate need and desperate situations. If we can do what we can to facilitate the role of government with this issue, that's what's so important. So, again, I think maybe take this route versus creating the committee and going through the whole process. But, again, thank you for speaking.

D.P.O. HORSLEY:
All righty. Legislator, you’re finished?

LEG. ANKER:
(Nodded head yes).

D.P.O. HORSLEY:
Kate, you are the last one on the list.

LEG. BROWNING:
Well, I’m glad to hear that Ed said he’s going to attend because I can tell you that the Sober Home Committee, what has made it successful is that I attend every meeting. I was the sponsor of the legislation and I think any Legislator who puts in a bill for a task force should attend every single meeting because that's what makes it successful, because you're the one who wants it.

I am going to ask the sponsor if he would indulge, and I support a tabling motion for the one cycle, and give Doc Spencer, because I have to tell you, in the six months that -- six months that you have been here, you have done a phenomenal job within the Health Committee. And I think that this is an issue, and I know you are very passionate about it also, so I would support a tabling motion for a month to give you some time to come up with a way to do it through the Health Committee and, you know, but if it's not possible and it's too cumbersome for you, I will support the task force.

D.P.O. HORSLEY:
Is there an agreement there?

LEG. SPENCER:
(Nodded head yes).

D.P.O. HORSLEY:
Okay. All right. I think we're done. Let's vote. We have a tabling motion comes first. All right, I think we need a roll call on this. We have a motion and a second, so let's vote.

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

LEG. D'AMARO:
Yes to table.

LEG. STERN:
Yes.

LEG. SPENCER:
Pass.

LEG. GREGORY:
Yes to table.

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LEG. NOWICK:  
No.

LEG. KENNEDY:  
No.

LEG. BARRAGA:  
No.

LEG. CILMI:  
No.

LEG. MONTANO:  
No.

LEG. CALARCO:  
Yes.

LEG. ANKER:  
Yes.

LEG. HAHN:  
Yes, sorry.

LEG. MURATORE:  
No.

LEG. BROWNING:  
Yes.

LEG. SCHNEIDERMAN:  
No to table.

LEG. ROMAINE:  
No.

D.P.O. HORSLEY:  
Yes, with the idea that they’d work it out.

P.O. LINDSAY:  
(Absent)

LEG. SPENCER:  
I’m willing to work it out. Yes to table.

MS. ORTIZ:  
Nine.

D.P.O. HORSLEY:  
Nine. Okay. All right, the tabling motion fails. The approval motion; roll call.

(*Roll Called by Ms. Ortiz - Deputy Clerk of the Legislature*)
LEG. ROMAINE:
Yes to approve.

LEG. MURATORE:
Yes.

LEG. SPENCER:
Yes.

LEG. D’AMARO:
No.

LEG. STERN:
No.

LEG. GREGORY:
No.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.

LEG. MONTANO:
Yes.

LEG. CALARCO:
Yes.

LEG. ANKER:
No.

LEG. HAHN:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent)
MS. ORTIZ:  
Thirteen.

D.P.O. HORSLEY:  
I think we need a vacation gang.

(*Laughter*)

All right, let's move on.

1582-12, Approving the reappointment of Benjamin J. Luft, MD, as a member of the Suffolk County Board of Health.

LEG. HAHN:  
Motion. Cosponsor.

D.P.O. HORSLEY:  
Motion to approve. Second by?

LEG. KENNEDY:  
Second.

D.P.O. HORSLEY:  
I'm sorry, Legislator Kennedy. All those in favor? Opposed? Abstain?

MS. ORTIZ:  
Seventeen (Absent: Presiding Officer Lindsay).

LEG. HAHN:  
Renee, cosponsor also.

D.P.O. HORSLEY:  
We're good.

LEG. BROWNING:  
Renee, cosponsor.

D.P.O. HORSLEY:  
1600, Declaring May as “Speech and Hearing Awareness Month” in Suffolk County. Legislator Spencer?

LEG. SPENCER:  
Motion to approve.

D.P.O. HORSLEY:  
Motion to approve. Second by Legislator Muratore.

LEG. KENNEDY:  
Cosponsor.

D.P.O. HORSLEY:  
All those in favor? Opposed? Abstention?
MS. ORTIZ:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
So moved.

Parks & Recreation:

1521, Adopting Local Law No. -2012, A Local Law to prohibit smoking in County parks and beaches.  Legislator Spencer?

LEG. SPENCER:
Motion to approve.

D.P.O. HORSLEY:
Motion to approve.

LEG. HAHN:
Second.

D.P.O. HORSLEY:
Second by Legislator Hahn.

LEG. NOWICK:
Motion to table.

D.P.O. HORSLEY:
There is a motion to approve.  There's also now a motion to table by Legislator Nowick.  Is there a second on the motion?

LEG. KENNEDY:
Second.

LEG. CALARCO:
Cosponsor.

D.P.O. HORSLEY:
Legislator Muratore seconds the motion.  Okay.  We have a motion to approve and a motion to table.

LEG. NOWICK:
On the motion.

D.P.O. HORSLEY:
On the motion.

LEG. NOWICK:
I just -- let me just clear up one thing.  The reason I'm tabling is not because I agree with smoking in County parks, because I am totally anti-smoking anywhere, any time.  But my question to the sponsor is -- or my suggestion maybe to the sponsor is maybe -- I would like to table it only because, first of all, it's not going to come -- it's not going to come into effect this year anyway.  So if we are going to put a piece of legislation in, and let me ask the sponsor, your purpose in the
legislation would be? And maybe the sponsor could just quickly tell me what -- because I so --

**D.P.O. HORSLEY:**
Through the Chair.

**LEG. SPENCER:**
Thank you. This legislation was something that was brought to my attention by the Department of Health and also through the Health Committee. One, that the Department of Health feels very strongly, especially the Department of Tobacco and Education, that outdoor secondhand smoke exposure is equally as toxic as indoor smoke exposure within a certain radius.

The issue with regards to the legislation itself is that we know that smoke in and of itself not only is a health problem, but it's also a problem with pollution, and the Health Department feels that our County residents have a right to clean air. The legislation -- the intent of the legislation was not to create an additional burden on the Department of Parks so we did seek their input, and their concern was with regards to enforcement, and our legislative intent was not to require lifeguards to get off of a chair to go over to tell someone to stop smoking, or to have staff or Park Police looking for people who are smoking, but to empower them in situations where there was a complaint or where there was -- where someone that was encountered smoking that they would be able to direct them to please stop or direct them to leave the park area.

The concern with the Department of Health -- with the Department of Parks was just with regards to difficult economic times and areas such as golf courses or if there was a campfire to have certain exclusions. The Department of Health agreed, one, in having exclusions where you don't want to force someone who's out enjoying a day where they have no option so to leave parking lots or entryways into the park available where someone could smoke.

So criticism would be with regards to does it take away some of the strength, does it take away the teeth of the legislation because you are exempting golf courses and exempting campgrounds, and I believe in my professional opinion that it does not. And the reason for that is that the concern with those who are against this legislation is that it impinges upon personal rights with regards to a legalized activity, and we all the time, we've taken bold steps in this Legislature where we've prevented people from talking on cell phones and driving which is -- would be viewed by some --

**LEG. NOWICK:**
I think he answered my question.

(*Laughter*)

**LEG. SPENCER:**
I did. Okay.

**LEG. NOWICK:**
I just had -- that was the question I had, but you could go on with all that later. The reason asked the question --

**D.P.O. HORSLEY:**
Well done.

(*Laughter*)

**LEG. NOWICK:**
My question and my reasoning for answering is because as I'm looking around at the County parks
and campsites, and Commissioner, if you could just come up for one minute and tell me again how many campsites there are in Suffolk County. I'm wondering if you -- can you with this legislation, you cannot smoke on the beach at Smiths Point but you can smoke down at the campsites at Smiths Point?

**COMMISSIONER DAWSON:**
That would be correct. We have 12 facilities with over 1,000 campsites.

**LEG. NOWICK:**
Okay. So you can smoke on the -- you can't smoke on the beach, but you can smoke next door. Now, can you smoke if you take your vehicle on the beach for the day? Is that a campsite or is that a beach site?

**COMMISSIONER DAWSON:**
It's a beach site.

**LEG. NOWICK:**
So you can't smoke if you drive your car, but if you go over a little further you can smoke. I'm getting to a point here. To me it doesn't make sense to pass a law for health if you're still -- if you still have secondhand smoke two feet over. Blydenburgh Park has campsites, correct?

**COMMISSIONER DAWSON:**
Correct.

**LEG. NOWICK:**
Well, ten feet over is not a campsite, so you can smoke 10 feet here but you can't smoke 10 feet there. My point being I think this law, if we're going to care about health, we're going to care about health. If we're going to care about revenue, we're going to care about revenue. So I think we have to make a decision here.

I would ask that maybe the sponsor would consider tabling this. We're not going to have it this year anyway and maybe we could all -- maybe we could work together to come to something that actually would protect people, and also we do have to be cognizant of the fact that revenue is important at the country clubs. So you can smoke on a golf cart but -- you can smoke at a golf cart and you would be able to smoke if you had a function there, correct, with this legislation?

**COMMISSIONER DAWSON:**
You wouldn't be able to smoke within the facility, but you'd be able to smoke within -- and that's a current ban.

**LEG. NOWICK:**
You can understand my confusion as to the health of this. And I know, I know Dr. Spencer, we have talked so many times, and I know your concern is always health. That's why I bring it up. Maybe we could work together on a better piece of legislation that would encompass what I know you hold dear to you, I do. I know you do, and we've talked so many times and we agree on so many things. Let's make it better. Let's table it now. It's not going into effect anyway, it can't, so it's not going to happen in July and August. So maybe we can work together on something that actually works.

**D.P.O. HORSLEY:**
Doc, you are next after Legislator Stern.

**LEG. STERN:**
I strongly support the bans on smoking that we currently have in place. You shouldn't do it indoors,
you shouldn’t do it in a way that's going to affect those around you. I think it's a health issue, I think it's also an issue of just common courtesy towards your neighbor. This proposes, with a couple of exceptions, an outright ban in our outdoor parks and beaches. I think that there are accommodations that can be made here. I think that we can accomplish a health and public safety goal if we have areas where you can smoke and areas where you cannot smoke. If we have public beaches that you have a concentration of people where it's going to trigger a secondhand smoke issue then you shouldn't be able to smoke there, but perhaps there is somewhere else down the beach that you might be able to.

Our County parks are large, open spaces. Certainly an accommodation can be made for our neighbors that smoke, as long as it doesn't bother anybody else. I think that there is a reasonable accommodation, a balance that can be struck here. This legislation does not do that. I think it goes too far.

D.P.O. HORSLEY:
Thank you, Legislator Stern. Legislator Spencer.

LEG. SPENCER:
Well, I think that the two speakers kind of made my point. Some feel it goes too far, some feel it doesn't go far enough, which tells me that I'm there.

(*Laughter*)

I have had conversations with the American Lung Association, I've had conversations with the Director of Parks, with the State Department of Health, with the County Department of Health. I have thousands of e-mails. Out of those e-mails I would say that less than point 5% of them are negative. And it is trying to strike a balance, and 10 feet, that's actually what the difference is. Ten feet does make a difference. And not necessarily -- I mean, people who are adults have the right to smoke. If they want to smoke on a golf cart, we're not trying to do that. This is a very difficult area. Smithtown is currently considering a ban, there's a ban currently considered -- being considered in New York State. We've had a reputation of leading in this body, and I succeeded Jon Cooper, who actually I think was someone that admired and I think we've taken bold steps in the past.

We have the science, we have the critical mass. I'm in Pediatric Airway Center, I'm the Chairman and CEO of Long Island Otolaryngology and Pediatric Airway. Exposure for a baby less than four years of age within a ten feet radius of secondhand smoke can create permanent asthma. Golf courses and campsites, you have at least some discretion there that you don't see too many infants on a golf course, nor do you see them at campsites. It respects the Commissioner of Parks, his particular concern, but I did take my criticisms back to the Department of Health. It is a victory. The experts say it's a victory. We will be doing something that would be quite significant.

I'm caught right in the middle. I just had person that said it doesn't go far enough, and someone that says it goes too far. We're there, it is time. This is something I have spent my life doing. I've seen kids with asthma. Smoking is a multi-billion dollar impact on our society. And what we are simply saying is that Legislators, that if you are in our County parks that you are entitled to breathe clean air, but we're always saying that if you smoke, and you have a legal right to do that, we are giving you places where you can do that. We're also respecting the economic conditions. So I respectfully ask my colleagues it's time, we're there, we have critical mass. Let's move forward.

D.P.O. HORSLEY:
Legislator D’Amaro.
LEG. D'AMARO:
Tough issue. I don't think it's a perfect piece of legislation. I think Legislator Nowick makes a great point if as a health measure if we're concerned about health, then why is it good in one spot but not another, and how do you distinguish between the two when you are talking about someone's health and perhaps breathing secondhand smoke. I think that's a great point. And to really put you in the middle, Doc, I also agree that it goes too far. So it kind of doesn't go far enough in the areas that it should, and then it does go too far with these blanket prohibitions.

I think a better compromise in the future would be something like smoke-free zones or designated areas, something like that where people know when they go to any County facility if they choose not to be around someone who may be smoking, they have an option and there's a way to achieve that.

But when I look at whether or not I can support this bill today, I'd rather err on the side of caution. I'd rather put this in place now and then talk about how can we refine it and how can we improve on it, because we all know the ill effects of smoking, we don't want to put anybody at risk. When you are talking about a health measure I think it's better, again, to err on the side of caution, put the legislation in place and then anyone can continue with the dialogue and come up with any kind of amendments to this type of legislation to kind of carve out exceptions or to revamp it in its entirety. But given the choice today of whether or not I want to go forward with a bill like this or not, I would say yes unequivocally, but I think we do need to revisit the issue and I think it does have to be tweaked somewhat.

LEG. CILMI:
Thank you, Legislator D'Amaro. Legislator Browning is next.

LEG. BROWNING:
Okay. Well, I'm not a smoker, never have been a smoker, and I'm very anti-smoking, but I agree with Legislator Nowick. And I have to say, one of my concerns is I have three parks, I have Cathedral Pines, I have Smith Point and I have Southaven Park. I would not oppose legislation that prohibits smoking where the children's playground is, but we have, you know, areas, we have the picnic areas where there are many organizations, senior citizens groups, who go to the park and they picnic. And believe me, don't tell an 80-something year old or a 70-something year woman or man who's been a smoker all their life that now they're not allowed to smoke, and that's difficult. And I think to ban it completely in the park, I think it's a little much because smoking is not illegal. It is legal and I don't think it's fair to legislate people's lives and their choices. I would like to see a change in the legislation basically to create designated areas than just do a total out ban.

I wouldn't be opposed to having designated smoking areas, no smoking where the children play. If you go to Smith Point Beach, if you go by the Beach Hut you're not allowed to smoke near the Beach Hut, you have to be a certain distance away from it.

I know that when they're on the beach and people are smoking and the cigarette butts and the garbage that's left behind at the end of the day is horrible. It would be nice if we could come up with a system where smokers who are on the beach would have a better place to dispose of their cigarette butts, but again, I think this -- I'm a little concerned about continuing to legislate people's lives and their choices. I would like to see a change in the legislation basically to create designated areas than just do a total out ban.

D.P.O. HORSLEY:
Legislator Hahn. You're on the list, Doc.

LEG. SCHNEIDERMAN:
Am I on the list?

LEG. CILMI:
You're on.

**LEG. HAHN:**
I would like to reiterate what some said about the health effects of smoking and why it's important to do this for those reasons, for the environmental reasons. We do find butts all over the beach, and they're harder to collect than -- you know, you could say okay, so you find butts on the beach, you also find, you know, soda cans, but they're really hard to pick up. Even in a clean-up they're hard to find, they don't, you know, biodegrade. It's just they're really difficult to clean-up.

But I do think over years the regulations that we have done on limiting smoking have made a tremendous impact on health, on public health, on some of our costs. We'll see that as, you know, older generations who always have smoked move on and the younger generations come up our public health costs will go down because we don't have as many smokers out there because we started with taxes and limiting and I really do think these kinds of things make an impact on people's lives and on public health. And I do believe sitting next to, you know, someone at the time beach or walking through that cloud of smoke when someone's standing there can harm someone who has asthma or other illnesses. So I am in support, strongly in support of this.

**D.P.O. HORSLEY:**
Thank you, Legislator. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**
We've debated health issues for all the years I've been here, which I guess is nine or so, but I will tell you, it's really refreshing to have a physician at the horseshoe to add to the discussions. You know, Doc Spencer knows far more than I do about health related issues, but asthma is something I know a lot about because I grew up with childhood asthma. I still have asthma. I know what it's like to not -- to struggle for breath, to have a hard time breathing, and cigarette smoke is one of the things that triggers that in me. You know, people go to our parks for fresh air among other things, and I think they have a right to be able to breathe fresh air. You know, this bill is not going to arrest them for smoking a cigarette, it's going to ask them to put out the cigarette. If it's good enough for Central Park, right, they don't allow smoking in Central Park, if it's good enough for Center Park, it ought to be good enough for Suffolk County parks as well. I think it's the right thing to do. I'm going to support Doc Spencer on this.

**D.P.O. HORSLEY:**
Legislator Nowick, thank you.

**LEG. NOWICK:**
I have to be perfectly blunt, I'm so conflicted on this because every part of me disagrees with smoking. I don't like the smell, I don't like anything about it. But I do think that we pass this, we folded. We folded, because I'm going to be on a golf cart and the person next to me can still smoke. So why wouldn't we come up with a better bill, a bill like Legislator Stern said, like Legislator D'Amaro said, designating areas. This bill is so -- a beach, a huge beach. I can't believe that a person can't smoke on a beach, but they can smoke in a campsite where there are children on a campsite, parents go camping with their children, the children are going to be smelling smoke.

I think that we're trying to put something on the table but it's not -- either we want to ban smoking, and to be perfectly honest, the confliction in me is that if we do pass an entire ban, then we have even bigger problems because to have a golf course and you don't allow people to come to a tournament, what do we call that, an outing and tell them not to smoke, that's an additional problem. So telling campers you can smoke at a campsite because it's okay for you to smoke at a campsite; why are we telling them that? We are telling them that because we don't want to lose the
money. We've got to be honest with ourselves. Let's designate certain areas for smokers and certain areas for non-smokers.

I like your suggestions on this side of the horseshoe, I think we can make a better bill. I think we have to be honest with ourselves. It's a difficult bill. It's a difficult decision, and again, I say this with due respect, Dr. Spencer, you know that.

D.P.O. HORSLEY:
Okay. Thank you very much, Legislator. Legislator Spencer.

LEG. SPENCER:
I appreciate really all of the insight and really feel that this is a heart-felt discussion, especially Legislator Nowick. I've come to really admire her and the stance that she takes on these issues. And once again, this gives us a start. We approached this with hookah bars where we're saying that, you know, you need a certain square footage for ventilation, you're going to designate certain areas, and it becomes complicated. This gives us a base. We put a base in place. This is tough. This is bold leadership. This is us standing up and saying we recognize the public health risk.

So why did we exclude golf courses. It's not about -- just strictly about revenue when you talk about campsites, because at campsites there's a campfire and there's wood and smoke and things they're being exposed to regardless. So it's a reasonable exception that we're starting out but we have a basis in place. We stepped out ahead. Our municipalities are doing this already. In Smithtown this will likely become -- potentially become law.

And so we have looked at it, we've struck a balance, and for every time that you try to change the legislation you need a base. I want to get a base in place and I think we can do this today. I think we're there. And it's tough, it's tough, but we can do this and I'm counting on you guys. Thank you.

D.P.O. HORSLEY:
Legislator Cilmi. Thank you, Doc.

LEG. CILMI:
Thank you. Well, a couple of things. First of all, I'll say that the whole idea of inhaling smoke into my lungs repulses me. That being said, I'm opposed to this bill for a couple of reasons, but rather than articulate those reasons, I'll just ask a couple of questions.

With respect to the campgrounds, you mentioned there are campfires. We will certainly inhale the smoke from the campfires, which is probably harmful if you sit there over the campfire and are subject to that so why wouldn't we ban the campfires. Legislator Schneiderman referenced New York City and Central Park. Maybe Legislator Schneiderman would like to ban supersized sodas in Suffolk County.

LEG. SCHNEIDERMAN:
No, thanks.

LEG. CILMI:
I have a sort of an out of the box idea here. Cigarette butts are literally the most -- they represent the biggest volume of litter that we have, probably in the world. So it's going to be difficult for us to enforce this bill. Why don't instead we allow smoking on the beaches but we enforce our litter laws and come up with some sort of, I don't know, maybe a $20 fine for anybody that throws a butt into the sand. And that might accomplish our -- might work to solve our budgetary problems and work to discourage smoking on the beaches at the same time. It will be a pain in the butt, that's
correct. Thank you very much.

**D.P.O. HORSLEY:**
You're right, that was different, Tom. Legislator Gregory.

**LEG. GREGORY:**
Thank you, Mr. Vice-Chair. I personally with these bills with, you know, restricting people's liberties, I generally am against but I do support this measure. I don't have a County park in my district. The nearest one is actually in your district and it's a golf course which would be exempted.

**D.P.O. HORSLEY:**
That's my district.

**LEG. GREGORY:**
Yeah, that's what I said. But I think this is the right approach. If I were to go to -- you know, if there was a County park in my community or any park that I frequented and I was able to smoke there and then all of a sudden I was just totally banned from that, I would be more offended by that. I think this can potentially be a way to ease patrons into this policy decision. It restricts it to the parking lots, it doesn't restrict it completely, so I think it's an appropriate approach and I look forward to supporting it.

**D.P.O. HORSLEY:**
Thank you very much, Legislator. I think we've just exhausted everybody. Why don't we do a vote on this? We have a tabling motion which comes first. Roll call.

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

**LEG. NOWICK:**
Yes.

**LEG. MURATORE:**
Yes.

**LEG. SPENCER:**
No.

**LEG. D'AMARO:**
Pass.

**LEG. STERN:**
Yes to table.

**LEG. GREGORY:**
No.

**LEG. KENNEDY:**
Yes to table.

**LEG. BARRAGA:**
No.

**LEG. CILMI:**
Yes.
LEG. MONTANO:
Yes.

LEG. CALARCO:
No to table.

LEG. ANKER:
No.

LEG. HAHN:
No.

LEG. BROWNING:
(Not present)

LEG. SCHNEIDERMAN:
No to table.

LEG. BROWNING:
Is this the tabling motion?

MR. LAUBE:
Tabling motion.

LEG. BROWNING:
Yes to table.

LEG. SCHNEIDERMAN:
I'll vote no again.

MR. LAUBE:
I'm sorry, I didn't hear you. I didn't call your name.

LEG. SCHNEIDERMAN:
You did.

MR. LAUBE:
Did I? I'm sorry. I didn't hear it. Thank you.

LEG. ROMAINE:
No to table.

D.P.O. HORSLEY:
No. No to table.

P.O. LINDSAY:
(Absent)

MR. LAUBE:
Seven (Absent: Presiding Officer Lindsay).
D.P.O. HORSLEY:
All righty. You have seven, right? The motion fails. Motion to approve.

MR. LAUBE:
Sorry, hold on. Legislator D’Amaro.

LEG. D’AMARO:
No.

MR. LAUBE:
Seven.

D.P.O. HORSLEY:
Okay. Just shows we are an independent body. I love it. Motion to approve.

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

LEG. SPENCER:
Yes.

LEG. HAHN:
Yes.

LEG. D’AMARO:
Pass.

LEG. STERN:
No.

LEG. GREGORY:
Yes.

LEG. NOWICK:
No.

LEG. KENNEDY:
No.

LEG. BARRAGA:
Yes.

LEG. CILMI:
No.

LEG. MONTANO:
No.

LEG. CALARCO:
Yes.

LEG. ANKER:
Yes.
LEG. MURATORE:
No.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent)

LEG. D'AMARO:
Yes.

MR. LAUBE:
Ten (Absent: Presiding Officer Lindsay).

(*Legislator Spencer hugged Legislator D’Amaro*)

(*Laughter*)

D.P.O. HORSLEY:
It's good to see colleagues loved. Show me the love.

(*Laughter*)

LEG. SPENCER:
Thank you very much. I appreciate that.

D.P.O. HORSLEY:
Wow.

D.P.O. HORSLEY:
Boy does Doc have big hands. All right, let's move on. Vacation awaits us.

1531, Authorizing use of Southaven County Park property for the Yaphank Day Camp Trail Run.

LEG. BROWNING:
Motion.

D.P.O. HORSLEY:
Motion to approve. Is there a second on the motion?

LEG. CILMI:
Second.

**D.P.O. HORSLEY:**

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
1535, Amending the 2012 Capital Budget and Program, accepting a Community Enhancement Facilities Assistance Program (CEFAP) grant in the amount of $400,000 from the Dormitory Authority of the State of New York, and appropriating funds in connection to Historic Restoration and Preservation Fund - West Sayville Greenhouse at Charles R. Dominy County Park (CP 7510).

**LEG. D'AMARO:**
Motion.

**D.P.O. HORSLEY:**
Motion, Legislator D'Amaro.

**LEG. STERN:**
Second.

**D.P.O. HORSLEY:**
Second by Legislator Stern. All those in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
So moved.

Okay, 1535A, pending Bond Resolution. Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $560,575 bonds to finance the cost of historic restoration and preservation of the West Sayville Greenhouse at Charles R. Dominy County Park (CP 7510.340).

Same motion, same second. Roll call vote.

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

**LEG. D'AMARO:**
Yes.

**LEG. STERN:**
Yes.

**LEG. SPENCER:**
Yes.

**LEG. GREGORY:**
Yes.
LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.

LEG. MONTANO:
(Not present)

LEG. CALARCO:
Yes.

LEG. ANKER:
Yes.

LEG. HAHN:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMANN:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent)

MR. LAUBE:
Sixteen (Not Present: Legislator Montano - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Okay. 1536, Amending the 2012 Capital Budget and Program, accepting a Community Enhancement Facilities Assistance Program (CEFAP) grant in the amount of $300,000 from the Dormitory Authority of the State of New York, and appropriating funds in connection to improvements and lighting at County Parks - West Sayville Meadow Edge Clubhouse and Long Island Maritime Museum (CP 7079).

LEG. CALARCO:
Motion.

**D.P.O. HORSLEY:**
Legislator Calarco makes the motion.

**LEG. STERN:**
Second.

**D.P.O. HORSLEY:**
Second by Legislator Stern. All those in favor? Opposed? Abstentions?

**MR. LAUBE:**
Sixteen (Not Present: Legislator Montano - Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Motion passes. **1536A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $576,000 bonds to finance the cost of improvements and lighting to County Parks – West Sayville Meadow Edge Clubhouse and Long Island Maritime Museum (CP 7079.425).**

Same motion, same second. Roll call vote.

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

**LEG. CALARCO:**
Yes.

**LEG. STERN:**
Yes.
**LEG. SPENCER:**
Yes.

**LEG. D'AMARO:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. KENNEDY:**
Yes.

**LEG. BARRAGA:**
Yes.

**LEG. CILMI:**
Yes.

**LEG. MONTANO:**
(Not present)
LEG. ANKER:
Yes.

LEG. HAHN:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent)

MR. LAUBE:
Sixteen (Not Present: Legislator Montano - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1568, Authorizing use of Cedar Beach County Park by Event Power for its Mighty North Fork Triathlon Fundraiser.

LEG. SCHNEIDERMAN:
Motion.

LEG. STERN:
Second.

D.P.O. HORSLEY:
Motion by Legislator Schneiderman and second by Legislator Stern. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1569, Authorizing use of the Long Island Maritime Museum by the Cystic Fibrosis Foundation for their annual “Sayville Run/Walk & Barbeque” Fundraiser. Legislator -- it's Bill's. I guess I'll make the motion.

LEG. STERN:
Second.

D.P.O. HORSLEY:
Second by Legislator Stern. All those in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Motion's been approved.

**1570, Authorizing use of the Long Island Maritime Museum by the Rotary Club of Sayville for Annual Beefsteak Fundraiser.** I'll make the motion.

**LEG. CILMI:**
Second.

**D.P.O. HORSLEY:**
Second by Legislator Cilmi. All those in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Motion is approved.

**1571, Authorizing use of Cathedral Pines County Park by the League for Animal Protection of Huntington for its "Ride Laps For L.A.P." Fundraiser.**

**D.P.O. HORSLEY:**
Motion by Legislator Stern. Second by Legislator D'Amaro. All those in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
So moved.

**Public Safety:**

**1572, Approving the reappointment of Scott Thebold as a member of the Suffolk County Fire, Rescue and Emergency Services Commission.**

**LEG. BROWNING:**
Motion.

**LEG. STERN:**
Second.

**D.P.O. HORSLEY:**
Motion by Legislator Browning, second by Legislator Stern. All those in favor? Opposed? Abstentions.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).
D.P.O. HORSLEY:
1573-12, Approving the appointment of Ryan J. Murphy as a member of the Suffolk County Fire, Rescue and Emergency Services Commission.

LEG. CALARCO:
Motion.

LEG. HAHN:
Second.

D.P.O. HORSLEY:
Legislator Calarco makes the motion, second by Legislator Hahn. All those in favor? Opposed? Abstentions?

LEG. CALARCO:
Cosponsor.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1574, Approving the appointment of Timothy Crafts as a member of the Suffolk County Fire, Rescue and Emergency Services Commission.

LEG. KENNEDY:
Motion.

D.P.O. HORSLEY:

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1575, Approving the appointment of Arthur P. Bloom as a member of the Suffolk County Fire, Rescue and Emergency Services Commission.

LEG. ROMAINE:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Romaine, seconded by Legislator Spencer, Doc Spencer. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1576, Approving the reappointment of Vincent Bologna Jr., as a member of the Suffolk
**County Fire, Rescue and Emergency Services Commission.**

**LEG. BROWNING:**
Motion.

**D.P.O. HORSLEY:**
Who said that, Lynne?

**LEG. BROWNING:**
I did.

**D.P.O. HORSLEY:**
Kate, I’m sorry. Motion by Legislator Browning.

**LEG. CALARCO:**
Second.

**D.P.O. HORSLEY:**
Second by Legislator Calarco. All those in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Page nine, 1613, Approving the reappointment of Michele T. Del Monte as a member of the Suffolk County Human Rights Commission.

**LEG. BROWNING:**
Motion.

**D.P.O. HORSLEY:**
Motion by Legislator Browning.

**LEG. STERN:**
Second.

**D.P.O. HORSLEY:**
Second by Legislator Stern. All those in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
1614, Approving the reappointment of Rabbi Steven A. Moss as Chair of the Suffolk County Human Rights Commission.

**LEG. CILMI:**
Motion.

**D.P.O. HORSLEY:**
Motion by everybody.

(*Laughter*)
Seconded by Legislator Stern. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1615, Approving the reappointment of Lynda Perdomo-Ayala as a member of the Suffolk County Human Rights Commission. Legislator Montano makes the motion, seconded by Legislator Cilmi. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1616, Approving the reappointment of Rabbi Steven A. Moss as a member of the Suffolk County Human Rights Commission. Oh, as a member, I see, as a member. I got it. Okay. Motion by everybody, seconded by Legislator Stern. All those in favor? Opposed? Abstentions? Can I do that even.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1617, Approving the reappointment of Carolyn G. Peabody as a member of the Suffolk County Human Rights Commission.

LEG. BROWNING:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Browning. Seconded by Legislator Anker. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1618, Approving the appointment of Luis E. Rodriguez, Esq., as a member of the Suffolk County Human Rights Commission.

LEG. BROWNING:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Browning. Seconded by Legislator Calarco. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1642, Approving the appointment of Luis Valenzuela, Ph.D. as a member of the Suffolk County Human Rights Commission.

LEG. MONTANO:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Montano, seconded by --

LEG. BROWNING:
I’ll second.

D.P.O. HORSLEY:
By Legislator Browning. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Okay, Public Works & Transportation:

We have done 1345, right?

1487, Naming a portion of CR 16 in Farmingville in honor of Lieutenant Richard Nappi.

LEG. MURATORE:
Motion to approve.

D.P.O. HORSLEY:
Motion by Legislator Muratore, second by Legislator Calarco.
All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1488 we have already done.
1533, Appropriating funds in connection with the purchase of hybrid electric vehicles of various models for County Fleet and accepting Federal Aid (CP 5601, PIN 082638).

LEG. HAHN:
Motion. Cosponsor.

D.P.O. HORSLEY:
Legislator Hahn makes the motion, seconded by Legislator Browning.
All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Same motion, same second on 1533A, the pending Bond Resolution.
Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $1,146,250 bonds to finance the cost of the purchase of hybrid vehicles of various models for County Fleet (CP 5601.513).

Roll call on the bond issue.

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

LEG. HAHN:  
Yes.

LEG. BROWNING:  
Yes.

LEG. SPENCER:  
Yes.

LEG. D'AMARO:  
Yes.

LEG. STERN:  
Yes.

LEG. GREGORY:  
Yes.

LEG. NOWICK:  
Yes.

LEG. KENNEDY:  
Yes.

LEG. BARRAGA:  
Yes.

LEG. CILMI:  
Yes.

LEG. MONTANO:  
Yes.

LEG. CALARCO:  
Yes.

LEG. ANKER:  
Yes.

LEG. MURATORE:  
Yes.

LEG. ROMAINE:  
Yes.
D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent)

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
All right. **1534, Appropriating funds in connection with installation of Fire, Security, and Emergency Systems at County facilities (CP 1710).**

LEG. BROWNING:
Motion.

LEG. HAHN:
Second.

D.P.O. HORSLEY:
Motion by Legislator Browning. Seconded by Legislator Hahn. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
**1534A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $309,730 bonds to finance the cost of the planning and installation of Fire, Security and Emergency Systems at County Facilities (CP 1710.115 and .323).** On the bond issue, same motion, same second.

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

LEG. BROWNING:
Yes.

LEG. HAHN:
Yes.

LEG. SPENCER:
Yes.
LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. NOWICK:
Yes.
LEG. KENNEDY:  
Yes.

LEG. BARRAGA:  
Yes.

LEG. CILMI:  
Yes.

LEG. MONTANO:  
Yes.

LEG. CALARCO:  
Yes.

LEG. ANKER:  
Yes.

LEG. MURATORE:  
Yes.

LEG. SCHNEIDERMAN:  
Yes.

LEG. ROMAINE:  
Yes.

D.P.O. HORSLEY:  
Yes.

P.O. LINDSAY:  
(Absent)

MR. LAUBE:  
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:  
All right. 1538, Appropriating funds in connection with application and removal of lane markings (CP 5037).

LEG. STERN:  
Motion.

D.P.O. HORSLEY:  
Motion by Legislator Stern.

LEG. D'AMARO:  
Second.

D.P.O. HORSLEY:
Second by Legislator D’Amaro. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
On the bond, 1538A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $350,000 bonds to finance the cost of the application and removal of lane markings (CP 5037.325). Same motion, same second. Roll call vote.

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

LEG. STERN:
Yes.

LEG. D’AMARO:
Yes.

LEG. SPENCER:
Yes.

LEG. GREGORY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.

LEG. MONTANO:
Yes.

LEG. CALARCO:
Yes.

LEG. ANKER:
Yes.

LEG. HAHN:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
Yes.
LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent)

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
All righty, let’s go to 1551, Amending Resolution No. 625-2009, accepting New York State Marchiselli Aid in connection with the rehabilitation of CR 17, Wheeler Road from the vicinity of CR 100, Suffolk Avenue to the vicinity of Bretton Road, Town of Islip (CP 5097, PIN 075733)

LEG. MONTANO:
Motion.

LEG. KENNEDY:
Second.

D.P.O. HORSLEY:
Motion by Legislator Montano, seconded by Legislator Cilmi.
All those in favor?  Opposed?  Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

LEG. MONTANO:
Cosponsor.

D.P.O. HORSLEY:
Okay.  1567, Calling for a public hearing for the purpose of considering proposed increases and improvements of facilities (Phase 2A) for Sewer District No. 21 - SUNY (CP 8121). I’ll make the motion. Is there a second on the motion?

LEG. CILMI:
Second.

D.P.O. HORSLEY:
Second by Legislator Cilmi. All those in favor? Opposed? Abstentions?
MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Okay. 1589, Amending the 2012 Capital Budget and Program and appropriating funds in connection with dredging of County waters.
(CP 5200).

LEG. SCHNEIDERMAN:
Motion.

D.P.O. HORSLEY:
Everyone must love this one. Legislator Schneiderman. I'll second the motion. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Okay. 1589A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $750,000 bonds to finance the cost of equipment for dredging of County waters - Grand Canal, Oakdale (CP 5200.447). The pending bond issue relating to that, same motion, same second. Roll call vote.

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

LEG. SCHNEIDERMAN:
Yes.

D.P.O. HORSLEY:
Yes.

LEG. SPENCER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes. Sorry.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.
LEG. MONTANO:
Yes.

LEG. CALARCO:
Yes.

**LEG. ANKER:**
Yes.

**LEG. HAHN:**
Yes.

**LEG. MURATORE:**
Yes.

**LEG. BROWNING:**
Yes.

**LEG. ROMAINE:**
Yes.

**P.O. LINDSAY:**
(Absent)

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Very good. *1597, Amending the 2012 Capital Budget and Program and appropriating funds in connection with road improvements for CR 83 from the vicinity of CR 16 to the vicinity of NYS RT25, Town of Brookhaven; PIN OT2465 (CP 5548).*

**LEG. MURATORE:**
Motion to approve.

**LEG. HAHN:**
Second and cosponsor, please.

**D.P.O. HORSLEY:**
Motion to approve by Legislator Muratore, seconded by Legislator Hahn. All those in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
On the bond issue *1597A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $500,000 bonds to finance the cost of road improvements for CR 83 from the vicinity of CR 16 to the vicinity of NYS Route 25, Town of Brookhaven (CP 5548.112 And .310).* Same motion, same second. Roll call vote.

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

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

LEG. SPENCER: Yes.

LEG. D'AMARO: Absolutely.

LEG. STERN: Yes.

LEG. GREGORY: Yes.

LEG. NOWICK: Yes.

LEG. KENNEDY: Yes.

LEG. BARRAGA: Yes.

LEG. CILMI: Yes.

LEG. MONTANO: Yes.

LEG. CALARCO: Yes.

LEG. ANKER: Yes.

LEG. BROWNING: Yes.

LEG. SCHNEIDERMAN: Yes.

LEG. ROMAINE: Yes.

D.P.O. HORSLEY: Yes.

P.O. LINDSAY: (Absent)
MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1610, Directing the Department of Public Works to implement bus fare reduction for veterans. Legislator Muratore?

LEG. MURATORE:
Motion please.

LEG. MONTANO:
Second.

D.P.O. HORSLEY:
Motion to approve, seconded by Legislator Montano.

LEG. SCHNEIDERMAN:
Motion to table.

LEG. MONTANO:
Cosponsor.

LEG. MURATORE:
Excuse me. I'm a little overwhelmed here with my projects. I would like 1610 to be tabled for one cycle. We need to make some --

D.P.O. HORSLEY:
So we don't even have a fight here?

LEG. MONTANO:
No.

LEG. STERN:
Second.

D.P.O. HORSLEY:
We have a motion to table. Did we get the motion the table?

LEG. SCHNEIDERMAN:
Let him withdraw his motion to approve and make it a motion to table.

D.P.O. HORSLEY:
Legislator Muratore makes the motion, Stern makes the second to table. All those in favor? This is to table. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Tabled.

1612, Amending the 2012 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds in connection with
improvements to Suffolk County Sewer District No. 9 – College Park (CP 8163).

LEG. STERN:
Motion.

LEG. KENNEDY:
Second.

D.P.O. HORSLEY:
Legislator Stern, seconded by John -- Legislator Kennedy. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Nice.

1619, Amending the 2012 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for safety and security improvements for Sanitary Facilities in Suffolk County Sewer Districts (CP 8103).

LEG. STERN:
Motion.

LEG. D'AMARO:
Second.

D.P.O. HORSLEY:
Legislator Stern makes the motion. Second by -- I didn't hear the second. Legislator D'Amaro. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1626, Amending the 2012 Capital Budget and Program and appropriating funds in connection with roof replacement on various County buildings (CP 1623).

LEG. KENNEDY:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Kennedy.

LEG. STERN:
Second.

D.P.O. HORSLEY:
Second by Legislator Stern. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).
D.P.O. HORSLEY:
On the corresponding Bond issue, **1626A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $350,000 bonds to finance the cost of roof replacement on various County buildings (CP 1623.328)**. Same motion, same second. Roll call.

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

LEG. KENNEDY:  
Yes.

LEG. STERN:  
Yes.

LEG. SPENCER:  
Yes.

LEG. D'AMARO:  
Yes.

LEG. GREGORY:  
Yes.

LEG. NOWICK:  
Yes.

LEG. BARRAGA:  
Yes.

LEG. CILMI:  
Yes.

LEG. MONTANO:  
Yes.

LEG. CALARCO:  
Yes.

LEG. ANKER:  
Yes.

LEG. HAHN:  
Yes.

LEG. MURATORE:  
Yes.

LEG. BROWNING:  
Yes.

LEG. SCHNEIDERMAN:  
Yes.
LEG. ROMAINE:
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent)

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
All right, 1629, Deleting and replacing certain previously approved maps and adding an “A”
Map regarding the acquisition of lands pursuant to the New York State Eminent Domain
Procedure Law, in connection with the acquisition of properties for the reconstruction of
CR 3, Pinelawn Road/Wellwood Avenue at Colonial Springs Road, Towns of Babylon and
Huntington, Suffolk County, New York (CP 5510).

LEG. STERN:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Stern.

LEG. SCHNEIDERMAN:
I’ll second.

D.P.O. HORSLEY:
Legislator D’Amaro, you want to do the --

LEG. D’AMARO:
(Raised hand).

D.P.O. HORSLEY:
Okay. Legislator D’Amaro eating is seconding the motion. All those in favor? Opposed? Strike that
from the record. Okay.

(*Laughter*)

Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

LEG. D’AMARO:
Mr. Chairman, for the record, I was not eating, I was snacking.

(*Laughter*)

D.P.O. HORSLEY:
Thank you for clarifying that issue.

**LEG. HAHN:**
Do you share?

(*Laughter*)

**D.P.O. HORSLEY:**
Good point.

1630, Amending the 2012 Capital Budget and Program and appropriating funds in connection with the purchase of Compressed Natural Gas (CNG) vehicles of various models for County Fleet and accepting Federal Aid (CP 5602, PIN 082636).

**LEG. HAHN:**
Motion.

**D.P.O. HORSLEY:**
Motion by Legislator Stern, second by Legislator Cilmi.
All those in favor?  Opposed?  Abstentions?

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
1630, on the corresponding Bond issue, 1630A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $2,800,000 bonds to finance the cost of the purchase of Compressed Natural Gas (CNG) vehicles of various models for County fleet (CP 5602.514).
Same motion, same second.  Roll call vote.

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

**LEG. STERN:**
Yes.

**LEG. CILMI:**
Yes.

**LEG. SPENCER:**
Yes.

**LEG. D'AMARO:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. KENNEDY:**
Yes.

**LEG. BARRAGA:**
Yes.

**LEG. MONTANO:**
Yeah.

**LEG. CALARCO:**
Yes.

**LEG. ANKER:**
Yes.

**LEG. HAHN:**
Yes.

**LEG. MURATORE:**
Yes.

**LEG. BROWNING:**
Yes.

**LEG. SCHNEIDERMAN:**
Yes.

**LEG. ROMAINE:**
Yes.

**D.P.O. HORSLEY:**
Yes.

**P.O. LINDSAY:**
(Absent)

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Okay. *1631, Amending the 2012 Capital Budget and Program and appropriating funds in connection with acquisition of lands for the reconstruction of CR 16, Portion Road from Ronkonkoma Avenue to CR 97, Nicolls Road, Town of Brookhaven (CP 5511, PIN 075598).*

**LEG. MURATORE:**
Motion.

**D.P.O. HORSLEY:**
I'm sorry, Legislator. I'm being told that this has to be tabled because the Bond is not ready as yet. So I'll make a motion -- okay, Legislator Calarco makes a motion to table. I'll second the motion. All those in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
The motion is tabled.
All right, next page, right you are. What would I do without you, George?

1555, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Enrico V. Cardillo and Cathy A. Cardillo, his wife (SCTM No. 0200-559.00-01.00-033.000).

Motion by Legislator Montano.

LEG. STERN:
Second.

D.P.O. HORSLEY:
Second by Legislator Stern. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
The motion has been approved. No, no, we have some stuff. Okay, move to the CN's, the red folder. Certificate of Necessity for the immediate consideration Introductory Resolution 1664, Authorizing transfer of the TWA Flight 800 Crew Memorial to the TWA Museum, Kansas City, Missouri.

LEG. CALARCO:
Motion.

LEG. MURATORE:
(Raised hand).

D.P.O. HORSLEY:
Motion by Legislator Calarco to approve. Seconded by Legislator Muratore. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
This is Certificate of Necessity, 1687, Amending the 2012 Capital Budget. Okay. Counsel wants to see whether he has the bond on this. We'll do 1669.

MR. NOLAN:
We have the bond.

D.P.O. HORSLEY:
I'm on 1699. Let's do that one first because Legislator Stern wants to get out of here. Resolution 1699, To create a twilight fee rate for vehicle use at certain County Parks. Okay. Do we have a motion on this? Even if it's for discussion.

LEG. SCHNEIDERMAN:
Motion to commit.

LEG. KENNEDY:
Motion to approve.
D.P.O. HORSLEY: Okay. Hang on a second. We had a motion to commit. Do I have a second on the motion?

LEG. ROMAINE: Second.

D.P.O. HORSLEY: Second by Legislator Romaine. Motion to commit.

LEG. BROWNING: Which one is it?

D.P.O. HORSLEY: We're going to explain it. Let's get the motions done. Okay, John, you want to motion -- was there a motion to approve? We have none.

LEG. KENNEDY: I made a motion to approve.

D.P.O. HORSLEY: Motion to approve by Legislator Kennedy, seconded by Legislator Calarco. Okay, we had a motion to recommit and there's a motion to approve.

LEG. MONTANO: Commit.

D.P.O. HORSLEY: Commit, I'm sorry.

LEG. SCHNEIDERMAN: On the motion.

D.P.O. HORSLEY: Okay. On the motion, Legislator Schneiderman.

LEG. KENNEDY: Let the Chairwoman go.

D.P.O. HORSLEY: I should do that. Would you defer to the Chairwoman?

LEG. SCHNEIDERMAN: Sure, of course.

D.P.O. HORSLEY: Thank you.

LEG. NOWICK: Here's the thing. Usually it does go to committee and that would be a wonderful thing. But we don't come back until August 8th, so in order to make this important we have to do it now. And what I have been told by the Commissioner is that every single one of our County parks have events every night of the week. And it's after five o'clock, people try to sneak through after five o'clock because you don't pay. He said that you could make at least $90,000 for this year, so let's not miss
out on the $90,000 and maybe next year think about committee.

**D.P.O. HORSLEY:**
Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**
I think sneak is the wrong term. I'm sorry, Legislator Nowick.

**D.P.O. HORSLEY:**
A little strong.

**LEG. SCHNEIDERMAN:**
Because a lot of people, you know --

**LEG. NOWICK:**
I take that back.

**LEG. SCHNEIDERMAN:**
It's expensive. You know, people go to the parks, I've got Meschutt, I've got Cupsogue. They go there after five o'clock sometimes because they can't afford to go there earlier, but there are events in these parks and we have vendors and concessionaires who have bid and we get a commission in a lot of these contracts from these vendors, we get a percentage. I will tell you right now it's going to be a lot less people at Meschutt going to the Beach Hut to listen to music because now we're charging them. We never did that before. I think we're actually going to see less revenues in our parks, Cupsogue as well.

**LEG. NOWICK:**
Mr. Chair?

**LEG. SCHNEIDERMAN:**
There's other parks in this as well. I think this is changing the game for these concessionaires and I strongly feel this ought to be fully vetted in committee and we should not jump to a new fee. We've seen lots of fees. This is one other fee, and I think it's going to hurt the County, it's going to take away recreational opportunities for people who otherwise, you know, can't afford to do this. I think it's a major mistake.

**LEG. CALARCO:**
Another person we don't have to lay off.

**LEG. KENNEDY:**
Can we hear from the Commissioner?

**D.P.O. HORSLEY:**
You can hear from the Commissioner. Commissioner, please.

**COMMISSIONER DAWSON:**
We're only looking for a $4 twilight rate, and we have that through Fred Marcillio who has the three concessions at Meschutt, Cupsogue and Smith Point.

**LEG. SCHNEIDERMAN:**
I'm --

**COMMISSIONER DAWSON:**
We did vet it with Fred Marcillio and he’s fine with it.

**D.P.O. HORSLEY:**
Okay. Legislator Nowick.

**LEG. NOWICK:**
These are free concerts, free concerts in our parks, so a car full of people go to a free concert, four people in a car, a dollar each. Listen, if we had our druthers we would just not charge for anything, but unfortunately nowadays if we keep doing the same things we already did we'll get the same results we always got, and we're not in good shape. So it wouldn't be a terrible hardship for a free concert.

**D.P.O. HORSLEY:**
Lynne, could you go through it? How much is this? Now -- maybe the Commissioner should do it.

**LEG. SCHNEIDERMAN:**
How much are we giving for free concerts throughout this County?

**D.P.O. HORSLEY:**
Commissioner, would you just go through what the dollars are on this so we know.

**COMMISSIONER DAWSON:**
As it stands now, we collected all of our -- and I'm just going to speak to the three beaches, Meschutt, Cupsogue and Smith Point. We have a Green Key fee for $8 and a non-Green Key holder for $15. We've stop collecting at five o'clock because the last -- they're off duty at 5:30. The concessionaire over the last couple of years has started these concert series, lobster nights, car shows or whatnot. We're finding -- there's a lot of cars coming. There's a hundred to 150 cars, 200 cars after the five o'clock hour. So theoretically we could continue to charge until eight o'clock the same eight and $15 rate, we just thought that that would discourage people from going. We didn't think that a $4 charge would discourage them.

**D.P.O. HORSLEY:**
Thank you. Legislator D’Amaro.

**LEG. D’AMARO:**
Yeah. I’d like to ask the Commissioner, does the use of the lot have a cost to the County after five o'clock?

**COMMISSIONER DAWSON:**
No.

**LEG. D’AMARO:**
No. There's no clean-up, there's no impact on the County at all?

**COMMISSIONER DAWSON:**
No, not in the lot. There is cost with the additional people that come to beach. They have additional food, we have to pick up additional garbage, we have to clean the bathrooms, that kind of stuff.

**LEG. D’AMARO:**
Okay. Well, that's my point, though. The cost of parking is for the use of the park.

**COMMISSIONER DAWSON:**
Correct. Oh, I thought you were specifically asking if we had additional costs.
LEG. D’AMARO:
No, does the use of the lot have an additional cost to the County, what’s the impact? In other words, if we’re going to charge somebody -- if we’re going to charge somebody to come into the parking lot between five and eight $4, what’s the justification for doing that?

COMMISSIONER DAWSON:
When Fred has a concert and he has That 70’s Band we have 1500, 2000 people come into the facility. They’re eating more, drinking more, and we need to maintain the bathrooms --

LEG. D’AMARO:
Maintenance, security, clean-up, all of that.

COMMISSIONER DAWSON:
Correct.

LEG. D’AMARO:
Because the park is still functioning.

COMMISSIONER DAWSON:
Correct.

LEG. D’AMARO:
Okay. That seems to make sense to me.

D.P.O. HORSLEY:
Okay. Gail, maybe you might want to just quickly just go over the financials of this? Have you done anything on this? Have you looked at it at all? Or the Budget Office.

MS. VIZZINI:
No, because it’s a CN really --

D.P.O. HORSLEY:
I figured. I’m sorry and I didn’t mean to be pressing you on it. Has anyone done it? Nothing? Commissioner, do you have any idea how much this was going to bring in? What was the dollars?

COMMISSIONER DAWSON:
My best estimate was about $90,000 for the season. We figure if we get 150 cars at Smith Point every night, if we get 100 cars at Meschutt and maybe 75 at -- I’m sorry. One-hundred cars and Meschutt and maybe 75 at Cupsogue at $4 times -- you know, if you multiply it out.

D.P.O. HORSLEY:

LEG. SPENCER:
Commissioner, I’m not sure, can you clarify something? So if we choose not to pass this fee by current authority you can just keep someone there until eight o’clock and just charge them the full rate.

COMMISSIONER DAWSON:
That’s correct, but we think that that might have a negative impact on his operations.

D.P.O. HORSLEY:
Legislator D’Amaro.
**LEG. D'AMARO:**
That's an interesting point, that you think charging the full fee would have a negative impact but the half fee I guess it would be, four dollars --

**COMMISSIONER DAWSON:**
It's half for Green Key holders. It's $4. It's half.

**LEG. D'AMARO:**
Why do you think the full fee would have a negative impact?

**COMMISSIONER DAWSON:**
I'm thinking $4 is about the cost of a hamburger, whereas $12 might --

**LEG. D'AMARO:**
Wait a minute, wait a minute. That's the basis of your belief? I mean, we were discussing -- I know you and I are having a dialogue about dog park fees and park fees and discounted fees for use of a dog park, and your response to me was that the increased fees don't have any impact. In fact, we had record revenues coming in.

**COMMISSIONER DAWSON:**
At that particular -- each individual facility had --

**LEG. D'AMARO:**
No, you said County-wide.

**COMMISSIONER DAWSON:**
No --

**LEG. D'AMARO:**
No, you did. You said County-wide in your e-mail. It was all good news, we had record fees coming in.

**COMMISSIONER DAWSON:**
We did have record fees.

**LEG. D'AMARO:**
So I'm trying to understand. So if you're going to the park for a limited purpose, for a limited period of time, it would justify a lesser fee. That's what you're saying?

**COMMISSIONER DAWSON:**
I'm sorry. Can you say that again?

**LEG. D'AMARO:**
Yeah, okay. If you are going to the park for a limited purpose for a limited period of time, it would justify a lesser fee.

**COMMISSIONER DAWSON:**
In this particular instance.

**LEG. D'AMARO:**
Why? I mean, you're not basing it on duration, right, because we can't measure how long or know how long someone is going to be there.
COMMISSIONER DAWSON:
That's correct.

LEG. D'AMARO:
All right. So why the lesser fee? What's the justification for that?

COMMISSIONER DAWSON:
I think, again, each facility has a different demographic. It's easier to charge --

LEG. D'AMARO:
No, no, no, no, no. County residents need to be treated fairly and equally. It's not about because I'm going to one park I am going to pay $4, I'm going to another park I'm going to pay $6. If I'm going to a park for a limited purpose and for a limited period of time, you're telling me that you would justify a lesser fee.

COMMISSIONER DAWSON:
Correct.

LEG. D'AMARO:
Okay. So my -- I want to get that on the record because later on I might be proposing a lesser fee for a limited period of time for a limited purpose of going to a dog park, although it's contained in a County park, which you seem to be very opposed to.

COMMISSIONER DAWSON:
I am.

LEG. D'AMARO:
All right. Well, explain the difference to me.

COMMISSIONER DAWSON:
At West Hills Park there is no real way of saying whether they're going to be going into the dog park, the playground area, the campsites.

LEG. D'AMARO:
But they're entering the park.

COMMISSIONER DAWSON:
Correct.

LEG. D'AMARO:
But you don't know the same thing for concert goers. They may use the park, although the people coming to the dog park have a dog in their car. I think it's even more obvious their limited purpose.

COMMISSIONER DAWSON:
Correct.

LEG. D'AMARO:
Thank you.

D.P.O. HORSLEY:
Legislator Schneiderman, I think you're next.
LEG. SCHNEIDERMAN:
First, Greg, what did the Park Trustees have to say about this?

COMMISSIONER DAWSON:
Well, because this is a CN we didn't --

LEG. SCHNEIDERMAN:
Right, they haven't been vetted. You know, we used to have a law that we couldn't even raise fares without going to the Park Trustees. They had to agree on the fare. We took that away, but we should at least confer with them. That's why we have Park Trustees. Three of the four parks that you are raising the fares on are in my district. I mean, I don't think this is a fair approach to doing this. The public has paid for these parks. We're talking about after the sun is already low or down letting people come into these parks. If suddenly charged this fare I think is very unfair, and at least we should vet it to the Park Trustees. We have appointed them, we should at least go through committee. To rush this through without understanding the impact this will have this summer on the parks and these vendors I think it's going to be severe, I do. A lot less people will use our parks because now they have to pay $4 and before they could go for free.

This notion that basically you could charge full fare but you don't, but you have to come here so you can charge half fare, I don't understand that at all. So you either need our authority to set a fare or not. You are charging nothing now, so that's a choice you made. I suppose if you could make the choice to charge four if you wanted to, but instead you've come here and asked. And I don't think we should approve this at all. I think this is a grave mistake and I'm going to ask this body to at least send this to committee and the Park Trustees and get some input before we go down I think a very bad road.

COMMISSIONER DAWSON:
Okay. I will be meeting with the Park Trustees this Thursday. I didn't have a chance because of the late notification.

LEG. MONTANO:
Make it fast. I want to go.

D.P.O. HORSLEY:
Legislator Kennedy, let's get this moving guys.

LEG. KENNEDY:
Yeah. I made the motion to approve, I'll stand by the motion to approve. But, Commissioner, I just want to go back to something that you said before I believe. Actually at this point we could be imposing the full fee, regardless of what time these vehicles come into our parks. Legislator D’Amaro made the point that we have we wear, tear, use. Our restrooms, our garbage areas, there's all kinds of debris that's left. Quite frankly, whether it's 8 AM or 8 PM somebody is coming to our park. So I guess if this resolution doesn't go down, then maybe the message we're sending to you is, is charge them full fare right through the whole night.

D.P.O. HORSLEY:
Okay. Well thank you, Mr. Kennedy, on that. Would anyone else like to be heard?

LEG. MONTANO:
No.

D.P.O. HORSLEY:
We're good. Let's vote. We have a motion to commit takes precedence, right?
MR. NOLAN:
Correct.

D.P.O. HORSLEY:
Okay. Roll call.

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

LEG. SCHNEIDERMANN:
Yes to commit.

LEG. ROMAINE:
Pass -- on commit? Yes to commit.

LEG. SPENCER:
No.

LEG. D'AMARO:
Pass.

LEG. STERN:
No.

LEG. GREGORY:
No to commit.

LEG. NOWICK:
No to commit.

LEG. KENNEDY:
No.

LEG. BARRAGA:
No.

LEG. CILMI:
No.

LEG. MONTANO:
No.

LEG. CALARCO:
No.

LEG. ANKER:
No.

LEG. HAHN:
No.

LEG. MURATORE:
No.
LEG. BROWNING:
No.

D.P.O. HORSLEY:
No.

P.O. LINDSAY:
(Absent)

LEG. D'AMARO:
No.

MR. LAUBE:
Two.

(*Laughter*)

D.P.O. HORSLEY:
Okay, motion to commit fails. Motion to approve.

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

LEG. KENNEDY:
Yes.

LEG. CALARCO:
Yes.

LEG. SPENCER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. NOWICK:
Yes.

LEG. BARRAGA:
Yes.

LEG. CILMI:
Pass.

LEG. MONTANO:
Yes.
LEG. ANKER:
Yes.

LEG. HAHN:
Yes.

LEG. MURATORE:
No.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
No.

LEG. ROMAINE:
No.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent)

LEG. CILMI:
No.

MR. LAUBE:
Twelve.

D.P.O. HORSLEY:
It passes. Okay, all right. Now we go back to 1687, apparently it does have a bond. What did we do? Did we have a motion on this? Let's have a motion. This is Amending the 2012 Capital Budget and Program and appropriating funds in connection with energy conservation at various County facilities (CP 1664). Legislator Gregory makes the motion to approve, seconded by Legislator Hahn. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
The motion is approved. We have a bond on this, right? 1687A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $1,700,000 bonds to finance a part of the cost of construction of energy conservation improvements at various County facilities (CP 1664.319). Same motion, same second on the bond. Roll call.

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

LEG. GREGORY:
Yes.
LEG. HAHN: Yes.

LEG. SPENCER: Yes.

LEG. D'AMARO: Yes.

LEG. STERN: (Not present)

LEG. NOWICK: Yes.

LEG. KENNEDY: Yes.

LEG. BARRAGA: Yes.

LEG. CILMI: Yes.

LEG. MONTANO: Yes.

LEG. CALARCO: Yes.

LEG. ANKER: Yes.

LEG. MURATORE: Yes.

LEG. BROWNING: Yes.

LEG. SCHNEIDERMAN: Yes.

LEG. ROMAINE: Yes.

D.P.O. HORSLEY: Yes.

P.O. LINDSAY: (Absent)
MR. LAUBE:
Sixteen (Not Present:  Legislator Stern - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
All righty.  I think that's all from that packet.

LEG. ANKER:
Cosponsor.

D.P.O. HORSLEY:
Let’s go to the yellow packet, the Late Starters, and I'll make a motion to lay on the table and waive the rules for the following resolutions.  Okay.  Ready?  1688 goes to Economic Development and Energy; 1689 goes to Economic Development and Energy; 69 goes to -- 1690 goes to Economic Development and Energy; 1691 goes to Public Safety; 1692, Education and Information Technology; 1694 goes to Ways & Means; 1695-12 goes to Ways & Means and we're also setting the public hearing for August 7th, 6:30 at Hauppauge; 1696 goes to Health. We're also setting the public hearing for August 7th at 6:30; 1697 goes to EPA; 1698 goes to Government Operations, Personnel, Housing and Consumer Protection, also setting the public hearing for August 7th at 6:30 in Hauppauge.

LEG. CILMI:
Second.

D.P.O. HORSLEY:
Seconded by Legislator Cilmi.  All those in favor?  Opposed?  Abstentions?

MR. LAUBE:
Sixteen.  (Not Present:  Legislator Stern - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Sixteen.  I think that's it, right, gang?  We're adjourned.  Have a happy July.

(*The meeting was adjourned at 6:22 PM*).