SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SIXTEENTH DAY

December 18, 2012

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

Minutes Taken By:
Alison Mahoney & Lucia Braaten - Court Reporters
(*The meeting was called to order at 9:37 A.M.*)

P.O. LINDSAY:
Mr. Clerk, if you could call the roll.

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

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
(Not Present).

LEG. MURATORE:
Here.

LEG. HAHN:
(Not Present).

LEG. ANKER:
Here.

LEG. CALARCO:
Present.

LEG. MONTANO:
Here.

LEG. CILMI:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. NOWICK:
Here.

LEG. GREGORY:
(Not Present).

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. SPENCER:
Here.

D.P.O. HORSLEY:
Here.
P.O. LINDSAY:
Here.

MR. LAUBE:
Fifteen (Not Present: Legislators Browning & Hahn - Vacant Seat: District #1).

P.O. LINDSAY:
Could everyone rise for our salute to the flag led by Legislator Cilmi?

Salutation

If everyone could remain standing for a long-held tradition in this Legislature in that we always start off our day's business with a prayer from one of our local clergyman. And today I'm going to have Legislator Cilmi introduce our visiting clergy.

LEG. CILMI:
Thank you, Mr. Presiding Officer. And let me thank you for holding that tradition for us, it's very, very special. And certainly, the presence of God in our lives is -- we take it all for granted sometimes.

Originally from Bucks County, Pennsylvania, Rabbi Emily Losben-Ostrov comes to us today from the Sinai Reform Temple in Bay Shore where she's been the Rabbi since 2008, shortly after graduating from the Hebrew Union College Jewish Institute of Religion in Cincinnati.

Rabbi Losben-Ostrov has her under-graduate degrees in French, Political Science and Communications from All Bright College. In addition to her Master's Degree in Hebrew Letters from HUC, she also holds a Master's Degree in Educational Administration with emphasis on Jewish Studies from Xavior University.

Having received numerous awards for her community service, Rabbi Emily was also an NCAA Scholar Athlete three times. She is the Director of the Hebrew School at her temple and also teaches for The Reform Movement in New York City. She is noted for her work in fighting AIDS. She's proud to have founded the Pesach Project at HUC which allows Rabbinical students to help lead seders in the former Soviet Union.

And if that weren't enough, she and her husband Rubin founded a company, Meshuga Bands which creates all sorts of fun, whimsical, Jewish products for all age groups. Please join me in giving a warm welcome to Rabbi Emily Losben-Ostrov.

Applause

RABBI LOSBEN-OSTROV:
Thank you so much. I'm truly honored to be here. Let me invite you all to take a moment to take a deep breath, and take a moment of silence to remind ourselves that the work that you do here is truly holy work.

Moment of Silence

This is a very difficult time for us as a country, as we are all mourning the loss of those in innocent lives in Newtown, Connecticut. Our thoughts and prayers go out to all those who were affected. As we say in the Jewish tradition, "get from paper from Maria", May their memories always be for a blessing and may their legacy be for a better world. May God comfort the families of all the victims and grace the survivors with the strength and courage they need to move forward. Together let us pray that we never again have to hear of another tragedy such as this one, and let us pray that all
those who suffer from mental illness will be able to receive the treatment that they need. May a time come speedily, oh God, when there will truly be an end to violence and a sense of peace will prevail amongst us all.

To all of you here. May you always remember the reasons you are in your sacred positions, to make our community, our County, and even our world a better place. May God guide you to help put aside differences so that the betterment of our County and our world may be achieved. Let your voices be heard by one another so that the common goals and not the conflicts may prevail. May you work together to bring safety and peace to our community.

At the season of winter holidays, a time when lights are so prevalent, may we remember that each of us has the power to be the light in the dark. Each of us has the power to harness the divine spark and affect the world for the better. Dear God, may you guide those here to work to do your will, to work to bring about a fair, safe and peaceful world, a world of shalom, a world of peace for all. May this be God’s will and let us all say a men.

"Amen" Said in Unison.

**LEG. CILMI:**
Thank you, Rabbi.

**P.O. LINDSAY:**
Thank you very much for being with us.

**RABBI:**
Thank you so much for having me.

**P.O. LINDSAY:**
If everyone could remain standing for a moment of silence in memory of those innocent children and faculty who lost their lives in such a horrific act of violence at Sandy Hook Elementary School in Newtown, Connecticut. Our thoughts, our prayers are with their families and the Newtown community. And as always, let us also remember all those men and women who put themselves in harm’s way every day to protect our country.

**Moment of Silence**

Okay. Please be seated.

**Proclamations**

**D.P.O. HORSLEY:**
Ladies and gentlemen, Presiding Officer Lindsay will present a proclamation to the Suffolk County Police Department in recognition of their County-wide efforts in the aftermath of Super Storm Sandy. Presiding Officer will also present a proclamation to Suffolk County Sheriff’s Department in recognition of their County wide efforts in the aftermath of Super Storm Sandy.

**P.O. LINDSAY:**
This morning’s presentation was supposed to be presented by Legislator Browning. Unfortunately, she had to attend a awake this morning and she’s coming in a little bit late, so I’m going to do it in her absence. And they’re proclamations to both our Police Department and our Sheriff’s Department for the work that they did in all our communities to maintain safety within our communities during Super Storm Sandy.
I know we have a delegation from the Police Department, I see Chief Weber. How are you, Chief? Thank you for joining us. I should say, Commissioner.

COMMISSIONER WEBER:
Yes.

P.O. LINDSAY:
Yes, Commissioner Weber. I'm so used to calling him Chief, that it's hard for me to change the vernacular. But your men and women did an extraordinary job in a very difficult time, and this Legislature appreciates their efforts and their sacrifice. And just keep up the good work. I present you that on behalf of the Legislature to the Police Department.

Applause

COMMISSIONER WEBER:
Good morning, everyone. On behalf of all the men and women of the Police Department, both sworn and civilian, I thank you very much. They worked very hard during the storm, as they do every day. I wish you all a happy holidays, a happy and healthy new years and thank you very much for your continued support of the Police Department.

Applause

Photograph Taken

P.O. LINDSAY:
The next proclamation is for our Sheriff's Department for their efforts during Super Storm Sandy. It's just amazing how our communities pulled together and all the arms of government worked together in order to protect our citizens. And we certainly appreciate -- I know I have the Undersheriff with me. We appreciate the efforts of the department and have a proclamation to thank you guys for your efforts during the storm. I know, you know, people say that our Police Officers, our Sheriff's Department get paid for what they did, but story after story of going above and beyond their duties and we appreciate it and wanted to give this proclamation in appreciation. Here's Undersheriff Sheriff Sharkey, you want to say something?

Applause

CHIEF SHARKEY:
I would just like to thank the Legislature, on behalf of the Sheriff and myself, for the recognition of the work of the men and women of the Sheriff's Office in both the enforcement/police division and the corrections division during this event, and just recognize all of the law enforcement and fire rescue community that worked together during this event. Thank you.

Applause

Photograph Taken

D.P.O. HORSLEY:
All righty. Legislator Cilmi will present a proclamation to the East Islip Soccer Club.

LEG. CILMI:
Well, thank you very much. It's a pleasure to be here to recognize one of the great organizations in my district and certainly in Suffolk County.
In the face of adversity, Americans always shine bright, and at no other time was that of greater evidence than after Super Storm Sandy recently. In the weeks after, we saw so much generosity of resources and of time, so much heart displayed by so many in our County.

East Islip Soccer Club, as many of you know, is very important to me. I’ve been a member of the Board of Directors there for many, many years, both of my children went through the club, coached, etcetera. Immediately after the storm hit, the club's current president, John Davis, who stands next to me today, decided that we needed to pitch in and help. So in ten day's time, the club put together a soccer tournament called "Soccer Vs. Sandy". And the club assembled 115 soccer teams from across Long Island and, in one weekend, raised $30,000 for victims of Sandy. And right now the club is in the process of distributing $500 gift cards throughout Long Island, Long Beach, West Islip, in our community in Islip and East Islip, Lindenhurst, to make life a little bit easier for those victims during the holidays.

So it's with great pride and great pleasure that I present this proclamation to John Davis, as President and representative of the East Islip Soccer Club, for everything that he's done, not only for our club but for Suffolk County. John, God bless you and thank you.

Applause

MR. DAVIS:
I'd like to say thank you very much for taking time out of your busy day to present us with this. To get an award for doing something that was so much fun, helps so many people, is just mind-blowing. So thank you very much on behalf of all the kids that played in our tournament. Thanks.

Applause

D.P.O. HORSLEY:
All righty. And again, thank you. Legislator Stern will present a proclamation to the Elwood/John Glenn Volleyball Team for winning the State Championship.

LEG. STERN:
Good morning to my colleagues. Good morning, everyone. Let me first wish everybody a happy holiday season, a healthy new year.

It is really a great pleasure to welcome a special group of young ladies joining us here today in the Legislature, the Elwood/John Glenn High School Girls Volleyball Team which has just completed a perfect 15-0 season capturing the 2012 League Suffolk County, Long Island and a back-to-back New York State Championship. They once again --

Applause

They, once again, continue to be a great source of pride for our entire community. Not only are they outstanding on the volleyball court, but they continue to really be an example of what leadership and commitment and just an outstanding group of young ladies. Again, what a great example for our entire community. So it's a pleasure to welcome them here today to wish them congratulations. They are joined by their Athletic Director, Lou Torto, and their coach, Kevin Harrington. Coach Harrington?

MR. HARRINGTON:
Thank you so much for the honor. I say to the girls all the time, we spend probably more time with each our during the course of the season than our own families, and to have one more bus trip over here, a victory lap, if you will, is a great honor and it helps us relive some of those moments from
the season. And I'd just like to thank my Athletic Director, Mr. Torto, for helping make this all possible.

The girls are a great group of people, scholar athlete team and upstanding citizens. It was my honor to coach them and I'm just very proud of what they've done this season. Thank you very all very much. Appreciate it.

Applause

LEG. STERN: Congratulations, and we wish all of you every success in the future.

D.P.O. HORSLEY: Congratulations to all.

Legislator Montano will present proclamations to Christian Crawford and Melissa Brown from Brentwood High School as All-American Marching Band Designees.

Applause

LEG. MONTANO: Thank you. Good morning. Christian and Melissa, how are you?

MR. CRAWFORD: Hi.

MISS BROWN: Good.

LEG. MONTANO: Okay. I'd like to take this opportunity to thank you for allowing me to recognize these two students from Brentwood High School. They're actually Brentwood High School musicians, Christian Crawford and Melissa Brown. They are all the All-American Marching Band Designees this year.

The U.S. Army All-American Marching Band features 125 of the finest high school senior marching musicians and guard members from across the country. The U.S. Army All-American Marching Band recognizes the nation's leading high school band members, which these two young people are. These young men and women demonstrate the U.S. Army Corps values of loyalty, duty, respect, selfless service, honesty, integrity and personal courage in their everyday lives.

Selection of All-American Band Members is based on a broad range of attributes that go beyond performance and include qualities such as achievement, leadership abilities and community service. Melissa and Christian were chosen from among thousands of applicants to perform in San Antonio, Texas, at the All-American Bowl in January, 2013. Christian will perform with the top 100 student marching band students in the USA with all expenses covered by the sponsoring organizations. Congratulations to Christian Crawford and Melissa Brown for this fine achievement.

Applause

And I see we have their principal -- we have the principal and the music director here. Would you like to come up and say a couple of brief words?

DR. RATNER: Well, it's quite an honor to be here today. We're very, very proud of our music program. And certainly Melissa and Christian are very indicative of the honors that come our way, and it was quite
a process for them to be chosen. And I'm very proud to say this is the first time Suffolk County musicians have ever gotten this honor from any of our school districts. So I represent Brentwood and Suffolk County and we couldn't be more proud. Thank you very much.

Applause

D.P.O. HORSLEY:
All righty. Legislator, I understand that you have a second proclamation to the --

LEG. MONTANO:
We do. This is --

D.P.O. HORSLEY:
-- soccer team?

LEG. MONTANO:
-- I guess Brentwood's day, yes.

You know, as a former Brentwood High School student, I'm very proud of these young men and women for what they do. Today we also have the honor of recognizing the **Brentwood High School Varsity Soccer Team**. Would you come up, guys?

Applause

And also Ron Eden, the coach. Ron? You know, these young men had an outstanding performance in obtaining their fifth consecutive Suffolk County Class AA Title this year.

Applause

Brentwood is the undefeated Long Island Champions. They are the undefeated Suffolk County Champions with their fifth consecutive championship title in their record. They're undefeated League I Champions, and they're also the New York State PHSAA, and I'm not sure what that means, but scholar athletic team, third year in a row.

And this year their coach, Ron Eden, was recognized as New York State and Suffolk County Coach of the year. Ron and all of you on the team, congratulations. You make us very proud. We are very proud of you. You've done a great job and we look forward to hearing more from you in the future, not only in soccer but everything that you do.

Applause

Dan, are you going to speak? Say a couple of words on behalf of the team.

MR. OLIVER:
Good morning, Legislator and Presiding Officer Lindsay. Pleasure to be here. My name is Dan Robinson, I'm the Assistant Coordinator of Athletics here. My pleasure to be here again, fifth year in a row. We hope to be back next year. And I would just like to commend Coach Eden, and also our high school principal is here, and our music students who got that honor before. So thank you again. And coach?

LEG. MONTANO:
Don't be shy.
COACH EDEN:
I would just like to thank you for taking time out of your busy day and your busy schedule to recognize us. I don't want to ever take this for granted. We've been here five consecutive years, so it feels like every year we should be back here, but we never take it for granted and we really appreciate your efforts. And thank you, once again, on behalf of the students. This is a great bunch of kids. You'll see from -- you'll hear from them in the future. Their academic endeavors will far surpass what they do on the soccer field. Thank you, once again.

Applause

D.P.O. HORSLEY:
Congratulations, Coach.

LEG. MONTANO:
I think we also have one student who was All-American?

COACH EDEN:
Two.

LEG. MONTANO:
Two; two students that were All-American this year. We're really proud of them. Congratulations, guys.

Applause

Thank you.

P.O. LINDSAY:
Rick, if I might say, they're a good-looking group, too, you know?

LEG. MONTANO:
I know that.

(*Laughter*)

P.O. LINDSAY:
I don't know if it was the coach who was responsible, but he got ties on all these guys; that's very impressive.

(*Laughter*)

LEG. MONTANO:
Thank you very much.

D.P.O. HORSLEY:
All righty. That's the last proclamation I have listed; is that correct? We're all good? Okay. Thanks, Coach.

All right. What I'd like to do is -- I'd like to, if I may, take --

P.O. LINDSAY:
We need Legislators.
D.P.O. HORSLEY:
Yes. Would all Legislators please come to the horseshoe?

MR. LAUBE:
Ten.

D.P.O. HORSLEY:
Okay. I'd like to take out of order as a -- for the Ways & Means Committee IR 2165, this is the reappointment of Richard Horowitz as District Court Judge. We would like to do this as a courtesy. May I have a motion? I'll make the motion. Seconded by Legislator Cilmi.

P.O. LINDSAY:
To take it out of order.

D.P.O. HORSLEY:
To take it out of order, that's correct. All those in favor? Opposed? So moved, it is now taken out of order.

MR. LAUBE:
Twelve (VOTE: Not Present: Legislators Browning, Muratore, Montano, Kennedy & Gregory - Vacant Seat: District #1).

D.P.O. HORSLEY:
We have IR 2165 in front of us the reappointment of Richard I. Horowitz as District Court Judge (for and of the First District to fill a vacancy (County Executive).

LEG. SPENCER:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Spencer. Seconded by Legislator Stern. On the motion, everyone all good?

P.O. LINDSAY:
The Judge is with us?

D.P.O. HORSLEY:
Judge?

LEG. NOWICK:
Was he here before?

LEG. STERN:
He was here.

D.P.O. HORSLEY:
He was here before.

P.O. LINDSAY:
Okay.

D.P.O. HORSLEY:
Okay. All those in favor? Opposed? So moved. Congratulations to the Judge, wherever he may be.

(*Laughter*)
MR. LAUBE:
Twelve (VOTE: Not Present: Legislators Browning, Muratore, Montano, Kennedy & Gregory - Vacant Seat: District #1).

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

P.O. LINDSAY:
Okay, we're going to go to the public portion. First up is Kevin McAllister.

MR. MCCALLISTER:
Good morning, everyone, and happy holidays. I'm here to make an eleventh hour appeal relative to your 2013 Vector Control plan.

As many of you know, I serve as Peconic Baykeeper, have done so since 1998. I'm a credentialed biologist. I've been very critical of your Vector Control Program, obviously, with the application of pesticides into receiving waters, as well as your Wetland Program. With that said, I know it's a long-standing institution, one that has been a around for a long time and probably won't disappear. But I will say there is a critical eye to the notion that we are actually effectively suppressing West Nile.

Specific to today's comments, I want to talk about methoprene. This is a larvicide that has been deployed for a number of years now. Again, the distinction between the adulticides, ultimately an aerial spray to knock back and kill flying mosquitoes which, in fact, could be carrying West Nile virus. In the case of the larvicides, we are deploying these pesticides directly into surface waters.

Methoprene has been studied for a number of years. A great deal of research, body of research has spoken to the ecological impacts. Again, when we get into the animal kingdom crustations, our lobsters, crabs and shrimp are very similar to our insects. And the way methoprene works is it essentially mimics hormones, basically chemically tricks the mosquito into larving -- going through a larval stage prematurely. The studies in lobsters and blue crabs in particular have shown and demonstrated significant loss, mortality at very low levels in the larval stages.

More recently, and this is the body of evidence, the DEC actually restricts the use of methoprene on State managed wetlands, and I'm really perplexed as to why Suffolk County would go this route. More recently, you may have seen the Newsday article that appeared in July. The State of Connecticut had confirmed both adulticides as well as methoprene in lobsters that were captured in the middle of the sound. That report at the time suggests, and this was really, I think, short-sighted on the part of a DEC official saying, "Well, the meat's okay to eat." Well, that's not the point. When we start impacting certain organs with growth and reproduction, that's problematic.

The State of Rhode Island has restricted its use throughout all of their waters with the exception -- I think Providence is the only township that allows for it. Going further, the State of Connecticut, the House of Representatives last Spring moved to restrict methoprene, any use that would basically be connected, hydrologically connected to receiving waters. That bill did not get through the Senate, but the point I'm trying to make -- again, the body of evidence has been building. Our neighbors to the north certainly are recognizing the implications and I ask you to do the same.

And just very briefly, we have a larvacide that is in use, BTI as it's commonly known. So, you know, removing this product from the suite of pesticides does not adversely impact Vector Control's operation. Thank you.

D.P.O. HORSLEY:
Thank you, Mr. McAllister. We appreciate you coming down here this morning.
The next speaker is Stanley E. DeVeaux concerned about health care.

**MR. DeVEAUX:**
Good morning, everyone. I'm representing the advisory group for the Dr. King Health Center there in Wyandanch.

During the recent election, we heard a lot about the American dream. And truly we in America, we're very blessed to live in this country. As we pursue this American dream, we want freedom, we want economic security and etcetera. But Ladies and Gentlemen, if we do not have good health, I don't care how much money you have, I don't care where you have achieved in the economic level; good health is very important.

And as we now celebrate this season where we typically hear about no room in the end, I hope there's room in the budget, I hope there's concern in your heart for the health center. In fact, I wonder where we are. I've heard recently that the County may -- and these may be rumors, I don't know -- but may abandon our health centers.

At the Wyandanch Health Center, the Dr. King Health Center, if you come there, you will find that center serving the community. And so this time of year, I'm asking you to consider the future of our health center. Normally I will speak before the Health Committee, but since this is the end of year I come to all of you and present my feelings on behalf of the Dr. King Health Center. We want you to find room in the end for the health center. Thank you kindly.

**D.P.O. HORSLEY:**
Thank you, Mr. DeVeaux.

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**Applause**

All righty. The next speaker is Ann Marie Farrell who wants to speak to us about gun control.

**MS. FARRELL:**
Good morning, Presiding Officer Lindsay and Deputy Presiding Officer Horsley and all Legislators. And please excuse me, I am very nervous. It's been a long time since I spoke in front of a group, especially a group this large and esteemed.

I brought something with me this morning to demonstrate why I'm here speaking about gun control. I do want to let all of you know, I think I speak for everybody, I am very, very angry. I am absolutely furious. I'm sad. This holiday is ruined. There's many holidays that are ruined for the people in Newtown, but it's not just Newtown.

I wanted to show you this. Can you read this? This is a T-shirt from the Million Mom March that took place on May 14th of 2000. You'll see the date, it was on Mother's Day. It was attended not just by myself, but by hundreds of thousands of people in the United States. Do you see the last line on that T-shirt; can you see that?

**P.O. LINDSAY:**
No.

**LEG. SPENCER:**
"Sensible gun laws save kids".

**MS. FARRELL:**
Gun law, safe kids. Yeah, that's 12 years ago. I am very angry. I am very upset. We dropped the ball. I dropped the ball. Everybody in this country that is able to give their time and their money
and their passion and their concern for children dropped the ball.

This is what we have now. I'm sure that all of you can see this, I'm sure that you all saw this. This is a disgrace. I am ashamed. I cannot -- and I have come here to talk to all of you, because almost seven years ago I walked in here and was employed by the Suffolk County Legislature. And I have been tremendously impressed by this Legislature, by all of you. I do proofreading for the Legislature. I also help to format the resolutions, and the things that I have seen you put through, laws, is amazing. You are an amazing group of people. You're intelligent, you're forceful, you're passionate, you care. It doesn't matter what party, I have been amazed at how you care about your constituents. That's why I feel you have the influence, you have influence in Albany, you have influence with the Federal government, you have clout. Every one of us, every parent, every grandparent, every person in this country who can should be furious and angry and getting up there and writing letters, texting, e-mailing, twittering, whatever everybody can do. But when somebody sees your names on a letter or on an e-mail or in a text, Presiding Officer, Legislator, it holds a lot more clout than the average person. And you're representing us.

D.P.O. HORSLEY: Anne Marie, I don't want to shut you up, but you're going to have to --

MS. FARRELL: Okay, yes. This has to end. It has to end. It's too -- it's a shame and it's too late and it can't go on. And it is unacceptable to have children murdered. Not just in a town like Newtown; the South Bronx, Riverhead, Long Island. I've had it, actually. But thank you very much for letting me speak.

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

The next speaker is Nicole Mogil who is going to speak about congenital heart defects, awards week.

MS. MOGIL: Hello. My name is Nicole Mogil. This is our son, Gavin Mogil, and we just want to thank you so much for the consideration of designating February 7th through the 14th as Congenital Heart Defect Awareness Week in Suffolk County.

It's a very personal cause for my husband Greg and I. This is Gavin, our own little heart warrior, and at 20 weeks gestation he was diagnosed with double outlet right ventricle, transposition of the great arteries, coartation of the aorta and a VSD...I'm sorry (speaker became emotional). And by the age of three weeks old, he had already undergone two open heart surgeries. He has a pacemaker right now and he is -- he's just our pride and joy. And although Gavin's diagnosis is very rare, one in 10,000, unfortunately congenital heart defects are not. They affect one in every 100 babies, that's million world-wide, 40,000 just here in the United States each year, thousands of which don't live to see their first birthday. So that's why we're so happy that we were able to celebrate Gavin's last month. I'm very sorry. We just thank you so much for taking the time to listen to this around the holidays.

Applause

P.O. LINDSAY: Don't be sorry. It sounds like he wants to use that mic.

(*Laughter*)

MS. MOGIL: I know. Just one more quick point. The American Heart Association raises an incredible amount of money each year, and unfortunately only one penny of every dollar they raise goes towards
congenital heart defect research. And with congenital heart defects being more prevalent than all pediatric cancers involved, awareness is the very first step. So we appreciate you recognizing the importance of this cause and we wish you all a very happy and healthy 2013. Thank you so much.

Applause

D.P.O. HORSLEY:
Thank you very much, Ms. Mogil. And to you Gavin.

The next speaker is Nanci Dallaire.

MS. DALLAIRE:
Thank you. I once believed that the role of my government was to protect the people, but reality tells us that is an impossible task. But we should do what we can to protect our citizens. We may not be able to predict every tragedy, but we can be as prepared as possible to lend support and comfort our community through crisis. We may not be able to stop the next storm from hitting our area, but it would be foolish for us to be caught unprepared.

I am very concerned that the County has not considered the consequences that would have occurred had the John J. Foley Skilled Nursing Facility not been existing during the last two storms that devastated our neighborhoods. I must question why my County is still so willing to risk the lives of so many. I listened to your decision to spare no expense when it comes to saving the life of a heroin addict, but the residents relying on John J. Foley will be left unprotected? I believe that the life-saving circumstances of John J. Foley were a no-brainer, but look where we are today. How do you value one vulnerable citizen over another? The residents of John J. Foley have been counting on Suffolk County long before there was a heroin epidemic.

And I want to understand how you decide to prioritize programs and services while you abolish others. I know I should turn the other cheek and accept defeat, but I'm determined more than ever to preserve these vital services, and I will continue to protest any sale or closure of the John J. Foley Skilled Nursing Facility because I am insulted to be treated as a second-rate citizen to criminals, the homeless sex offenders and now the addicts of our County. And as a hard-working, law abiding homeowner, I'm forced to sacrifice my services as my taxes increase? I no longer have confidence that these decisions are for my best interest. I should be moving forward with confidence in my elected officials. Our community should be recovering with trust in our representatives to make those decisions on our behalf, but I no longer believe that negotiations are being made in good faith and that frightens me.

I do not know what the future holds, but I know that divided we will fall, and if we're not prepared we will fail. But I should not have to force you to protect me. I do not want my government to begrudgingly support us. I want to understand why you will support those individuals, but I must fight for my rights, I must plead for my protection. It's difficult to witness my County not respect this incredible institution as it should and I'm disappointed that this County facility is not treated with the dignity that it deserves. I will urge this County to remember their responsibility.

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

All righty. The last card that I have is from Bobby Blassingame who wants to talk about Spring Lake to be run on like Oak Beach.

MR. BLASSINGAME:
Shalom, shalom. Mr. Blassingame, community leader of Wyandanch, sometimes known as "unofficial mayor".
Wyandanch is in the mist rising. Near Spring Lake alone, there's Andrew Street. I spoke to Legislator Gregory, we want to be part of Wyandanch Rising. It is County-owned, but it is a beautiful double lake. It is a natural reserve. We like this to lower it down and put chairs around it. When people come into the hamlet, they see the beauty that this hamlet has to offer and all the stuff that Wyandanch is doing now. I would like it almost to be like when you drive into downtown Huntington. You see the natural beauty of Huntington and all the natural things that are there. When you drive in coming from Long Island Avenue, I know most people don't even know that to the other side of {Geiger} Lake across the road are two naturally large lakes. We want you to take the lakes on that side, do not disturb really the natural beauty of it, but add some chairs.

I'm going to leave this to you because that's how when I found out, the lake is listed that's how on many websites, but hotels, as you go along they tell you that's how to stop at Spring Lake in Wyandanch. But as we are in the midst of Wyandanch Rising, we want that side of people to enjoy the hamlet of Wyandanch. Not only bringing beauty to our hamlet, but to the town and to the County. Because this has been a project long overdue Wyandanch, but we want this so that all the natural resources are put to use and that's how they're making this -- that's how one of the most greatest things ever done that we're at the end of it. Wyandanch will be that shining jewel, not to the town but to the County too. So that's what I come down here to ask you. That's how it is County owned, so let it be run like Oak Beach; Oak Beach is owned by you but run by the town. This is another thing that you own, but let the town run it and let it bring the natural beauty to this beautiful hamlet that we call Wyandanch. Thank you.

D.P.O. HORSLEY:
Thank you, Bobby. It's good seeing you again, by the way.

MR. BLASSINGAME:
Good seeing you, too.

D.P.O. HORSLEY:
All righty. I don't have any more cards. Would anyone else like to be heard? Would anyone else like to be heard? Okay, I'll make a motion to close the public hearings. Seconded by Legislator Cilmi. All those in favor? Opposed? So moved.

MR. LAUBE:
Fifteen (Not Present: Legislators Browning & Spencer - Vacant Seat: District #1).

P.O. LINDSAY:
Okay. I'll take a motion on the Consent Calendar.

LEG. BARRAGA:
Motion.

P.O. LINDSAY:
Motion by Legislator Barraga. Second by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislator Browning - Vacant Seat: District #1).

P.O. LINDSAY:
Okay. Resolutions tabled to December 18, 2012:

The first one, 1210, has been withdrawn.
The next one up is **IR 1361-12 - To amend requirements and composition of Women’s Advisory Commission (Stern).** Legislator Stern?

**LEG. STERN:**
Motion to table.

**P.O. LINDSAY:**
Motion to table.

**LEG. CILMI:**
Second.

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

**MR. LAUBE:**
Sixteen (Not Present: Legislator Browning - Vacant Seat: District #1).

**P.O. LINDSAY:**
**1635-12 - Further strengthening procedures for procuring consultant services (Kennedy).**

**LEG. KENNEDY:**
Motion to table.

**P.O. LINDSAY:**
Motion to table.

**LEG. CILMI:**
Second.

**P.O. LINDSAY:**
Seconded by Legislator Cilmi. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Sixteen (Not Present: Legislator Browning - Vacant Seat: District #1).

**P.O. LINDSAY:**
**1799-12 - Barring payment to DeGere Physical Therapy Services (Kennedy).**

**LEG. KENNEDY:**
Motion to table.

**P.O. LINDSAY:**
Motion to table by Legislator Kennedy.

**LEG. CILMI:**
Second.

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

**MR. LAUBE:**
Sixteen (Not Present: Legislator Browning - Vacant Seat: District #1).
P.O. LINDSAY:
1904-12 - Appropriating funds in connection with the acquisition and implementation of a County Attorney Case Management System (CP 1811) (County Executive).

D.P.O. HORSLEY:
I think they want to speak on it, Bill.

P.O. LINDSAY:
Okay. Dennis brown from the Law Department.

MR. BROWN:
Thank you, Mr. Presiding Officer. This bill is before you, it's for a Case Management System for the Suffolk County Attorney's Office, the Department of Law. And we'd ask that you pass this bill. It was in the 2012-2013 Capital Program, it was for $125,000 that was authorized when that was adopted. This would be a bill that would help make our office more efficient with respect to the managing of information. With respect to cases, the status of cases, the status of transactional matters such as contracts, real estate closings, Legislative developments, and it would also help interface that information with contact information, e-mail information and document production.

We don't have a case management system now. What we would like to do is there was a similar type of program that was approved by the Legislature in 2008 with respect to a company called new -- actually, in 2008 a resolution was introduced and it had passed this body with respect to a case management system by the -- that was being sought by the District Attorney’s Office, and that system is almost in place at the present time. It's set to go live shortly and we've received -- and that was procured through an RFP. And at the time that the Legislature previously approved the case management system for the District Attorney Office, the case management system -- I'm sorry, the RFP for the case management system was only in development stage at that time. But since then, they've completed their RFP process, they're about to go live with their case management system and there has been an offer from that -- which Don Rogers can talk about, from that vendor with respect to what it can do for the County Attorney’s Office, which is essentially the civil end of litigation for the County.

So if you have any questions, either myself or the Commissioner who would be happy to answer those questions and address those questions, but we would certainly ask that you adopt this resolution.

P.O. LINDSAY:
Okay. We don't have a motion yet, right, Tim?

LEG. SCHNEIDERMAN:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Schneiderman. Do I have a second?

LEG. GREGORY:
Second.

P.O. LINDSAY:
Second by Legislator Gregory.

LEG. CILMI:
On the motion?
P.O. LINDSAY:
On the motion, Legislator Cilmi.

LEG. CILMI:
Just very quickly. Dennis, thanks for the presentation. The last time this came before us there were some questions as far as the amount of money and as far as the process by which this is going to take place. An RFP hadn't been issued yet and I think you were thinking that -- or this, I think, appropriates -- you mentioned 125,000, but I think it's more than that, isn't it?

MR. BROWN:
I'm sorry if I said 125, it is 425 in the budget.

LEG. CILMI:
Four hundred twenty-five thousand dollars.

MR. BROWN:
Yes.

LEG. CILMI:
So have you come to any conclusions as to the dollar amount? Why is it going to be so expensive, if it is, in fact, expensive? Maybe that's not expensive at all for this type of system. Can you just shed some light on that for us?

MR. BROWN:
I'll let the Commissioner address some of those questions for you. But what I would say -- and I'll let the Commissioner express the details about it, but we did receive an offer from New Dawn Technologies and I know that we discussed that in committee the first time it was on committee, and they weren't set to go live at that time, but they -- I think if they're not now, they're just about ready to. And I believe that there are some satisfaction with the product that they produced for the District Attorney's Office and so it's an offer from that company -- and that, by the way, is only one aspect that we would be exploring at this time and not necessarily what we would be looking to accept. But it was an offer from them for servicing of approximately 60 attorneys in the County Attorney's Office as well as the support staff.

COMMISSIONER RODGERS:
Good morning. Donald Rodgers, Commissioner of IT. When we previously spoke, we had not gone live with the system at the District Attorney's Office and we had some concerns regarding that particular vendor. We engaged the vendor to review the overall process and identify exactly what issues were outstanding. And IT collaborated with the DA's Office to address any outstanding issues and we, I'm happy to say, are pleased with the overall result. The system at the DA's Office is now going live this week. That system, the overall cost was $1.2 million. It is significantly larger than what we're talking about for the County Attorney's Office. We do feel that there is a potential for us to utilize it. We have looked into other areas and do not feel that our costs for the County Attorney's Office would exceed the dollars that we're talking about right now. The costs do include significant licensing costs per seat, and this is where we do see the increase in expenditures. We did look into whether or not we could possibly build this locally, and our current staffing environment really precludes us from doing that, as much as I would like to say otherwise. It would probably take us about two years to put -- to build it, and I'd really like to see us get something in place for the County Attorney before that.

LEG. CILMI:
So given the expense of the District Attorney's system, you feel that this would be a good value for the money.
COMMISSIONER RODGERS:
I do. I do.

LEG. CILMI:
And if I’m not mistaken, it’s quite possible that the eventual dollar amount would actually be less than the money that we’re appropriating.

COMMISSIONER RODGERS:
It could be -- it very well could be less than what we’re appropriating, yes. We would need, obviously, to go out to RFP on this and engage numerous vendors to see what kind of response we get coming back to us.

LEG. CILMI:
And would you make sure and come before the IT, the Education & IT Committee to discuss the results of that RFP when they happen?

COMMISSIONER RODGERS:
Absolutely.

LEG. CILMI:
Thank you.

COMMISSIONER RODGERS:
You’re welcome. Thank you.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Don, tell me a little bit about this piece of software from the -- how best to put it? Is it proprietary or is it something that we will purchase and we will be able to modify? My experience in the past has always been where we pay someone else for something they own, ultimately it costs us significantly more to get the modifications.

COMMISSIONER RODGERS:
If we go out to RFP and purchase a system from this vendor or any other, the likelihood is that the software itself is proprietary.
My biggest interest in us going forward with this and other systems is the availability for data to be integrated across this County, which is what we don't have.

LEG. KENNEDY:
Uh-huh.

COMMISSIONER RODGERS:
So my concern, as we look at this or any other system, is what is the overall data structures that we’re dealing with and is the data accessible and usable, where appropriate, to other agencies, which is what we don’t see. And that's probably one of the biggest things that we will be looking at when we go forward with this. So the software itself is proprietary; our ability to access and utilize the data and the table structures that they reside in is not.

LEG. KENNEDY:
Okay. If I can, I have a question for Dennis, then, also.
Dennis, this is going to sound like a foolish question, but so what does the County Attorney's Office do now in order to track --

**MR. BROWN:**
How we track our data?  Sure.  We use the Oracle System.  So in our bureau, for example, we would open up a matter, we would assign it a number, a Law Department number.  We would also record the department number, if it was a contract or an RFP or a purchasing number.  And there are fields within the Oracle System that we can use, but there is only a limited amount of information that can go in there and there are only a limited number of characters.  It's worse than tweeting, and I don't know much about tweeting, but we can't put --

**LEG. KENNEDY:**
You know more than I do.  I don't know anything about tweeting.

**MR. BROWN:**
We can't put 146 characters in a field in order to learn what the status is.  So we mostly rely on that and the collective knowledge of the people in the department.

**LEG. KENNEDY:**
There's -- at any given time, we must have literally thousands of cases pending, though.

**MR. BROWN:**
That's true.

**LEG. KENNEDY:**
And the ability to go ahead and do the basic diary.  I mean, I come from a time where we still had double book diaries.

**MR. BROWN:**
That's true.

**LEG. KENNEDY:**
So are you doing that now?

**MR. BROWN:**
Yes, for our bureau, yes.  So for example, I maintain a chart of the status of work assignments, and also we can -- and also the support staff can print off -- I'm going to say it's the IFMS, though I'm not really positive that it is the -- crystal reports, we can run crystal reports.  But it only gives us a limited amount of data, so I know if something is open or closed, but I don't know where it is at any particular given moment in time.  So I know something is open and I can go and talk to the attorney or I could talk to the support staff to find exactly what's going on, but I don't have any details about where something is, a snapshot of where something is at a particular point in time.

**LEG. KENNEDY:**
Okay.  All right.  Thank you, Mr. Chair.

**P.O. LINDSAY:**
Okay.  Anybody else?  All right.  Seeing no one, where are we, Tim; do we have a motion on this?

**MR. LAUBE:**
You have a motion and a second.

**P.O. LINDSAY:**
And a second, okay.  All in favor?  Opposed?  Abstentions?
LEG. KENNEDY:
Opposed.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Thirteen (Opposed: Legislators Kennedy & Barraga - Not Present: Legislators Browning & Hahn - Vacant Seat: District #1).

P.O. LINDSAY:
All right. I've got a couple of bills --

D.P.O. HORSLEY:
You have the bond on that.

P.O. LINDSAY:
Oh, I've got the bond on that, I'm sorry.

1904A, the accompanying Bond Resolution, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $425,000 bonds to finance the cost of acquisition of equipment and planning implementation of a County Attorney Case Management System (CP 1811.110 and .510). I'll make a motion. Is there a second?

D.P.O. HORSLEY:
Second.

P.O. LINDSAY:
Second by Legislator Horsley. Any discussion? All in favor? Okay, we have a roll call. I forgot.

MR. LAUBE:
This is on the bond, 1904A, correct?

P.O. LINDSAY:
Yes, right.

MR. LAUBE:
You had a motion and a second. It's not the same motion, same second?

P.O. LINDSAY:
No.

MR. LAUBE:
All right. Who was the motion and the second again? I'm sorry.

P.O. LINDSAY:
Motion was by myself and second by Legislator Horsley.

MR. LAUBE:
Thank you.

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

P.O. LINDSAY:
Yes.
D.P.O. HORSLEY: 
Yes.

LEG. SPENCER: 
Yes.

LEG. D'AMARO: 
Yes.

LEG. STERN: 
Yes.

LEG. GREGORY: 
Yes.

LEG. NOWICK: 
Yes.

LEG. KENNEDY: 
No.

LEG. BARRAGA: 
No.

LEG. CILMI: 
Yes.

LEG. MONTANO: 
Yeah.

LEG. CALARCO: 
Yes.

LEG. ANKER: 
Yes.

LEG. HAHN: 
(Not Present).

LEG. MURATORE: 
Yes.

LEG. BROWNING: 
(Not Present).

LEG. SCHNEIDERMAN: 
Yes.

MR. LAUBE:  
Thirteen (Opposed: Legislators Kennedy & Barraga - Not Present: Legislators Browning & Hahn - Vacant Seat: District #1).

P.O. LINDSAY:  
Okay. What I started to say before is I have a couple of resolutions I'd like the body to consider
taking out of order.

The first one is on page eight, it's 2207, it has to do with Sag Harbor and we have the Mayor. Mayor Gilbride is with us. Mayor? There you are, okay. I'm sorry that I didn't see you and take it out of order before. I know you're a busy man. It's on page eight. Does everybody got it?

**LEG. SCHNEIDERMAN:**
I'll make a motion to take it out of order.

**P.O. LINDSAY:**
Okay. Motion by Legislator Schneiderman to take it out of order.

**LEG. MURATORE:**
Second.

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

**MR. LAUBE:**
Fifteen. (Not Present: Legislators Browning & Hahn - Vacant Seat: District #1). What was the number of the bill again?

**P.O. LINDSAY:**
2207.

**MR. LAUBE:**
Thank you.

**P.O. LINDSAY:**
So 2207 is now before us, it's authorizing the conveyance of County-owned right-of-way commonly known as C.R. 81, Long Wharf having Suffolk County Tax Map Identification Numbers of District 0302 Section 001.00 Block 01.00 Lot 002.000 and District 0903 Section 002.00 Block 03.00 Lot 026.000 for public highway purposes pursuant to Section 115-B of the New York Highway Law (Schneiderman). So we have a motion and a second. Anybody on --

**LEG. SCHNEIDERMAN:**
No, we don't have a motion to approve. I'll make a motion to approve.

**P.O. LINDSAY:**
Motion to approve.

**LEG. MURATORE:**
Second.

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

**P.O. LINDSAY:**
Second by Legislator Horsley.

**LEG. KENNEDY:**
On the motion.

LEG. KENNEDY: Yeah, my question is actually for Counsel. I seem to recall discussing Long Wharf in the past, but I don't ever recall talking about it in context of Highway Law.

MR. NOLAN: When this was originally proposed, it came from the County Executive's side, it was always pursuant to that section of the Highway Law.

LEG. KENNEDY: So we hold it under the notion that, in fact, it's something that --

P.O. LINDSAY: It's Highway that don't go anywheres, into the water.

LEG. KENNEDY: (Laughter) Into the Peconic Bay.

One of the other things I recall, we talked about at length with this, was whether or not there was any inherent value to the wharf itself. Did anybody ever establish, was it appraised? Do we know what, in fact, the value of it is?

LEG. SCHNEIDERMAN: Yeah, if I may. This at one time was the village's property, and back when there was a Board of Supervisors running the County, it became County property. We took it on because we had deeper pockets. You know, it's a large piece of infrastructure and we've been spending, on average, $100,000 a year maintaining the bulk heading there.

The Village has been operating Long Wharf in terms of policing it, collecting garbage, sweeping it, fixing potholes, but the infrastructure has been on our side. The prior County Executive had proposed giving it to the Village, it went through this body, it did not pass. We also tried to put the money in place to repair it because it needs some $600,000 in capital repair, that also did not pass. And at that point we formed a committee to do exactly what you're saying, Legislator Kennedy, to study all the alternatives, to work with Village officials to see what we can do to bring in revenues from the county, and we spent months looking at this. We completed an advisory report which has been circulated through all the Legislators. And ultimately the conclusion was, although there might be some minor ways we can get revenue, it will never make it so it's not a loss for the County.

It's iconic to the Village and they are willing to take on the responsibility. I think at this stage in the game, it's prudent to give it to the Village, as long -- and the Mayor can speak to this, actually we would like the Mayor to say a word or two.

LEG. KENNEDY: Well, if I can, Legislator Schneiderman. Thank you very much for that information, and I'll be happy to hear from the Mayor. But if I can, through the Chair, I'd like to go back to my last question posed. Is there any value to it; and if so, what is it? I see we have folks from the Division of Real Estate in the audience here. Does -- I would just like to get on the record, what's the value of this thing?

P.O. LINDSAY: In the study group, Legislator Schneiderman, was that ever established?
LEG. SCHNEIDERMAN:
Well, it's a road; it's unusual to appraise the value of a road. There is certainly to the County, because it's a tourist attraction, it brings people to the area which spend money in stores and things like that. It's not something we can sell, because of Highway Law, to the highest bidder, we can't do that. Commissioner Anderson has spoke in committee advocating for us to transfer this to the Village.

So you can't get a number in terms of what it might be worth, but we did look at, you know, things like paid parking and events and things that might generate money for the County. But nothing we can do that the village is acceptable to the Village that would generate anything significant to the County. It would remain a loss to the County. Plus the liability of the structure. So last year an individual fell off the Long Wharf and drowned and there are issues. So I'm not -- I'm happy the Village is willing to take it. I'm not sure why we'd want to hold it, frankly. I understand, you know, the fiscal situation, we want every, you know, dollar we can get. But it's very hard to come up with schemes to raise money there that aren't antithetical to what the Village is trying to do and what the County tries to do in terms of revitalizing our downtowns. So it's been a challenge.

LEG. KENNEDY:
Again, thank you, Legislator Schneiderman. And back through the Chair, we have an elected official at the podium, I don't want to make him stand here if he has something to share with us. But I'm going to ask for a third time, then, do we know what the value of this wharf is? If we spend $100,000 a year to maintain it and upgrade it, and if it's paved, I can tell you that's one of the few things in Suffolk County I've never seen. So it sounds to me at this point like there's vehicles that can go on it.

Through the Chair, I mention again that we have folks from the Division of Real Estate here. I don't believe that it's impossible to appraise this. I just would like to know what the value is, that's all. I'll yield.

P.O. LINDSAY:
Legislator Kennedy, if you are okay with this, I'd like to hear from the Mayor first --

LEG. KENNEDY:
Of course, yes.

P.O. LINDSAY:
-- and then Jill is right behind them that will answer or attempt to answer your question. Yes, Mayor.

MAYOR GILBRIDE:
Good morning. To the Village of Sag Harbor, Long Wharf is important because what the Legislature doesn't have is minutes from meetings that go back to the 1800s, the early 1900s, and then the mid 1900s where it has always been an argument whether the Village could afford to maintain that property.

Over the years it's become a very important part of Sag Harbor's history. Activities happen on that wharf regularly. But I'm faced with the same thing you guys are, and ladies; it's a big number for us to take this. That $660,000 work that has to be done to it is two years old, so to me that number is really about 800,000.

I'm the first Mayor in the history of Sag Harbor who is willing to say let's put some money aside, have a capital reserve fund for Long Wharf and attempt to take it and maintain it. So I'm faced with the same thing this board is. It's a big item to Sag Harbor, we've had a lot of debate at our board about taking it, but it's so important to Sag Harbor's history. Listen, I would rather you guys keep
I'll be honest with you. You know, if we could work something out, so be it. But we spend about 50 to $60,000 a year sweeping it, striping it, taking sand back off the beach that blows up on it on a regular basis, picking up the garbage. Legislator Schneiderman spoke about the accident. There have been more than one accident down there and loss of life. We still insure it. You know, there's a lot of things that's a burden to our budget. But to me, a lifelong resident of Sag Harbor, reading the minutes, listening to other boards say it's too expensive, I'm willing to take that challenge, try to put money aside to maintain it and welcome everybody from the County down to Sag Harbor. So if you have any questions, I'd be more than happy to try to answer them.

P.O. LINDSAY:
That's what you call calling their bluff, Mayor.

LEG. ANKER:
So my question would be why would you want the wharf and assume the responsibility of the financial burden, and can you maintain that financial burden?

MAYOR GILBRIDE:
That's yet to be seen. Have I -- have we talked about setting up a reserve fund? Yes. Do we have other water-front properties and docks and places where we generate funds? We do. We have never generated $100,000 at Long Wharf to offset it. And if you put 50 to 60,000 a year to maintain it, we would never have that.

But honestly, to me, growing up there, seeing -- I always thought Long Wharf was Sag Harbor's until I got to where I'm at today. So is it going to be a tough lift for us? I make no mistake, it is. A hundred thousand dollars a year to Sag Harbor with an $8 million budget, believe me, and a 2% tax cap, is a problem, but I'm willing to take that problem on.

Listen, if you guys want to keep it, keep it. Let's work something out. We had a ten-year, I believe it was a ten-year agreement that was renewed once, made it a 20-year agreement. I'm more than happy that you guys own it; but if not, I'm either willing enough or foolish enough to take it.

P.O. LINDSAY:
Okay. You know, if we're going to keep it, then maintain it, you know, we should maintain it; you can't have it both ways. Legislator Horsley.

D.P.O. HORSLEY:
Yeah, just quickly. I've been to Sag Harbor many, many times and been to the Long Wharf and I recognize that it is truly part of the downtown -- downtown of Sag Harbor itself. You don't have any anticipation in the future of putting parking meters on it or anything along that, you know, where you're going to be revenue producing? You're looking to extend -- are you looking to extend the dock or anything along that line that, you know, would bring in additional revenues; you have no plans for that.
MAYOR GILBRIDE:
Absolutely not.

D.P.O. HORSLEY:
Right. And it would take -- and for that to occur, wouldn't we have to go through Sag Harbor's board to get approval to do something like that if we decided we wanted to put revenue producing on it?

MAYOR GILBRIDE:
I don't know how you would do it, but certainly if you did it -- Long Wharf is also very important to Bay Street Theatre. We have three-hour parking on Long Wharf. Three-hour parking on Long Wharf is solely for Bay Street Theatre, so that it helps them survive. You go down there any morning, I was down there six o'clock this morning, somebody from Sag Harbor is down there reading the paper, having coffee. It's a spot people will meet and go and, "Hey, I'll meet you down at the wharf," and chat and talk. But no, are we going to put -- Legislator Schneiderman mentioned to me parking meters, and that was not a very good conversation, so.

(*Laughter*)

D.P.O. HORSLEY:
Okay, I wanted you to say that. So in other words, the Board would not approve something of that nature.

MAYOR GILBRIDE:
No.

D.P.O. HORSLEY:
Yeah. And frankly, you know, it is much like Oak Beach is to Babylon Town where the town maintains it and, you know, it is part of the community itself. And frankly, I will vote to support this.

P.O. LINDSAY:
Legislator Gregory.

LEG. GREGORY:
Thank you, Mr. Chairman. Thank you, Mr. Mayor, for coming here today. I just have one quick question. Is it necessary for the Board to pass the resolution before taking ownership of it, or how does that work, in your understanding?

MAYOR GILBRIDE:
Our board?

LEG. GREGORY:
Yes.

MAYOR GILBRIDE:
We have informally done that already.

LEG. GREGORY:
So does there need to be a formal process?

MAYOR GILBRIDE:
The way it was explained to me is it would start here and then at our next meeting we would accept it; that's how it was explained to me.
LEG. GREGORY:
Isn't that -- that seems a little backwards. If we approve it and you guys reject it, then what -- you know --

MR. NOLAN:
Both boards have to approve it; I don't think it matters the order it goes in.

LEG. GREGORY:
So in order to execute both, you have to have approval from both.

MR. NOLAN:
Right. If they don't -- if their board doesn't vote to accept it, then it's not going to happen.

LEG. GREGORY:
Okay. All right. Thank you.

P.O. LINDSAY:
Legislator Hahn.

LEG. HAHN:
The parking there, you don't in any way restrict only to village residents and town residents and have no plans in the future to restrict other Suffolk County residents?

MAYOR GILBRIDE:
No, no. We welcome everybody down there. Just like we did with the piece that you transferred that the windmill was on that we thought we owned. Come down in the summer time, we have a lot of visitors, we welcome them, I'm glad to see them. I would like to see them all winter, too, if anybody wants to come out.

P.O. LINDSAY:

LEG. KENNEDY:
Thank you, Mr. Chair. I just -- and Mr. Mayor, thank you very much for being here. Thank you for your pragmatic approach to this.

I am going to ask if there's -- well, let me ask you. Do you know if there's any inherent value to this, to the wharf? What does the Village Assessor do? I mean, obviously it's municipal property, so there's not a tax bill generated on it. But are you aware or has it ever been appraised, is there any value to it?

MAYOR GILBRIDE:
Not that I'm aware of.

LEG. KENNEDY:
Okay.

MAYOR GILBRIDE:
We have it as a County Road. We have it, you know, in the highway system.

LEG. KENNEDY:
Okay. All right? I'm going to ask our representative -- or our Director from Division of Real Estate is here. If she could just address us with that same comment, I'd appreciate it. Thank you.
MS. ROSEN-NIKOLOFF:
Hello, everyone.

LEG. KENNEDY:
Hi, Jill. How are you.

MS. ROSEN-NIKOLOFF:
I'm well. Thank you.

LEG. KENNEDY:
Good.

MS. ROSEN-NIKOLOFF:
We don't have an appraised value on it. I don't know how it could be -- I don't know what the comparables would be on something like that. I know that our Commissioner of Public Works is looking to remove it from our assets, it's more of a liability. I can tell you that if we were to appraise it, it would cost us about $2500 to go outside and do that; that I can tell you for certain.

LEG. KENNEDY:
Okay. But so no appraisal that we have at this point and just undefined as to whatever the value is on it.

MS. ROSEN-NIKOLOFF:
Yes.

LEG. KENNEDY:
Okay.

LEG. SCHNEIDERMAN:
Again, if I could just point out, the current cost to the County is around $100,000 per year. And I share the opinion that has been expressed here, that I'd rather see the County keep it and actually maintain it, but that is a cost of at least $100,000 a year.

And in terms of appraising it, just remember, Legislator Kennedy, this cannot be sold. You can't do that because it's a highway. As I understand it, you can't treat it like a 72-h piece of land that somebody can do something with. George, maybe you can explain that, but it cannot be sold.

LEG. KENNEDY:
I'm looking at the section of Highway Law right now and I would like Counsel to give us an opinion on that. Because there's no indication, I would guess. How are we going to transfer this, George; is it deed?

MR. NOLAN:
I think it would be deeded to them, yeah.

LEG. KENNEDY:
And right now it would be a deed without covenant. But it's a deed transferring a municipal road, so which means that it remains road in perpetuity and, therefore, can't be subsequently resold?

MR. NOLAN:
That I don't know, John. Nobody has asked me that question, I have to research that.

LEG. KENNEDY:
Okay.
LEG. SCHNEIDERMAN:
Does your County -- does your Village Attorney -- I had read something along the way about this, that it could not be privately developed.

MAYOR GILBRIDE:
That was the advice he gave us at a Village Board meeting.

LEG. SCHNEIDERMAN:
Also, could I just point out and thank -- Ben Zwirn served on the Advisory Committee for Long Wharf, and I don't know if, Ben, you wanted to say anything, but it's really through the Chair.

MR. ZWIRN:
I was the Presiding Officer's appointment, and also one time I was the County Executive's Office appointment because nobody else wanted to go that far east for regular meetings. I don't live in the Village of Sag Harbor, but they're very fortunate to have an outstanding Mayor. And I think he's expressed it.

With respect to Legislator Kennedy's questions, there are no comparables to this. This is a facility that sits out in the harbor. It helps protect the harbor, but an intrinsic value. It's just an iconic treasure of the Village. It helps the downtown -- you know, we work for revitalization in the County. This is an important parking issue for people in the downtown which creates sales tax revenue which is our biggest source of revenue. There's opportunities for the Village to do more things with the Long Wharf if they control it. They might be able to have, you know, winter recreation things going on there to try to, you know, promote activities in the downtown area.
I mean, there's a lot and --

LEG. KENNEDY:
Do boats tie up to it?

MR. ZWIRN:
There are some boats, but not many. There are some large boats that tie up for short periods during the summer months.

LEG. KENNEDY:
Does it have the connections? Does it have electrical and sewage?

MAYOR GILBRIDE:
No.

MR. ZWIRN:
No. There's a marina adjacent to it that's separate that has some of those facilities.

LEG. KENNEDY:
All right.

P.O. LINDSAY:
Okay. Anybody else?

LEG. SCHNEIDERMAN:
Just one last thing. You know, again, this is -- under this resolution, we're actually giving it back to the Village --

P.O. LINDSAY:
Right.
LEG. SCHNEIDERMAN:
-- Legislator Kennedy. So they once gave it to us, we didn't pay to take it, but it was given from the Village to the County and then this is a transfer back from the County to the Village, if that helps.

P.O. LINDSAY:
Legislator Barraga wants to comment.

LEG. BARRAGA:
Mr. Mayor, we've discussed this three or four times in the last six or seven months. It sort of reminds me of a saying, "Be careful what you wish for."

Let me make sure it's clear in my mind why you want to assume the responsibility, the fiscal responsibility of this wharf. As you pointed out, there's past due maintenance to the tune of 600,000, it may run $800,000. On an annual basis it costs whoever owns it $100,000 to maintain it, yet you're willing to assume this fiscal responsibility. At the same time, during your comments this morning you indicated, "I just assume leave it with the County. If the County wants to keep it, let them keep it." I want to make sure it's clear in my mind why you want this and why you're willing to assume the fiscal obligation associated with this wharf.

MAYOR GILBRIDE:
Good question. And I think what you'll see, with my Scottish roots you'll understand why I'm willing to take it.

When this was first presented, it was presented from Legislator Schneiderman; "The County would like to get rid of Long Wharf, it needs roughly $600,000 in maintenance. We're the going to do that and give you the wharf if you'll take it." I spoke -- I couldn't answer him. I spoke with my board and we were willing to take it. As the discussion goes on, I believe at the Legislature here, you couldn't do $600,000 worth of work to Long Wharf and apparently have a bond or something you guys were paying for and then give us that property. So as the discussion unfolded and went back and forth, it ended up, "We can't fix it and give it to you, but if you take it you can -- you know, the County will transfer it back to the Village." So that's pretty much how it happened.

Once I started researching it in the Village records, and I read minutes of the 1800s Village Board where we got it from the Long Island Railroad and really couldn't afford it. And then it come into disrepair and it was transferred to the County, the County fixed it up, modified it. I'm told when that was done in the mid -- somewhere around the 40s, late 40s, early 50s, a bunch of the bigger rocks and bigger boulders that were the under part, because in the early days Long Wharf went out and made a slight turn. A lot of those big boulders under that were transferred up to the Shinnecock Inlet to protect that inlet.

Then in the 50's I believe is when the Village got it back for non-payment of taxes and it went to the County Board of Supervisors because the County could handle it. It's just been a part of Sag Harbor for so long that, you know, there could be a Mayor in the future come and speak to you guys to see if you'll take it back, I don't know.

As far as I'm concerned, I'm willing to take this challenge on in tough times, try to get it fixed. And are we looking to -- we don't make a lot of money. The only boats that tie up to Long Wharf happen usually between Memorial Day and Labor Day. We can make anywhere from $38,000 a year to roughly $85,000 a year, $90,000. It doesn't offset the 100,000 we have to put aside or the roughly 50 to 60,000 we maintain it. But it's still, quite honestly, to ne -- we, like you, put money into a lot of properties so, we are going to change the revenue for boats that dock in the harbor at our other sites and attempt to maintain this the way it should be every year a, little bit every year, not do it every ten or 12 years and then spend a million plus on it.
LEG. BARRAGA:
Well, based on what you've said, you're willing to take on the challenge and we're about to give you the opportunity.

(*Laughter*)

P.O. LINDSAY:
Okay. Legislator Anker.

LEG. ANKER:
I just wanted -- again, I have absolutely -- absolute concerns about giving away a property from Suffolk County with our fiscal situation. But with what you're saying, we seem to be, you know, losing money. And you know, I hope there's a way that you can have this as an asset. And with that in mind, I'm just curious to know, is there a way that you can apply for grants more ease -- in an easier way than maybe the County can?

Again, I'm trying to figure out who has the most benefit from this piece of property? And we all want Sag Harbor to flourish. Sag Harbor is so beautiful. It's one of the best places to go for our tourists, and we do get a lot of tourist money from that, so it's a huge economic value for us. But again, do you know if there's government agencies you can outreach and maybe we can help you? Because, again, I have concerns that, as a town, do you have the financial resources to maintain this property?

MAYOR GILBRIDE:
As a village, as it stands right now, I do believe it's tight, but we will do it. Clearly we are going to set up, if this passes today, a Long Wharf Reserve Fund. We'll put the initial $100,000 in that account this year, start to get our own report done on what shape the wharf is in and what has to be done and we'll move forward from there.

As far as grants, we do have a grant person. We've actually applied to the County for some waterfront revitalization because we are fixing Haven's Beach. That's a 20-year -- I've been on the board 19 years, we've been talking about fixing Haven's Beach the entire term of me being on that board and, knock on wood, I'm hoping this year is the year that we get it done. We have the money set aside, we're ready to go to bids, we're waiting for the DEC to give us final approval on soil samples. So we've done a lot of things and we're going forward. It's not because we're bashful it's not because we're afraid to do it. You know, listen, I'll say it again, I'd love you's to keep it. Love to work with you. But absent of that, let's move on and see if we can hold our end of the bargain up.

P.O. LINDSAY:
Okay. Anybody else? All right, let's vote on this. We have a motion and a second, Tim?

MR. LAUBE:
That's correct.

P.O. LINDSAY:
Okay. Anybody want a roll call; no? All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislator Browning - Vacant Seat: District #1).

P.O. LINDSAY:
Congratulations, Mayor, you have a Long Wharf.

(*Laughter*)
MAYOR GILBRIDE:
Thank you very much. You're all welcome to come down any time. Come on down, say hello.

LEG. SCHNEIDERMAN:
Thank you, Mayor.

P.O. LINDSAY:
Okay. Okay, I have a couple of other resos with requests to take them out of order. If you go to the CN file, there's like three bills in there, all accepting money for the Police Department. And they tell me that there's representatives here, so I want to make sure we don't hold them up and get them back on the job.

The first one is, 2242-12 - Accepting and appropriating Federal funding in the amount of $10,000 from the United States Department of Justice, U.S. Marshals Service, for the Suffolk County Police Department's participation in Operation Northeast Shore Restore with 78.90% support (County Executive). I'll make a motion.

LEG. STERN:
Second.

P.O. LINDSAY:
Second by Legislator Stern. On the question, anybody? Officer, would you like to say anything about this?

INSPECTOR NIEVES:
Good morning, Mr. Presiding Officer, Ladies and Gentlemen of the Legislature. I'm Deputy Inspector Tedd Nieves, Executive Officer, Office of the Chief of Department. I'm here with Detective Sergeant Mike {Parrone} of the Special Victim Section, and we just wanted to speak, speak briefly about and raise awareness of the importance of accepting these funds in a timely fashion. Mike?

DETECTIVE SERGEANT {PARRONE}:
Good morning. We were approached by the U.S. Marshal's Office in late November with this project. The Marshals have a responsibility for supporting local law enforcement and managing their sex offender population. This particular project they were supporting us with personnel and overtime in order to verify offenders that might have been displaced during hurricane Sandy. We went out with the Marshals December 2nd through December 6th and verified almost 400.

The need for the Certificate of Necessity is if we don't accept the funds by the end of the year, it will impact our budget.

P.O. LINDSAY:
Okay. Any questions? Seeing none, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (ACTUAL VOTE: Sixteen - Not Present: Legislator Browning - Vacant Seat: District #1).

P.O. LINDSAY:
Next one in the same packet is 2243-12 - Accepting and appropriating 100% Federal pass-through grant funds from the NYS Division of Homeland Security and Emergency Services in the amount of $2,247,291 for the "Urban Area Security Initiative (UASI) FY2012" administered by the Suffolk County Department of Fire, Rescue and Emergency Services and to execute grant related agreements (County Executive). I'll make a motion.
P.O. LINDSAY:
Second by Legislator Horsley. Any questions, comments? None. Would you like to say something? You're from FRES, right?

DEPUTY COMMISSIONER JORDAN:
Yes. Deputy Commissioner John –

P.O. LINDSAY:
You got it? Just press it and then just leave it be.

DEPUTY COMMISSIONER JORDAN:
Okay, that’s it. Deputy Commissioner John Jordan from Suffolk Fire Rescue. Again, good morning, everybody. We just wanted to stress the urgency of this and the need for it, because the window of opportunity to purchase has shrunk from 36 months to 24 months and we’ve already eaten up some of that time because of the hurricane. One of the big initiatives with this money is the purchase of a high water rescue vehicle, which obviously we could have used in the recent storm. Additionally, 25% of this money is dedicated to law enforcement counter terrorism issues, so that would be a total of $821,323 that’s designated for that money.

P.O. LINDSAY:
Do my colleagues have any questions? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislator Browning - Vacant Seat: District #1).

P.O. LINDSAY:
Okay. And the last one is 2244-12 - Accepting and appropriating 100% Federal pass-through grant funds from the NYS Division of Homeland Security and Emergency Services in the amount of $778,500 for the “State Homeland Security Program (SHSP) FY2012” administered by the Suffolk County Department of Fire, Rescue and Emergency Services and to execute grant related agreements (County Executive).

(*THE FOLLOWING WAS TAKEN AND TRANSCRIBED BY LUCIA BRAATEN - COURT REPORTER*)

P.O. LINDSAY:
I’ll make a motion. Do we have a second?

D.P.O. HORSLEY:
Second.

P.O. LINDSAY:
Second by Legislator Horsley. Would you like to comment on this one, or same --

DEPUTY COMMISSIONER JORDAN:
Just to echo the last statement.

P.O. LINDSAY:
Okay. Very good. Does any of my colleagues have any questions? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?
MR. LAUBE:
Sixteen. (Not Present: Leg. Browning) (Vacancy: District #1)

P.O. LINDSAY:
Okay. All right. Thank you.

DEPUTY COMMISSIONER JORDAN:
Thank you.

P.O. LINDSAY:
And I thank my colleagues. Counsel just whispered to me, we only got one more CN in the packet. You want to finish them?

LEG. KENNEDY:
Sure.

P.O. LINDSAY:
2249 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Sunrise Harbor Realty) (SCTM No. 0100-200.00-01.00-005.000) (Gregory). I'm going to make a motion to take it out of order.

LEG. KENNEDY:
Second.

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

MR. LAUBE:
Sixteen. (Not Present: Leg. Browning) (Vacancy: District #1)

P.O. LINDSAY:
Okay. It's before us. I'll make a motion. Legislator Kennedy, make the second?

LEG. KENNEDY:
Absolutely.

P.O. LINDSAY:
Okay. Any question? Yes, Legislator Hahn -- Legislator Anker.

LEG. ANKER:
Can you describe this property?

DIRECTOR ROSEN-NIKOLOFF:
Yes. It's 1.2 acres and it's zoned Industrial. That's all the information I have with me today.

D.P.O. HORSLEY:
Couldn't hear you, Jill.

P.O. LINDSAY:
And what are we selling it for?
DIRECTOR ROSEN-NIKOLOFF:  
It's a redemption.

P.O. LINDSAY:  
Okay.

DIRECTOR ROSEN-NIKOLOFF:  
They're redeeming the property for $152,108.49 cents.

P.O. LINDSAY:  
Okay.  That's what the 16 is.

DIRECTOR ROSEN-NIKOLOFF:  
Right.

P.O. LINDSAY:  
I should have known that, but that's -- so we're getting the back-taxes.

DIRECTOR ROSEN-NIKOLOFF:  
We're getting the money back, putting it back on the tax rolls.

P.O. LINDSAY:  
Okay.

DIRECTOR ROSEN-NIKOLOFF:  
Okay?

P.O. LINDSAY:  

LEG. GREGORY:  
Just a quick comment.  The reason for the urgency is that there's a pending lawsuit in relation to this matter that has to end before the year, that's why it's coming by a CN.

P.O. LINDSAY:  
Okay.

LEG. GREGORY:  
But it's as-of-right.

P.O. LINDSAY:  
Thank you very much.  Anybody else?  We have a motion and a second.  All in favor?  Opposed?  Abstentions?

MR. LAUBE:  
Sixteen.  (Not Present:  Leg. Browning) (Vacancy:  Legislative District #1)

P.O. LINDSAY:  
Okay.  That finishes the CNs.  I got one more I got to take out of order.  Where is it?

MR. NOLAN:  
Page 6.
P.O. LINDSAY:
Page 6.

MR. NOLAN:
It's in Government Ops, last one.

P.O. LINDSAY:
Okay. It's on Page 6. It's 2224 - Approving the reappointment of Alan Schneider as Personnel Officer of the Suffolk County Department of Human Resources, Personnel and Civil Service (Co. Exec.). Alan is with us, so that's the reason to take it out of order. He's a busy man, and this way, if we have any questions, he'll be here to answer them and we can dispose of this. I'll make a motion to take it out of order.

LEG. GREGORY:
Second.

P.O. LINDSAY:
Second by Legislator Gregory. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Not Present: Leg. Browning) (Vacancy: District #1)

P.O. LINDSAY:
2224 is now before us. I'll make a motion.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Second by Legislator Kennedy. On the question. Anybody have any questions? I know Alan was in before committee the other day and we had a long discussion, so I don't really see the need to go through it again, but okay. We have no questions. We have a motion before us. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Not Present: Leg. Browning) (Vacancy: District #1)

P.O. LINDSAY:
Okay. Congratulations, Alan, you got a Long Wharf. Oh, no, that was the last one. You've been reappointed.

(*Laughter*)

Okay. Back to the regular agenda.

(*Applause*)

TABLED RESOLUTIONS

Resolutions Tabled to December 18th: 1935 - A Local Law to safeguard employees displaced by privatization (Browning). The sponsor isn't here, but she relayed to me that she wanted to table this. She's making some amendments to it. So I'll make a motion to table.

LEG. MONTANO:
Second.
LEG. KENNEDY:
Second.

P.O. LINDSAY:
Second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Not Present: Leg. Browning) (Vacancy: District #1)

P.O. LINDSAY:
1952 - Approving the reappointment of David K. Parkinson as a member of the Suffolk County Board of Health (Presiding Officer). I'm going to make a motion to table this as well. Dr. Parkinson is still incapacitated, he's in a nursing home now, and I'll keep you apprised of his status.

LEG. CILMI:
Second.

P.O. LINDSAY:
So I'll make a motion to table; second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Not Present: Leg. Browning) (Vacancy: District #1)

P.O. LINDSAY:
2072 - Amending the 2012 Capital Budget and Program and appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 21 - SUNY (Phase 2A) (Co. Exec.). Okay. Maybe someone from the Executive Branch could tell us. The last time we tabled it at the Executive's request. Is this ready to go?

MR. VAUGHN:
Yes, sir, the legislation is ready to go. We had to amend it the last time. We corrected it and it's ready to go.

P.O. LINDSAY:
Okay.

LEG. HAHN:
On the motion.

P.O. LINDSAY:
But Counsel's telling us, Tom, that it hasn't been amended.

MR. NOLAN:
I'll check.

P.O. LINDSAY:
He's going to check. All right? Somebody had a question?

LEG. HAHN:
Yes.
P.O. LINDSAY: Yes, Legislator Hahn.

LEG. HAHN: Commissioner Anderson is not here?

P.O. LINDSAY: No, he isn't.

LEG. HAHN: Okay. Because on these -- this type of resolution, I normally ask just to confirm that the money won't be spent to create leaching fields in the local residential area.

MR. VAUGHN: That sounds like -- pardon me. That sounds like an excellent question for Commissioner Anderson.

P.O. LINDSAY: And I've been informed that it has been amended, the bill. I was wrong.

LEG. HAHN: Does he normally come later on for --

MR. VAUGHN: Pardon me. The Commissioner is at a meeting in Brookhaven Town right now and we do expect him later on this afternoon or later on today.

LEG. HAHN: Would it be okay if we just pass this over?

P.O. LINDSAY: Pass over it?

LEG. HAHN: Yes.

MR. VAUGHN: Be happy to.

P.O. LINDSAY: Sure, no problem.

LEG. HAHN: Thank you very much.

P.O. LINDSAY: And, Tom, if he by any chance should not show up, you know, because of other business, would you check to see about the question about the leaching fields?

MR. VAUGHN: Yes, sir.

P.O. LINDSAY: Thank you very much. Okay. So we'll just skip over that one, and same thing with 2072.
2108 - Studying the preservation of sensitive properties damaged by Hurricane Sandy (Browning). I'm going to skip over this, too, to see if Legislator Browning shows up and wants to make a case on that as well.

2133 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Myron A. Hauptman and Ralph Delea (Trustees)(SCTM No. 0200-167.00-04.00-036.000)(Co. Exec.). Do I have a motion?

LEG. CALARCO:
Motion to table.

P.O. LINDSAY:
Motion to table by Legislator Calarco, and I'll second it. And, Tom, did you -- what did the Exec want with this?

MR. VAUGHN:
We were going to ask the Legislature to please consider a tabling motion on this at this time for this one and IR 2134 as well, sir.

P.O. LINDSAY:
Okay, okay. Can I ask why?

MR. VAUGHN:
A question has come up. There are a number of these parcels and there are actually a couple of them in Ways and Means as well. They're Local Law 13s that are being sold as part of a sod farm. The concern was that one day that these would then be sold back to us as like a transfer of farmland development rights. So we're working through those concerns and trying to figure out the best way to address that.

P.O. LINDSAY:
Yeah, yeah, that's --

MR. VAUGHN:
We don't really want to be buying back one day things that we already owned.

P.O. LINDSAY:
Yup. We don't want people making money by flipping the property.

D.P.O. HORSLEY:
To us both ways.

P.O. LINDSAY:
Yeah. Okay. Very good, Tom. So we have a motion to table. And do we have a second, Tim?

MR. LAUBE:
Yes, you do.

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

MR. LAUBE:
Sixteen. (Vote Amended to 15/Not Present: Leg. Browning) (Vacancy: District #1)
P.O. LINDSAY: That was 2133. 2134 (Sale of County-owned real estate pursuant to Local Law No. 13-1976 Myron A. Hauptman and Ralph Delea, Trustees (SCTM No. 0200-167.00-04.00-037.000).
How about same motion, same second, same vote?

MR. LAUBE: Fifteen. (Not Present: Legs. Browning and Gregory) (Vacancy: District #1)

P.O. LINDSAY: It stands tabled. 2152 - Approving the Vector Control Plan of the Department of Public Works Division of Vector Control pursuant to Section C8-4(B)(2) of the Suffolk County Charter (Co. Exec.).

Who wants to touch this one?

LEG. SPENCER: Motion.

P.O. LINDSAY: Motion by Legislator Spencer.

LEG. CALARCO: Second.

P.O. LINDSAY: Second by Legislator Calarco. Any comments? No comments. All in favor? Opposed? Abstentions?

LEG. CALARCO: No, you have somebody.

P.O. LINDSAY: Who?

LEG. CALARCO: Sarah.

P.O. LINDSAY: Okay. Legislator Anker.

LEG. ANKER: I just wanted to comment, my -- and put on the record my concerns for the chemical being used. And I'm hoping that we can find alternatives for the -- again, specifically the type of chemicals being used for Vector Control; methoprene, yes. So, again, if we can continue to be diligent in looking for alternatives, I think that would be very wise.

P.O. LINDSAY: And I think we all concur with that. Okay. So we have a motion and a second. I didn't take the vote yet, right?

MR. LAUBE: No.

P.O. LINDSAY: All in favor? Opposed? Abstentions?
General Meeting - 12/18/12

MR. LAUBE:
Fifteen. (Not Present: Leg. Browning and Leg. Gregory) (Vacancy: District #1)

P.O. LINDSAY:
Okay. **2153 - Authorizing the County Executive to execute an Intermunicipal Agreement with the Village of Southampton transferring maintenance responsibilities for sidewalks along CR 39, North Road that lie within the limits of the Village (Co. Exec.).**

LEG. SCHNEIDERMAN:
I'll make the motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Yeah, motion to approve.

LEG. MURATORE:
Second.

P.O. LINDSAY:
Second by Legislator Muratore. My only question is how did you get the Village to accept it? I would love to do this.

LEG. SCHNEIDERMAN:
Actually, there is some -- you know, the Village rate now -- originally, they didn't want to accept it at all, but they are accepting maintaining the surface of the sidewalks, plowing the snow. They are not -- we are going to take care of the structural elements if the concrete breaks, etcetera.

P.O. LINDSAY:
Oh, okay.

LEG. SCHNEIDERMAN:
The Village, though, is concerned right now that the depth of the sidewalk may not match the specs, and that's something that's being looked at. It's a Federal project. But I think we can move it beyond this body and let the County Executive work that out. Obviously, they'll need the agreement from the Village, which hadn't been executed. Do you know, Dennis, is it -- do we have that now?

MR. BROWN:
No, I don't believe it's executed yet. We were waiting to see if this resolution would pass. We'll work with the Village Attorney now.

LEG. SCHNEIDERMAN:
Right. So we can pass it here, and then later the Village of Southampton can pass it.

P.O. LINDSAY:
Okay. Sounds like a plan. Anybody else? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
INTRODUCTORY RESOLUTIONS

BUDGET & FINANCE

P.O. LINDSAY: Okay. Page 6, Introductory Resolutions: 2083 - Authorizing the County Comptroller and County Treasurer to close certain Capital Projects and transfer funds (Co. Exec.). I'll make a motion.

LEG. D'AMARO: Second.


MR. LAUBE: Fifteen. (Not Present: Leg. Browning and Leg. Gregory) (Vacancy: District #1)

P.O. LINDSAY: 2215 - Amending the 2012 Adopted Operating Budget to transfer funds from the Suffolk County Ballpark Fund to repair storm related damages to the Suffolk County Ballpark, Bethpage Stadium (Co. Exec.).

LEG. MURATORE: Motion.

P.O. LINDSAY: Motion by Legislator Montano, second by Legislator Muratore. On the question, anybody have any questions? No? Seeing none, all in favor? Opposed? Abstentions?


ENVIRONMENT, PLANNING & AGRICULTURE

P.O. LINDSAY: 2209 - Amending the 2012 Capital Budget and Program and appropriating Pay-go $17,633,961 Funds in connection with the Suffolk County 1/4% New Drinking Water Protection Program for Environmental Protection for Land Acquisitions (CP 8714.211)(Co. Exec.). I'll make a motion.

LEG. ANKER: Second.

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

MR. LAUBE: Fifteen. (Not Present: Leg. Browning and Leg. Gregory) (Vacancy: District #1)

P.O. LINDSAY: Okay. 2210 - Authorizing the acquisition of land under the (New) Suffolk County Drinking Water Protection Program (effective December 1, 2007) – Open Space component – for the Geula and Bodkin property – Beaverdam Creek - Town of Brookhaven (SCTM Nos.
General Meeting - 12/18/12

0200-932.00-01.00-030.000, 0200-932.00-01.00-035.000, 0200-932.00-01.00-069.000, 0200-932.00-02.00-047.000, 0200-932.00-02.00-048.000, 0200-932.00-02.00-057.000 and 0200-932.00-02.00-069.000 (Co. Exec.). Motion?

LEG. ANKER:
Motion to approve.

LEG. HAHN:
Second.

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

MR. LAUBE:
Fifteen. (Not Present: Leg. Browning and Leg. Gregory) (Vacancy: District #1)

P.O. LINDSAY:
2211 - Authorizing the acquisition of land under the (New) Suffolk County Drinking Water Protection program (effective December 1, 2007) – Open Space component - for the Geula property – Beaverdam Creek. This is a different property, okay. Town of Brookhaven (SCTM Nos. 0200-932.00-02.00-046.000 and 0200-962.00-02.00-002.000) (Co. Exec.). Okay.

LEG. ANKER:
Motion.

LEG. MURATORE:
(Raised hand).

P.O. LINDSAY:
Motion by Legislator Anker, and seconded by Legislator Muratore. Anyone on the questions? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen. (Not Present: Leg. Browning and Leg. Gregory) (Vacancy: District #1)

P.O. LINDSAY:
2212 - Authorizing the acquisition of land under the (New) Suffolk County Drinking Water Protection program (effective December 1, 2007) – Open Space component - for the Bodkin property – Beaverdam Creek - Town of Brookhaven (SCTM Nos. 0200-962.00-02.00-003.000 and 0200-932.00-02.00-058.000) (Co. Exec.).

LEG. ANKER:
Motion.

LEG. MURATORE:
(Raised hand).

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

MR. LAUBE:
GOVERNMENT OPERATIONS, PERSONNEL, HOUSING & CONSUMER PROTECTION

P.O. LINDSAY:
Okay.  **2026 - A Charter Law to establish a Traffic and Parking Violations Agency (Calarco).**

LEG. CALARCO:
Motion.

P.O. LINDSAY:
Motion by Legislator Calarco.

LEG. MURATORE:
(Raised hand).

P.O. LINDSAY:

MR. LAUBE:
Fifteen.  (Not Present:  Leg. Browning and Leg. Gregory) (Vacancy:  District #1)

P.O. LINDSAY:
**2184** has been withdrawn.

**2187 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Health Services: Special Education Services Provider (Co. Exec.).**

LEG. CALARCO:
Motion.

P.O. LINDSAY:
Motion.  Who made the motion?  Legislator Calarco.  Do I have a second?

LEG. STERN:
Second.

P.O. LINDSAY:
By Legislator Stern.  On the question.  All in favor?  Opposed?  Abstentions?

MR. LAUBE:

**HEALTH**

P.O. LINDSAY:
**2206 - Designating the week of February 7th through the 14th as "Congenital Heart Defect Awareness Week” in Suffolk County (Calarco).**

LEG. SPENCER:
Motion.

LEG. CILMI:
Motion.
P.O. LINDSAY:
Motion by Legislator Cilmi.

LEG. SPENCER:
Second.

P.O. LINDSAY:
Second by Legislator Spencer. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Gregory) (Vacancy: District #1)

LEG. MONTANO:
Cosponsor, Renee.

LEG. SPENCER:
Cosponsor, please.

P.O. LINDSAY:
Cosponsors. Who wants to cosponsor? Okay.

2219 - Amending the 2012 Adopted Operating Budget to transfer funds from the Greater Hamptons Interfaith Council (d/b/a) Family Counseling Services, Inc. to the Family Service League for the provision of chemical dependency services (Co. Exec.).

LEG. ANKER:
Motion.

P.O. LINDSAY:
Motion by Legislator Anker.

LEG. SCHNEIDERMAN:
Second.

P.O. LINDSAY:
Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Gregory) (Vacancy: District #1).

HUMAN SERVICES

P.O. LINDSAY:
2095 - To appoint a member of the Teen Pregnancy Advisory Board, Julian Pessier (Hahn).

LEG. HAHN:
Motion.

P.O. LINDSAY:
Motion by Legislator Hahn.

LEG. CALARCO:
Second.
LEG. ANKER:
Second.

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

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Gregory) (Vacancy: District #1).

PARKS & RECREATION

P.O. LINDSAY:
2171 - Authorizing a License Agreement with the Long Island Live Steamers, Incorporated at Southaven County Park in Yaphank (Co. Exec.).

LEG. CALARCO:
Motion.

P.O. LINDSAY:
Motion by Legislator Calarco.

LEG. HAHN:
Second.

LEG. ANKER:
Second.

P.O. LINDSAY:
Second by Legislator Hahn. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Gregory) (Vacancy: District #1)

P.O. LINDSAY:
2220 - Appointing Jack DeMasi as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 14) (Spencer).

LEG. SPENCER:
Motion.

P.O. LINDSAY:
Motion by Legislator Spencer.

LEG. ANKER:
Second.

P.O. LINDSAY:
Second by Legislator Anker?

LEG. ANKER:
Stern.

P.O. LINDSAY:
Okay. Who?
LEG. ANKER:
Stern.

D.P.O. HORSLEY:
Stern.

P.O. LINDSAY:
Stern. Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Gregory) (Vacancy: District #1)

P.O. LINDSAY:
2221 - Reappointing Stephen F. Melore as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 12) (Presiding Officer). Do I have a motion?

LEG. ANKER:
Motion.

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

MR. LAUBE:
Fifteen. (Vote Amended to 16/Not Present: Leg. Browning) (Vacancy: District #1)

P.O. LINDSAY:
2222 - Reappointing Kevin Peterman as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 3) (Presiding Officer).

LEG. ANKER:
Motion.

LEG. SPENCER:
Motion.

P.O. LINDSAY:
Motion by Legislator Anker.

LEG. BARRAGA:
Second.

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

MR. LAUBE:
Fifteen. (Vote Amended to 16/Not Present: Leg. Browning) (Vacancy: District #1)

P.O. LINDSAY:
2223 - Amending the 2012 Capital Budget and Program and appropriating funds in connection with the renovations at the Historic Blydenburgh Park (CP 7507)(Co. Exec.). Do I have a motion?

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

LEG. CILMI:  
Second.

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

MR. LAUBE:  
Sixteen. (Not Present: Leg. Browning) (Vacancy: District #1).

P.O. LINDSAY:  
On the accompanying bond, 2223A, same motion, same second. Roll call.

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

LEG. KENNEDY:  
Yes.

LEG. CILMI:  
Yes.

LEG. SPENCER:  
Yes.

LEG. D'AMARO:  
Yes.

LEG. STERN:  
Yes.

LEG. GREGORY:  
Yes.

LEG. NOWICK:  
Yes.

LEG. BARRAGA:  
Yes.

LEG. MONTANO:  
(Not Present)

LEG. CALARCO:  
Yes.

LEG. ANKER:  
Yes.

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

LEG. BROWNING:
(Not Present)

LEG. SCHNEIDERMAN:
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Montano) (Vacancy: District #1).

PUBLIC SAFETY

P.O. LINDSAY:
Okay. 2172 - Accepting and appropriating a grant in the amount of $71,890 from the State of New York Governor’s Traffic Safety Committee, to target speeding, aggressive and distracted driving, with 78.90% support (Co. Exec.)

LEG. CALARCO:
Motion.

P.O. LINDSAY:
Motion by Legislator Calarco; I’ll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Montano) (Vacancy: District #1)

P.O. LINDSAY:
2173 - Accepting and appropriating a grant in the amount of $50,050 from the State of New York Governor’s Traffic Safety Committee, to enforce motor vehicle passenger restraint regulations with 78.90% support (Co. Exec.).

LEG. CALARCO:
Motion.

P.O. LINDSAY:
A motion by Legislator Calarco; I’ll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Montano) (Vacancy: District #1)

P.O. LINDSAY:
2174 - Accepting and appropriating Federal funding in the amount of $60,000 from the United States Department of the Treasury, Internal Revenue Service, for the Suffolk County Police Department’s Participation in the IRS STEPP Program (Suffolk-Treasury Enhanced Prosecution) Program) with 81.77% support (Co. Exec.).
LEG. CALARCO:
Motion.

P.O. LINDSAY:
Motion by Legislator Calarco, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Montano) (Vacancy: District #1)

P.O. LINDSAY:
Okay. 2175 - Accepting and appropriating Federal funds in the amount of $15,000 from the Department of Homeland Security, United States Immigration and Customs Enforcement (ICE), for the Suffolk County Police Department’s participation in the ICE El Dorado Task Force with 78.89% support (Co. Exec.).

LEG. CALARCO:
Motion.

LEG. MURATORE:
(Raised hand).

P.O. LINDSAY:
Motion by Legislator Muratore, second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Montano) (Vacancy: District #1)

PUBLIC WORKS & TRANSPORTATION

P.O. LINDSAY:
2180 - Permitting the Incorporated Village of Westhampton Beach to purchase fuel from the County (Co. Exec.).

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman.

LEG. MURATORE:
Second.

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

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Montano) (Vacancy: District #1)

D.P.O. HORSLEY:
All righty. 2193 - Appropriating funds in connection with the improvements to the Suffolk County Farm (CP 1796)(Co. Exec.).

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

LEG. CALARCO:
Second.

D.P.O. HORSLEY:
Second by Legislator Calarco. Anything on the motion? All those in favor? Opposed?

LEG. SCHNEIDERMAN:
On the motion.

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

LEG. SCHNEIDERMAN:
There were some issues that came up in committee and I think the bond was going to be changed. George, do we know, has the bond been --

MR. NOLAN:
I actually spoke with bond counsel yesterday. The language of the bond, they said to me, was broad enough, the language was broad enough, so that the Department could look at the issue you raised, which is possibly repurposing the building.

LEG. SCHNEIDERMAN:
The building, yeah.

MR. NOLAN:
So the bond resolution would encompass that.

LEG. SCHNEIDERMAN:
Okay. Thank you.

D.P.O. HORSLEY:
All rightly. All set? All those favor? Opposed? So moved.

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Montano) (Vacancy: District #1)

D.P.O. HORSLEY:
Same motion, same second on the pending bond resolution. Roll call.

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

P.O. LINDSAY:
Yes.

LEG. CALARCO:
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: (Not Present)

LEG. MURATORE: Yes.

LEG. BROWNING: (Not Present)

LEG. SCHNEIDERMAN: Yes.

D.P.O. HORSLEY: Yes.

MR. LAUBE: Fifteen. (Not Present: Legs. Browning and Montano) (Vacancy: District #1)

D.P.O. HORSLEY: Okay. Thank you very much. 2194 - Appropriating funds in connection with building for Wildlife Rescue and Education, Marine Science (CP 1766)(Co. Exec.). Do I have a motion?

LEG. CALARCO: Motion.
D.P.O. HORSLEY:  
Motion by Legislator Calarco, second by Legislator Muratore.  On the motion, everyone good?  All those in favor?  Opposed?

LEG. BARRAGA:  
Opposed.

D.P.O. HORSLEY:  
So moved.

MR. LAUBE:  
Thirteen.  (Not Present:  Legs. Browning, Leg. Montano and Gregory) (Vacancy:  District #1)

D.P.O. HORSLEY:  
Thirteen?  Same motion, same second.  Roll call vote on the bond issue.

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

LEG. CALARCO:  
Yes.

LEG. MURATORE:  
Yes.

LEG. SPENCER:  
Yes.

LEG. D’AMARO:  
Yes.

LEG. STERN:  
Yes.

LEG. GREGORY:  
(Not Present)

LEG. NOWICK:  
Yes.

LEG. KENNEDY:  
Yes.

LEG. BARRAGA:  
No.

LEG. CILMI:  
Yes.

LEG. MONTANO:  
(Not Present)

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

LEG. BROWNING:
(Not Present)

LEG. SCHNEIDERMAN:
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Thirteen. (Not Present: Legs. Browning, Leg. Montano and Gregory) (Vacancy: District #1)

D.P.O. HORSLEY:
Thank you. **2195 - Appropriating funds in connection with Fuel Management/Preventive Maintenance and Parts Inventory Control System (CP 1616)(Co. Exec.).** Motion?

LEG. ANKER:
Motion.

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

LEG. CALARCO:
Second.

D.P.O. HORSLEY:
Second by Legislator Calarco. On the motion, everyone good? All those in favor? Opposed?

LEG. BARRAGA:
Opposed.

LEG. KENNEDY:
Opposed.

D.P.O. HORSLEY:
So moved.

MR. LAUBE:
Thirteen -- 12. (Not Present: Legs. Browning, Montano and Gregory) (Vacancy: District #1).

D.P.O. HORSLEY:
Twelve? Same motion, same second. Roll call vote on the bond issue.

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

LEG. ANKER:
Yes.
LEG. CALARCO:  
Yes.

LEG. SPENCER:  
Yes.

LEG. D'AMARO:  
Yes.

LEG. STERN:  
Yes.

LEG. GREGORY:  
(Not Present)

LEG. NOWICK:  
Yes.

LEG. KENNEDY:  
No.

LEG. BARRAGA:  
No.

LEG. CILMI:  
Yes.

LEG. MONTANO:  
(Not Present)

LEG. HAHN:  
Yes.

LEG. MURATORE:  
Yes.

LEG. BROWNING:  
(Not Present)

LEG. SCHNEIDERMAN:  
Yes.

D.P.O. HORSLEY:  
Yes.

P.O. LINDSAY:  
Yes.

MR. LAUBE:  
Twelve. (Not Present: Legs. Browning, Montano and Gregory) (Vacancy: District #1).

D.P.O. HORSLEY:  
Okay. That passes. 2196 - Appropriating funds and accepting Federal Aid, 80%; State Aid, 10%; and Serial Bonds, 10% for the purchase of new fare boxes for the Suffolk County
Transit Bus System (CP 5648) (Co. Exec.). Do I have a motion?

LEG. SCHNEIDERMAN:
Motion.

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

LEG. CALARCO:
Second.

D.P.O. HORSLEY:
Second by Legislator Calarco. On the motion, everyone good? All those favor? Opposed?
So moved.

Same motion, same second on the pending bond resolution. Roll call vote.

MR. LAUBE:
Fifteen on the last vote. (Not Present: Legs. Browning, Montano and Gregory) (Vacancy: District #1).

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

LEG. SCHNEIDERMAN:
Yes.

LEG. CALARCO:
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:
(Not Present)

LEG. ANKER:
Yes.

LEG. HAHN:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
(Not Present)

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning, Montano and Gregory) (Vacancy: District #1)

D.P.O. HORSLEY:
Thank you. 2197 - Appropriating funds and accepting Federal Aid, 80%; State Aid, 10%; and Serial Bonds, 10% for the purchase and installation of bus shelters (CP 5651) (Co. Exec.). On the motion, anyone making a motion? Schneiderman, Legislator?

LEG. SCHNEIDERMAN:
Motion.

D.P.O. HORSLEY:
Legislator Schneiderman.

LEG. MURATORE:
(Raised hand).

D.P.O. HORSLEY:

Same motion, same second on the pending bond resolution. Roll call vote.

MR. LAUBE:
Fifteen on the last vote. (Not Present: Legs. Browning, Montano and Gregory) (Vacancy: District #1).

D.P.O. HORSLEY:
Thank you.

(Roll Called by Mr. Laube, Clerk of the Legislature)
LEG. SCHNEIDERMAN:
Yes.

LEG. MURATORE:
Yes.

LEG. SPENCER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
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. BROWNING:
(Not Present)

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Sixteen. (Not Present: Leg. Browning) (Vacancy: District #1)

D.P.O. HORSLEY:
All right. Thank you very much. 2207 we've already done.
WAYS & MEANS

We are moving to Ways and Means. **1708 - A Charter Law requiring legislative approval of fee changes.**

**LEG. CILMI:**
Motion.

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

**P.O. LINDSAY:**
I'll second it.

**D.P.O. HORSLEY:**
Second by Legislator Lindsay.

**MR. BROWN:**
Excuse me, Legislator Horsley.

**D.P.O. HORSLEY:**
Yes. Hey, Mr. Brown.

**MR. BROWN:**
Thank you. We did speak with the sponsor last week before this was voted out of committee and we expressed our reservations with respect to portions of the law perhaps being too broad and conflicting with State law, and perhaps another portion being in conflict with the Charter. And I just wanted to state that we did talk to the sponsor about possibly working on revising the bill and making it a bit more specific.

**D.P.O. HORSLEY:**
Okay. Legislator Cilmi, you want to --

**LEG. CILMI:**
Yeah.

**D.P.O. HORSLEY:**
-- respond to it?

**LEG. CILMI:**
I did have a conversation with our Counsel, with Mr. Nolan, about this, and I'm not sure, George, I think you didn't really see the need to change it.

**MR. NOLAN:**
Well, that's correct, Legislator Cilmi, we had a conversation. You advised me that the County Attorney had pointed to a couple of sections in the Charter that they thought there was an inconsistency. I don't see the inconsistency.

I'd also point out, this is a Charter Law, which is of equal dignity to other provisions of the Charter. So I don't see, at least in terms of our Charter, any inconsistency that we have to address. Mr. Brown spoke about State Law just now; I haven't looked at that.

**LEG. CILMI:**
Thank you.
D.P.O. HORSLEY:
Okay. Legislator Montano.

LEG. MONTANO:
Yeah. Hey, Dennis. How are you? Did you say that you spoke at committee on this?

MR. BROWN:
No, we didn't speak at committee.

LEG. MONTANO:
Oh, okay, because --

MR. BROWN:
I spoke with the sponsor before committee.

LEG. MONTANO:
Okay. I just wanted to be clear on that. And what are you asking specifically?

MR. BROWN:
Several things. Well, for example, with respect to the Board of Health and Health Department-related fees, the Charter delegates to the Board of Health the ability to adopt and amend the Sanitary Code, and the Board of Health has delegated to the Commissioner the ability to adopt and amend rules and regulations, so that would necessarily include fees. So because the provision of the Charter, and it would be Article 9 of the Charter, deals with those particular -- this is one example -- deals with those particular provisions, that this article, which would be, I believe, Article 38 of the Charter, that there, at least on their face, be an inconsistency between those two, and that it would be best to reconcile these with respect to that aspect of the bill to deal with it in Article 9, as opposed to a separate article in the Charter. That's one aspect.

LEG. MONTANO:
It if I may, I recall, to the best of my ability, that we had a long discussion on this, right, Legislator Cilmi, at the Ways and Means Committee?

LEG. CILMI:
We did.

LEG. MONTANO:
You know, why wasn't -- no, I'm going to yield, it's your bill.

LEG. CILMI:
I was just going to offer that, you know, I'm not an attorney. Attorneys obviously disagree. And I'm certainly comfortable with Mr. Nolan's opinion on this. I do appreciate the fact that Mr. Brown reached out to me to discuss it, and I certainly appreciate his opinion as well. You know, I suggest we pass this today, and in the event there's some issue with it down the road, we can always do a technical correction at that point, I suppose. George, is that --

MR. NOLAN:
You could if we're convinced it's necessary, which at this point I'm not.

D.P.O. HORSLEY:
Okay. Legislator Montano, are you finished?

LEG. MONTANO:
No, I'm fine.
D.P.O. HORSLEY:
Okay. Are there any further questions on this? I have a motion to approve; is that correct, Tim?

MR. LAUBE:
That's correct.

D.P.O. HORSLEY:
Okay. And I don't have a --

P.O. LINDSAY:
The only thing that I wanted to ask to the sponsor --

D.P.O. HORSLEY:
Sure, Legislator Lindsay.

P.O. LINDSAY:
Do you want to table it for one cycle for you to check on this difference with the State law?

LEG. CILMI:
The only reason -- the only place I would go to check would be to our esteemed Counsel, so --

P.O. LINDSAY:
Okay.

LEG. CILMI:
-- I'm comfortable with his comfort.

LEG. MONTANO:
Now he's esteemed.

(Laughter)

P.O. LINDSAY:
Okay.

LEG. CILMI:
He's always esteemed in my eyes.

D.P.O. HORSLEY:
I've heard other things, but good.

LEG. MONTANO:
If he agrees with us, he's esteemed.

(Laughter)

D.P.O. HORSLEY:
There you go. Okay. Right now we have a motion to approve. Anyone else on this? We all good? Okay. I think we had a second on that. Tom Barraga?

LEG. BARRAGA:
Yes.

62
D.P.O. HORSLEY:
We got the second. Okay. All those --

MR. LAUBE:
No. It was Legislator Lindsay, actually, is what I had.

D.P.O. HORSLEY:
Oh, I'm sorry. Legislator Lindsay is the second on it.

P.O. LINDSAY:
Tom Vaughn wanted to speak.

D.P.O. HORSLEY:
Mr. Vaughn.

MR. VAUGHN:
Seeing as how we're moving so quickly, I would just offer the following thought:

There are two places that we've seen this issue come up this year. Earlier in the year, Legislator Kennedy put forward a bill to change some fees that were brought forward by the Commissioner of Consumer Affairs, and it was a bill that the County Executive ultimately supported. And then, during the budget process, Legislator Lindsay brought forward legislation when he thought the Health Commissioner had gone too far on a set of fees.

So I would say that, or at least ask you to consider the fact that you already basically have the power that you're seeking to enact right now. So, yes, we do have some Commissioners that are granted certain powers to establish fees that the Legislature doesn't have to vote on. However, you all have the ability to introduce legislation routinely to tell when you think that we've gone too far, and that would be something that I would ask you to consider as you are moving forward on this bill.

D.P.O. HORSLEY:
I certainly understand your comment, Mr. Vaughn. But let me just ask you quickly, what would be -- just flip that argument upside down and say what would be your objection, then, that we have final say on this issue, once they're suggested by the Commissioners?

MR. VAUGHN:
I would argue that you already do. And we've spent a lot of time looking to streamline government this year, so you're talking about adding something to a Charter. So there already is the power that already exists currently, and that would be my argument against this piece of legislation.

LEG. HAHN:
On the motion.

D.P.O. HORSLEY:
Legislator Montano, then Hahn.

LEG. SCHNEIDERMAN:
Put me on the list, too.

D.P.O. HORSLEY:
Okay.
LEG. MONTANO:
Yeah. I just had a question.

LEG. SPENCER:
Me, too.

LEG. MONTANO:
I'm just curious. Why weren't these objections raised at the committee meeting, was there a particular reason? Did we miss something?

MR. VAUGHN:
Legislator Montano, my recollection of the committee meeting that day is that we had already spent a very sizable amount of time talking about --

LEG. MONTANO:
We had a three-hour meeting that day.

MR. VAUGHN:
Yes, sir, we did.

LEG. MONTANO:
That was a long meeting.

MR. VAUGHN:
And when this bill came up, this issue -- there was no debate on this bill at the time. There was lengthy debate on Legislator Cilmi's other bill --

LEG. MONTANO:
Yes.

MR. VAUGHN:
-- if I recall correctly.

LEG. MONTANO:
There was.

MR. VAUGHN:
And lengthy debate on some other things. So this simply moved too quickly. I didn't have an opportunity to say something and I apologize for that. I should have raised the issue at that moment.

LEG. MONTANO:
Okay. No. I just wanted to make sure I didn't, you know, skip over something or --

MR. VAUGHN:
No.

LEG. MONTANO:
We also broke for the Executive Session that day in the middle of the meeting, I recall.

MR. VAUGHN:
Yes, sir.
LEG. MONTANO:
But I don't recall any substantive debate on this particular issue.

MR. VAUGHN:
There was no --

LEG. MONTANO:
Dennis, you want to --

MR. BROWN:
Yeah. I just wanted to mention, I wasn't at the committee meeting because I had spoken to Legislator Cilmi beforehand. And I was actually talking to Dennis and John Schneider about working with the sponsor with respect to a possible resolved -- revised bill, and then it was voted out of committee.

LEG. MONTANO:
Do you have the wording of a revised -- in other words, do you have the revisions that you would like to see in this bill or a bill like this with you?

MR. BROWN:
No, we never actually -- the sponsor and I never actually got that far, because I think I spoke to the sponsor on Tuesday and the committee meeting was on Wednesday.

LEG. MONTANO:
That's correct.

MR. BROWN:
And I had never finalized my conversations with John Schneider and Dennis Cohen, so we never had the chance in committee to discuss it.

LEG. MONTANO:
Well, I just want to be clear. Were your concerns or your proposed revisions communicated to the sponsor?

MR. BROWN:
No, we just talked generally about the bill.

LEG. MONTANO:
What do you want to do, Tom?

LEG. CILMI:
I know there's a list, but through the Chair, I'll be happy to answer.

LEG. MONTANO:
Yeah, I'm going to -- I just want to direct this to the sponsor in terms of, you know, what his pleasure is. If he doesn't even know what your revisions are, then I'm not sure how he can entertain them, particularly in light of what Counsel said. I'm just -- I just want to make sure that we gave you a fair opportunity at the committee to bring it forward. And we did have a long committee, a long meeting that day, I understand that.

LEG. CILMI:
I mean, I would be perfectly happy to listen now to a suggestion, and the bill is simple enough, it's not complex. I would be perfectly happy now to listen to a suggestion of a revision, and if it makes sense to us, I'd be happy to entertain that revision. But without hearing something --
MR. BROWN: Well, what we had spoke about, my recollection of what we had spoken about, I think it was last Tuesday was what I just stated to you, Legislator Montano, and which George disagrees. And George and I did discuss this as well, about possibly the amendment to Article 9 of the Charter instead of a new article in the Charter relating to the regulation of fees.

The second thing that we had spoken about was because the bill does make reference to things which might be regulated by State law, is that there would be language crafted into the bill, that if any of the fees proposed -- I'm sorry -- any of the fees proposed to be regulated somehow found their origin in State law, that they would be accepted from this particular bill.

LEG. MONTANO: Wouldn't that be implicit in the law that we passed in any instance?

MR. BROWN: Yeah, maybe, Legislator Montano, maybe, because I'd want -- I would have to do a little bit more research into individual fees, I know, because I know in some instances, like, for example, recording of documents under the CPLR with respect to the County Clerk's Office, I know there's some Legislative oversight with respect to that.

D.P.O. HORSLEY: Okay.

LEG. MONTANO: All right. I yield.

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

LEG. HAHN: Yes. Can you just remind me about which Commissioners have this power?

MR. BROWN: The two notable ones are the Commissioner of Health, as well as the Commissioner of Consumer Affairs.

LEG. HAHN: And they have the ability to raise and/or lower fees when needed in those departments?

MR. BROWN: The Commissioner of Health definitely does through the Sanitary Code, and the fees that are -- that are regulated through the Sanitary Code, like, for example, through the permitting process. The Commissioner also -- I'm sorry. The Commissioner of Consumer Affairs, his power is really hybrid because he is in part a State Officer, because Consumer Affairs is heavily regulated through the State in the powers that are derived through the code.

LEG. HAHN: I just feel like this is adding, you know, an added level of government bureaucracy, when we have the ability to change something that we feel is excessive, and I just think this is like one more layer of bureaucracy. I think they've made a compelling case that, you know, we really don't need to do this. Thank you.

D.P.O. HORSLEY: Thank you very much, Legislator Hahn. Legislator Schneiderman.
LEG. SCHNEIDERMAN:
Well, I mean, I do feel that we ought to be the safeguard here at the Legislature. We -- any fee change ought to come through this body. But I have one concern, and maybe Counsel can answer this.

At times we have allowed Commissioners to hold public hearings and then, after those comments, make those fee adjustments. And, you know, as I read it, it's really only one line in this bill. "No County Department shall change any fee unless authorized to do so by a duly enacted resolution of the County Legislature." So would that mean they would have to come back here specifically for a resolution where we would say, "Yes, raise those fees?" Because right now we don't actually raise the fees, we allow the Commissioner to make that decision after that public hearing.

MR. NOLAN:
Are you talking specifically about bus fares?

LEG. SCHNEIDERMAN:
For example, with the bus fares, we -- that's the way we approached the problem.

MR. NOLAN:
Well, I don't know if fares would be considered a fee necessarily, but I think this -- I think, generally, the ultimate determination to raise bus fares should generally come back to the Legislature. I know we haven't always done that. We've said hold a public hearing, and then if you raise the rates, that's okay. But if it's determined to be a fee, if a bus fare is considered a fee, then, yes, it would have to come back here because this is a Charter Law.

LEG. SCHNEIDERMAN:
All right. So the way we did the -- if the bus fares were considered fees, we couldn't -- and we could no longer do it the way we have done it in the past; is that correct?

MR. NOLAN:
It would probably have to come back here to be considered under this. But I'm not convinced that a bus fare is necessarily a fee.

LEG. SCHNEIDERMAN:
All right.

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

LEG. GREGORY:
Thank you. My concern with this bill is I see both sides of the argument, where we've been in situations where fees have been raised and certainly to a level that we don't agree with, and we really had no say in the increase. But I also see where -- the efficiency argument, where if a Commissioner is empowered to raise a fee, given our schedule, I think it would kind of -- you know, say someone wanted to raise a fee, the Health Commissioner wanted to raise a fee in December, and we had to have a say, we couldn't vote on that until February. So potential revenue loss, you know, would incur. And I think it's -- you know, I think I could support this bill more if there were a provision in this bill that said, okay, any fee over a 25% increase or 10% increase we'd have to look at, but it could be a minor fee increase in everything that we have to look at. I think it just, you know, bottles up the process, the administrative process.

I understand the intent, but I think it's just -- I think it goes a little too much, and it takes away powers that -- you know, that are given to these Commissioners by State Law. And so for that reason, I won't be supporting it as written.
D.P.O. HORSLEY:
Legislator Spencer.

LEG. SPENCER:
I had a chance to speak with the Commissioner of Health regarding this, and Commissioner Tomarken doesn't feel it would be a burden for him, he actually welcomes the Legislature's oversight. But I think my concern, and when I see the word changes, I guess in a situation where there would be a disaster, like the super storm, and you a Commissioner -- and this is to the sponsor, maybe he can address this -- that would say, "We're waiving all fees on these particular inspections in light of that." Does this legislation take away their ability to -- is there an unintended consequence that would take a Commissioner's ability away to make a particular judgment call in an emergency situation?

D.P.O. HORSLEY:
Legislator Cilmi.

LEG. CILMI:
To the legal question, I guess I would have to defer to our Counsel. I can see -- from a policy point of view, I can see both sides of the argument. I certainly appreciate, you know, the need for some immediacy in reduction of fees in certain circumstances. However, at the same time, I've heard over and over again in my three years here that we are a co-equal branch of government. And if we're going to be subjected to a reduction in revenue or an increase in revenue to the County, I think that we should have the say in that -- a say in that.

So, you know, we always reserve -- the Presiding Officer reserves the right to call a special meeting when necessary. We certainly have had no shortage of Certificates of Necessity when necessary. So I don't really see this as an additional level of bureaucracy, I see it, as Legislator Schneiderman pointed out, as simply a level of oversight, which I think is just and required.

LEG. SPENCER:
I think that -- you know, I agree with the oversight and the need, but I definitely see at times where, when we have the need to turn government on a dime, where that what the -- that there's action that needs to be taken, and that Commissioner gets a call and needs to make a judgment call, if there was something in this legislation that would temporarily allow them to continue to make that call until the Legislature can convene, because I could see us calling an emergency meeting. But if there was a super storm or a situation and the Commissioner's office gets a call and says, you know, "These fees are unfair," and the Commissioner right now has the power to be able to say, "Well, we're going to suspend those fees as a result of this disaster temporarily." Is there -- does the current language of this legislation prevent that from occurring, to Counsel?

MR. NOLAN:
There's no provision for that. You know, I would just point out that last Summer we had passed a fee for certain parks after hours, and the County Executive suspended that without coming back to us. I think a Department Chair, on an emergency basis when faced with a true emergency, might be able to temporarily suspend, you know, a fee, but, in the meantime, come to the Legislature with a resolution so that we could ratify the action they took on a retroactive basis. That might be a possible solution in that scenario.

LEG. SPENCER:
Thank you. That's the kind of clarification I would need to support this. And I agree with what you're trying to do and I appreciate it. And I don't know how I'm going to vote, because I think that emergency power of the Commissioner to be able to make those calls in an emergency situation needs to be intact. So thank you.
D.P.O. HORSLEY:
Just, George, to extend the question, and then I'm going to give it back to Dennis, I know you're looking to speak, if the County Executive declares an emergency, does that -- would that override this provision?

MR. NOLAN:
Actually, it would be under State Law, the Executive Law. In a case of emergency, the County Executive does have fairly broad powers. I'm not certain if waiving fees would be one of the things that would come under those powers. I'd have to take a look at the law. But in that situation, we have a storm like we just had, you know, the County Executive ordered that there be odd/even days on gas, gasoline. So he does have pretty substantial powers in emergency situations. It may extend to this situation, but I'd have to get back to you with a definitive answer.

D.P.O. HORSLEY:
Dennis, you wanted to speak?

MR. BROWN:
Thank you, Deputy Presiding Officer. I just wanted to state what Legislator Spencer had alluded to, the fact that there is a Charter Law and it only speaks to the fact that there is no change that's allowed. So that would include any type of streamlining or reduction of fees, and including any type of emergency measures.

I don't think that it would be appropriate for a Commissioner, because it's a Charter Law, to take actions into his own hands, and then by resolution ask that the Legislature ratify his actions. Because it is a Charter Law, it would require an amendment to the law to take that action.

With respect to the County Executive's power under Article 2(b) of the Executive Law, the County Executive, if there's a declared emergency, does have the ability to suspend Local Laws, but that has to be -- it has to be specific and the suspension can only be for five days.

D.P.O. HORSLEY:
Okay. Legislator Stern.

LEG. STERN:
Thank you. I'd like to go back for a moment, if we could, to this issue and the distinction between Local Law and New York State Law and potential conflicts. If I understand correctly, then, what you're saying is there are those fees that are dictated and mandated and required under State Law, and that there's a potential conflict with what this would allow us to do --

MR. BROWN:
Right.

LEG. STERN:
-- or allow us to approve, and there can be that potential conflict. Dennis, could you speak to that again?

MR. BROWN:
Yeah. I do think that Legislator Montano does make a -- makes a good point with respect to this law not being applicable if there are -- if it stands in conflict with State Law. And I wouldn't want to make a broad -- I think he makes a good point, but I wouldn't want to make a broad statement, because I'd want to have -- I would want to look at all of the fees that would be imposed either through Consumer Affairs, or through the County Clerk's Office, or through Real Property Tax Service Agency, or other types of fees, that this law could stand in conflict with that. And it's just the fact that it is so broad, to accept them I think just makes for better Legislative process, as
opposed to a pro se legal conflict.

**LEG. STERN:**
I would tend to agree with Legislator Montano's take on it as well. I think ultimately his provision prevails. But it would seem to me that we have an opportunity here to craft better legislation that would specifically speak to that, and why have the potential conflict?

**D.P.O. HORSLEY:**
Legislator Montano?

**LEG. MONTANO:**
What motions do we have on this?

**D.P.O. HORSLEY:**
We just have a motion to approve, I believe; is that correct, Tim?

**MR. LAUBE:**
That's correct, Legislator Cilmi to approve, Lindsay seconded.

**D.P.O. HORSLEY:**
That's all we have.

**LEG. MONTANO:**
Send it back to committee to air it in committee.

**D.P.O. HORSLEY:**
Okay. Legislator Cilmi. Hang on.

**LEG. CILMI:**
Let me, in the interest of compromise with my colleagues -- George, would -- if we were to amend this bill to incorporate some language that makes it clear that when the State specifically mandates certain fee changes, that in those instances this law would not apply, as well as what Legislator Spencer suggested in that we specifically speak to giving the County Executive some authority to temporarily change fees in certain instances. I'm not sure, you know, what instances; maybe you just leave it broad. But that at the following meeting, we have the opportunity to review that change and approve or disapprove that change. Is it possible to make those changes? We table this resolution today and approve it or address it at the next committee, or would it have to go back for public hearing?

**LEG. MONTANO:**
Here's what I was going to say. I still have the floor, right?

**D.P.O. HORSLEY:**
Go ahead.

**LEG. MONTANO:**
It seems to me that, for whatever reason, the impression is that it wasn't fully vetted in committee, and we did have a long meeting. And rather than continue to debate this at length here, maybe it might be advisable to send it back to the committee, giving you an opportunity to submit your proposed language to the sponsor, and then we can take it up in committee and then decide what we want to do with it. But that gives you a chance to put your specific language into the bill, if he'll consider it, and if not, at least we can debate it there.
MR. BROWN:
We'd be happy to work with the sponsor and Legislative Counsel, absolutely.

D.P.O. HORSLEY:
Okay. I think that --

LEG. MONTANO:
Would you be -- Tom, would you --

D.P.O. HORSLEY:
He's going to do that.

LEG. CILMI:
No, no. I would much rather --

LEG. MONTANO:
No, he wants to table it here.

LEG. CILMI:
I'll table it on the floor.

LEG. MONTANO:
I'd rather send it back to committee.

LEG. CILMI:
I think the changes are simple enough to make. Counsel has indicated that we can do so without requiring reopening of the public hearing. I think we vetted it enough where we can make those changes and --

LEG. MONTANO:
You want to table it here?

LEG. CILMI:
Yeah, we can table it here --

LEG. MONTANO:
Okay.

LEG. CILMI:
-- and we'll just address it at our next meeting.

LEG. MONTANO:
Fine.

D.P.O. HORSLEY:
Okay. The Legislature would -- the Legislator would like to --

LEG. CILMI:
So I withdraw my motion to approve, then, and make a motion to table.

LEG. MONTANO:
I'll second it.
D.P.O. HORSLEY:
Second by Legislator Montano. We have a motion to table. Okay? Everybody on board? All those in favor? Opposed? So moved, it has been tabled.

MR. LAUBE:
Sixteen. (Not Present: Leg. Browning) (Vacancy: District #1)

MR. BROWN:
Mr. Presiding Officer and Mr. Deputy Presiding Officer, I just want to thank each of you and all of you individually for the Case Management System. I neglected to do that before, so thank you.

D.P.O. HORSLEY:
You're welcome on behalf of all of us.

P.O. LINDSAY:
Yeah, this is your Christmas present.

D.P.O. HORSLEY:
Yeah, there you go.

LEG. SCHNEIDERMAN:
Merry Christmas. Merry Christmas.

D.P.O. HORSLEY:
Okay. 2012 - A Local Law to amend (Local Law No. 18-2012) creating the Suffolk County Landbank Corporation (Co. Exec.).

LEG. GREGORY:
Motion.

LEG. CILMI:
Second.

D.P.O. HORSLEY:
Motion by Legislator Gregory, second by Legislator Cilmi. Anything on the motion? Are we all good? All those in favor? Opposed? So moved, it has been approved.

MR. LAUBE:
Sixteen. (Not Present: Leg. Browning) (Vacancy: District #1)

LEG. GREGORY:
Cosponsor.

D.P.O. HORSLEY:
2016 - A Local Law to safeguard the personal information of minors in Suffolk County (Gregory). Legislator Gregory?

LEG. GREGORY:
Motion to approve.

D.P.O. HORSLEY:
Motion to approve?
LEG. ANKER:  
Second.

D.P.O. HORSLEY:  
Seconded by Legislator Anker. On the motion, everyone's good?

P.O. LINDSAY:  
Just let's get an explanation.

D.P.O. HORSLEY:  
Okay. Explanation by the sponsor? You want to do that, or Legislator Gregory?

LEG. GREGORY:  
Yes. This bill would prohibit and would put language in the contracts that prohibits the release of information of minors. There was an instance, actually, with Legislator Anker's son, where he's on a soccer team. He received a marketing, I think it was an energy substance in the mail that was directed to him. They believe that the soccer team released the information to the marketer. So this would prohibit any contract agency from releasing information of minors to sell their information.

D.P.O. HORSLEY:  
Okay.

LEG. ANKER:  
Can I ask --

D.P.O. HORSLEY:  
Yes, but after Legislator Stern.

LEG. STERN:  
Yeah. Thank you, Mr. Chairman. Maybe this is for George. George, in your opinion, if there is a violation, do you see that the penalty for violation for the release of that information would be an automatic revocation of the contract? Is the contractor then in automatic breach of the contract?

MR. NOLAN:  
Well, I think if a contractor did that, he would be in breach, but I don't think it would automatically mean that the contract would be terminated. That would be a remedy we could pursue, but I'm sure there are other remedies not so drastic that the County could pursue in the case of a breach.

LEG. STERN:  
So maybe, then, this is -- through the Chair to the sponsor.

D.P.O. HORSLEY:  
Please.

LEG. STERN:  
If there is this release of information, what would the process then be. How do you see that going? It's identified, then who is the conversation between, and what do you see as being potential remedies?

LEG. GREGORY:  
Well, see, if there was a contract -- if there's a breach of contract, I would suspect that they go through the normal process now, procedures for breach of contract, which would be with the County Attorney's Office and discussions with the contract agency, whatever those discussions are. If
there's a determination that I guess would be a willful breach of contract, then the contract could be deemed breached and they would no longer be in contract with the County and wouldn't receive -- wouldn't be eligible to receive County funding.

This is really to send a message that, you know, we understand that County agencies are not-for-profits, fund-raise in different methods, and this form of fundraising is selling their list, and particularly the information of minors, is just not accepted in the County, you know, draws a hard line on that.  And so anybody that would participate in that activity would be subject to breach of contract.

D.P.O. HORSLEY:
Okay? Legislator Anker, did you have a similar problem to this, did I read in the paper?

LEG. ANKER:
Yes. Yes, I did. And I just want to make a clarification that I did not say, quote, per Newsday, no offense Newsday, that it was apparently the sports team -- the soccer teams marketed or sold their list to the energy drink companies. What I said was that there could be an issue with not-for-profits selling, you know, or not even selling, but marketing. And, again, depending on what your definition of marketing, whether that includes just having a table on a sports field, or actually paying a specific amount of money to a sports team for that list. So there's varying degrees of the definition of marketing.

But the main issue is that not-for-profits, and especially what Legislator Gregory is working on here with this resolution, the County should not be reinforcing the idea that children's privacy is for sale. It is just not fair, and, again, especially with issues pertaining to health concerns. And, again, I just wanted to clarify that, you know, sports teams remain innocent until proven guilty of this. And I just wanted to clarify, in that particular Newsday article, that it was not intended for me to put the blame on the sports teams, it was to put the blame on the energy drink companies.

So, again, I support this bill. I will be happy to cosponsor this bill, and whatever we can do to keep our kids safe.

D.P.O. HORSLEY:
Okay. Anybody else? We're all good? I have a motion to approve, right, Tim?

MR. LAUBE:
That's correct.

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

LEG. SPENCER:
Cosponsor.

MR. LAUBE:
Sixteen. (Not Present: Leg. Browning) (Vacancy: District #1)

LEG. HAHN:
Tim, I'll cosponsor.

D.P.O. HORSLEY:
Okay. What we're going to do now is we had several resolutions, at least one -- at least one resolution, which was 1935; is that correct, Kara?
D.P.O. HORSLEY:
2072, yes. We passed over it. I got it. Yes, I got it. Okay. The amending of the 2012 Capital Budget and Program, appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 21-SUNY (Phase 2A)(CP8121)(Co. Exec.). We passed over that. Do I need a motion to take that up, or just take it up?

P.O. LINDSAY:
Yeah, just take it up.

D.P.O. HORSLEY:
Okay. We're going to just take this up, go back to that, because we have Gil Anderson here and we wanted to -- we had specific questions to you. Gil, come on up. Legislator Hahn has a question for you, Commissioner.

LEG. HAHN:
Sorry, Gil. I think I do know the answer. However, I did want you to put on the record that we won't be using the funds here to create leaching fields for the sewage treatment plant.

COMMISSIONER ANDERSON:
Correct. This is strictly for the improvement of the plant up on the SUNY Stony Brook site.

LEG. HAHN:
Excellent. Thank you.

COMMISSIONER ANDERSON:
You're welcome.

D.P.O. HORSLEY:
Okay. Are there any further questions on this of the Commissioner? All right. Did we have a motion on this, Tim, back then?

MR. LAUBE:
No, you didn't.

D.P.O. HORSLEY:
We did not. Okay. I'll make a motion to approve, seconded by Legislator Hahn. All those in favor? Opposed? So moved, it has been approved.

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Spencer) (Vacancy: District #1)

D.P.O. HORSLEY:
2072A, which is the corresponding bond resolution, same motion, same second. Roll call vote.

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

D.P.O. HORSLEY:
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. BROWNING:  
(Not Present)

LEG. SCHNEIDERMAN:  
Yes.

P.O. LINDSAY:  
Yes.

MR. LAUBE:  
Sixteen. (Not Present: Leg. Browning) (Vacancy: District #1)

D.P.O. HORSLEY:  
All right. We're also going to do 2108 - Studying the preservation of sensitive properties damaged by Hurricane Sandy (Browning). Apparently the sponsor is requesting to have it
tabled.

**LEG. CALARCO:**
Yes.

**D.P.O. HORSELY:**
Seconded by Legislator Calarco, your responsibility.

**MR. LAUBE:**
Who's making the motion?

**LEG. CALARCO:**
We could always stick the matter back up if we're incorrect here.

**D.P.O. HORSELY:**
There you go. Okay. All those in favor to table?

**LEG. MONTANO:**
Did we get a second?

**MR. LAUBE:**
No. I had Legislator Horsley as the motion and Calarco as the second.

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

**MR. LAUBE:**
Yes.

**D.P.O. HORSELY:**
That's correct. Okay. We have sponsors. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Sixteen. (Not Present: Legs. Browning) (Vacancy: District #1)

**D.P.O. HORSELY:**
It has been passed -- tabled. That's that. I think we have a couple of more in Ways and Means.

**LEG. MONTANO:**
2041.

**D.P.O. HORSELY:**
Exactly. Okay. **2041 - A Charter Law to strengthen oversight of County contract agencies (Cilmi).** Legislator Cilmi?

**LEG. CILMI:**
Motion to approve.

**D.P.O. HORSELY:**
Motion is to approve. Is there a second on the motion?

**LEG. KENNEDY:**
Second.
LEG. MURATORE:
(Raised hand).

D.P.O. HORSELY:
Second by Legislator Muratore. Okay. On the motion, everybody good? Everybody good?

LEG. HAHN:
Can you just give an explanation? I'm sorry.

D.P.O. HORSELY:
Okay. Legislator Cilmi, you want to explain this, or you would like Counsel?

LEG. CILMI:
I will do my best. Legislator Hahn, there are some regulations that were passed years ago which put certain burdens on our Comptroller's Office to require reporting from contract agencies in order to receive funding from us. The way those regulations were worded at the time make it very, very difficult for the Comptroller's Office to comply. In fact, they haven't complied with that law that was passed years and years ago. So I worked with the Comptroller to draft this piece of legislation which basically just cleans up that law. It doesn't really provide for any different requirements as far as the not-for-profits go, but what it basically does is it provides a better mechanism for the Comptroller to enforce the law that we passed. So it repeals the previous law, it replaces it with this law, and it just provides a better mechanism for the contract agencies to report to the Comptroller's Office, so that the Comptroller's Office can in turn report to us in a timely fashion with respect to, you know, the expenses and the activities of the contract agencies that we fund. For a more specific explanation, I'll defer to Counsel, if you require.

LEG. HAHN:
So, is a better mechanism a euphemism for less oversight?

LEG. CILMI:
It's not less -- no, it's not less oversight, it just -- it cleans up some time lines and it -- George, could you just review the couple of things that are specific in the bill?

MR. NOLAN:
Correct. I mean, this is -- as Legislator Cilmi mentioned, was -- I think he drafted it in cooperation with the Comptroller's Office, and I think it squares pretty much with the way they're doing things now. But, specifically, it would require all County departments to submit to Audit and Control by June 10th each year a contract evaluation form for their contracted programs to require Audit and Control to send a Contract Agency Disclosure Form to each contract agency by June 30th each year. All contract agencies must submit their completed disclosure form, its most recently -- its most recently audited financial statement or financial report, and a schedule of their employee compensation to Audit and Control by September 1st each year. Require Audit and Control to submit to the County Executive and this Legislature a compilation and analysis of the financial information provided by the contract agencies by October 7th each year. That time line is to assist us when we're preparing the budget. Authorize the County Comptroller to withhold monies appropriated for contract agencies that fail to comply with any of the provisions of the law. So, if they fail to submit a request -- a required document, the Comptroller can withhold funding until they do comply.

So it's pretty technical actually, but, again, consistent, I believe, with what the Comptroller is doing now, vis-à-vis contract agencies.
LEG. HAHN:
Isn't this disclosure form different than what they've been filling out previously?

MR. NOLAN:
I think it's — I think it's basically the same form, isn't it?

LEG. CILMI:
It's the same, they're using the same form. And the same remedy exists presently as far as the Comptroller being able to withhold funds when they haven't reported.

LEG. HAHN:
And I'm sorry, just I'm not on Ways and Means, so I don't quite understand what you're changing.

LEG. CILMI:
You would have to speak directly to the Comptroller's Office to get a good -- we really worked with their worker bees in terms of putting this together, and, as Counsel suggested, it's very technical in nature. You'd really --

LEG. MONTANO:
Could I get --

D.P.O. HORSLEY:
Yeah. We have Legislator Montano first.

LEG. MONTANO:
Bill, do you want to say something?

P.O. LINDSAY:
Well, I just wanted to point out that the current legislation calls for the Comptroller to do full-blown audits on a lot of these contract agencies and there's hundreds of them. He doesn't have enough staff to do what the law provides now, so he's asking us to change it through Legislator Cilmi's bill so he could do his job as per the law.

D.P.O. HORSLEY:
Legislator Montano.

LEG. MONTANO:
Yes. We had a full discussion of this one in committee. And one of the things that also came up, in addition to what Legislator Lindsay said, one of the requirements, as I understand it, or one of the factors why the Comptroller is in agreement with this bill and why we supported it is that some of these smaller agencies don't have the resources to do the full, complete certified audit. And what the Comptroller will accept is, for instance, if you have a small organization that has to file with the Charities Bureau and the Attorney General's Office, any agency that has to file that gets over 25,000 has to file financial disclosure. He will accept that in lieu of having them go through another audit. So it really works both ends, it works for the Comptroller, but it also works for the smaller agencies.

LEG. HAHN:
Okay. Thank you. That was helpful, Rick. Thank you.

D.P.O. HORSLEY:
That's under 25,000?
LEG. MONTANO:
Well, that's with the AG's Office, anything over 25,000, but -- and, also, he said that if an agency
has to file a 990, which is a not-for-profit tax form, that they would accept that in lieu of an audit
statement, because it basically provides --

D.P.O. HORSLEY:
Oh, okay, which they all have to do anyway.

LEG. MONTANO:
You don't want a -- you don't want a small agency to have to fill out three different forms providing
the same agency -- I mean, the same information.

D.P.O. HORSLEY:
That would be what I'd worry about as well. So, Legislator Gregory?

LEG. GREGORY:
Thank you. I guess to the sponsor through the Chair. My one question I have is, if we're already
doing it, if the Comptroller's already doing it, why do we need it in law?

And my second question, or I guess more of a statement, is it's my understanding that these
agencies are already submitting this information when they submit their contract. So why are we
putting in law that they have to submit it again to the Comptroller at a different period? Because
those time periods are different than the time periods of the date stated in this law.

LEG. CILMI:
The law that presently exists requires the Comptroller to get this information from contract agencies.
And there have been many occasions where those contract agencies simply do not provide the
information, and in some instances don't provide the information until even later than the time
period during which we approve a budget for the following year. So that while the current law holds
that agencies that don't provide the information must come to the -- must provide the information to
the Comptroller's Office, or they will have to provide for a separate standalone resolution to be
approved for funding, that's in the current law.

Basically, the Comptroller's Office has been trying to work with the contract agencies to try and to
avoid that from happening. And, as Legislator -- as the Presiding Officer pointed out, the current
law specifically states that all contract agencies must be audited by the Comptroller's Office, and
there's like 700 or something agencies and they just can't -- they just can't do it; they haven't been
doing it.

So, in answer to your question, I guess the Comptroller's Office feels that they have this existing
law, they want to be in compliance with the law, and they also want to be able to provide a good
mechanism for this body to rely on in terms of the information that they provide us with when we're
working on the budget, and passing this law now with these revisions will allow them to do that.

LEG. GREGORY:
But I would even -- before that gets to the Comptroller's Office, it's the departments that do the
contracts. They don't have the information that's needed to -- because with a contract, they have to
outline a budget. If they don't have the documentation to support that contract, we shouldn't be
signing those contracts even before they get to the Comptroller, so the process is broken. I don't
know if this will necessarily fix that if on the front end we're -- for some reason we're not doing our
jobs.
LEG. CILMI:
Well, you know, I have to rely on the Comptroller's Office. We all look to them for oversight of these matters, and, you know, if they tell me that this will allow them to do their job more effectively, then I have to rely on that advice. And the language of this bill came completely from their consult. So the Comptroller sent us each a letter basically supporting the bill. There was lengthy discussion with two members of the Comptroller's Office at Ways and Means during which they explained very thoroughly the reasons for the bill. You could look back to that and get your answers, or you could call the Comptroller's Office and get some answers specifically to your questions.

D.P.O. HORSLEY:
Thank you, Legislator Gregory. Legislator Montano, to you again.

LEG. MONTANO:
Yeah. I just wanted to point out that the Comptroller -- you may not have a copy of this, Legislator, but the Comptroller sent a letter to myself, as Chairman, dated November 27th, and I'll just read the first paragraph.

It says, "Please allow me to express my strong support for Introductory Resolution No. 2041, oversight of contract agencies. The purpose of this law is to repeal Local Law 9-2001, which has proven to be unworkable and ineffective, and replace it with a new financial regimen for contract agencies."

So that was taken up in committee. There was a full debate over the aspects of that. I think it took probably an hour, and there were three representatives from the Comptroller's Office. I don't think anyone from the Comptroller's Office is here right now, but it did receive a strong support; I just wanted to point that out.

D.P.O. HORSLEY:
Thank you very much, Legislator. Anyone else like to be heard on this issue? We have a motion to approve; that's correct?

MS. ORTIZ:
Yes.

D.P.O. HORSLEY:

LEG. CILMI:
Jay.

D.P.O. HORSLEY:
Jay, I'm sorry I missed you.

LEG. SCHNEIDERMAN:
One of the provisions in it is the departments are submitting by June 10th a list, this form filled out everything funded in that year's budget, but also any contract agency that they want funding for in the following year. I'm just wondering, do they know by June 10th what groups they want funding for in the following year? It seems a little bit early for that.

LEG. CILMI:
I'll have to look to the -- the County Executive's Office was represented, I believe, at the Ways and Means Committee meeting, and I don't think there was any objection.
LEG. SCHNEIDERMAN:
We typically don't get the proposed budget until much later than that. Does anybody know when they begin working on the budget for the following year?

MR. NOLAN:
Pretty early, Legislator Schneiderman, I think by mid-June. I don't think it's -- I wouldn't be surprised if the departments have a good idea who they want to fund in the subsequent year's budget, but, you know, I'd have to defer to their budget people.

LEG. SCHNEIDERMAN:
Okay. And it seems to me that this will be a little bit easier on the smaller contract agencies, because they no longer have to do an audited financial statement, as I understand it. There are other forms that they can submit that are a little bit less onerous. And for that reason, I support it because some of these agencies are small not-for-profits that get $5,000 grants. And I don't want to discourage them from doing good things in the community, because they just -- they're not going to spend more than that trying to come up with these audited financial statements.

D.P.O. HORSLEY:
Yeah, I share your concern, Legislator. Any further comment, Legislator Cilmi?

LEG. CILMI:
No.

D.P.O. HORSLEY:
Okay. We have the motion to approve. Do we need a roll call? We're good on this? All those in favor? Opposed? So moved, it's been approved.

MR. LAUBE:
Sixteen.

LEG. CALARCO:
One abstention.

D.P.O. HORSLEY:
One abstention.

LEG. CALARCO:
Abstain.

MR. LAUBE:
Fifteen. (Not Present: Leg. Browning) (Vacancy: District #1).

P.O. LINDSAY:
Congratulations, Tom.

LEG. CILMI:
Thank you, Bill.

D.P.O. HORSLEY:
All righty. 2165 is -- we're already done with the District Court Judge.

LEG. MONTANO:
No, no, we haven't done them.
LEG. CALARCO:
Yeah, we did.

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

LEG. CILMI:
Yeah, we did.

LEG. MONTANO:
Oh, we did this morning? Yeah, I think I was out of the room. Okay.

LEG. KENNEDY:
Mr. Chair, can I ask for a point of personal privilege on that one, though? I apologize to my colleagues, I was actually out of the room. I know this was taken out of order and I very much would like to be able to vote in the affirmative for Judge Horowitz. So if we could actually reconsider it so I could cast a vote.

D.P.O. HORSLEY:
Would you like to make that motion?

LEG. KENNEDY:
I don't think I can make the motion.

LEG. CILMI:
I'll make the motion.

D.P.O. HORSLEY:
Okay. You got to go back to the original. Okay. Legislator Cilmi makes the motion to reconsider, seconded by Legislator Lindsay.

Okay. **2165 (Confirming the appointment of Richard I. Horowitz as District Court Judge for and of the First District to fill a vacancy.) (Co. Exec.) is --**

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Anker) (Vacancy: District #1)

D.P.O. HORSLEY:
-- now reconsidered. Okay? We're going to vote on this now. Are we ready?

P.O. LINDSAY:
No, no.

MR. NOLAN:
We need a motion to approve now.

LEG. SPENCER:
The original motion, I think I made it, a motion.

D.P.O. HORSLEY:
Okay. Could I have a vote on the reconsideration? I don't think we did that, did we?

MR. LAUBE:
I called 15. I thought you said, "Call the vote."
D.P.O. HORSLEY:
Okay. Then, good, I'll take it.

MR. LAUBE:
Fifteen.

D.P.O. HORSLEY:
All right. Now, Legislator Spencer, you want to make the motion?

LEG. SPENCER:
Yes. Motion to approve Judge Horowitz.

D.P.O. HORSLEY:
Motion to approve the Judge's appointment, second by Legislator Stern. Okay. We're good, everybody? All those in favor? Opposed? So moved. All righty.

LEG. KENNEDY:
Thank you.

D.P.O. HORSLEY:
We're all in.

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Anker) (Vacancy: District #1)

D.P.O. HORSLEY:
All right. I think the last one is 2183 - The sale of County-owned real estate (pursuant to Local Law No. 13-1976) to Angel Medrano and Elizabeth Medrano, his wife (SCTM No. 0100-058.00-01.00-037.000)(Co. Exec.).

LEG. MONTANO:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Montano, seconded by Legislator Stern. All those in favor? Opposed? So moved, it's been approved.

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Anker) (Vacancy: District #1)

D.P.O. HORSLEY:
Go to the Manilla folder, and I think we're going to hold the first one until Kate gets here.

P.O. LINDSAY:
Yeah.

D.P.O. HORSLEY:
All right. The first one in the -- the first one in the packet is the vetoes. What we'll do is we'll hold that until Legislator Browning gets back. And as we noted before, Legislator Browning is at a personal funeral.

Okay. We now have the Certificates of Necessity. The CNs.
MR. NOLAN:
These are tax warrant corrections.

D.P.O. HORSLEY:
Tax warrant corrections? Okay, I'm sorry. We have several tax warrant corrections. 2250 - *Amending resolution implementing budget staff and taxes for the Fiscal Year 2013, Discretionary.*

P.O. LINDSAY:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Lindsay. I'll make the second on the motion. All those in favor? Opposed? So moved.

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Anker) (Vacancy: District #1)

D.P.O. HORSLEY:
Thank you. 2251 - *Amending (Resolution No. 1159-2012), implementing budget, staff and taxes for the Fiscal Year 2013, Mandated.* Legislator Lindsay, and I'll second the motion. All those in favor? Opposed? So moved.

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Anker) (Vacancy: District #1)

D.P.O. HORSLEY:
2252 - *(Authorizing amended) tax warrant for Resolution No. 1160-2012 for the Town of East Hampton to be signed by the Presiding Officer and the Clerk of the County Legislature.* Same motion, same second. All those in favor? Opposed? So moved.

MR. LAUBE:
Fifteen. (Not Present: Legs. Browning and Anker) (Vacancy: District #1)

D.P.O. HORSLEY:
Okay. Motion to recess.

LEG. CALARCO:
All right.

D.P.O. HORSLEY:
Don't need a motion recess. Have lunch.

(*THE MEETING WAS RECESSED AT 12:23 P.M.*)

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

(*THE MEETING WAS RECONVENED AT 2:38 P.M.*)

D.P.O. HORSLEY:
Roll call, Mr. Clerk?
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:  
Here.

LEG. SPENCER:  
Here.

D.P.O. HORSLEY:  
Here.

P.O. LINDSAY:  
(Not Present).
MR. LAUBE:
Sixteen (Not Present: Presiding Officer Lindsay - Vacant Seat: District #1).

D.P.O. HORSLEY:
Okay. Welcome back for the **Public Hearings**. I don't want to jinx us, but I don't believe we have any cards at all. So we are going to go through the Public Hearings.

*(Public Hearing on)* **IR 2027-12 - A Charter Law to strengthen monitoring of sewer plants operating in Suffolk County (Schneiderman).*  Mr. Schneiderman, this is yours; how say yee?

MR. NOLAN:
Recess.

LEG. SCHNEIDERMAN:
Yeah, I would make a motion to recess.

D.P.O. HORSLEY:
There's a motion to recess. Second on the motion by Legislator Barraga. Would anyone like to be heard on this, on 2027? Would anyone like to be heard on 2027? We have a motion to recess and seconded. All those in favor? Opposed? So moved.

MR. LAUBE:
Sixteen (Not Present: Presiding Officer Lindsay - Vacant Seat: District #1).

D.P.O. HORSLEY:
Okay. **Public Hearing on IR 2061-12 - Adopting Local Law No. -2012, A Local Law to establish the Suffolk County Traffic and Parking Violations Agency (County Executive).**

LEG. CALARCO:
Motion to recess.

LEG. BROWNING:
Second.

D.P.O. HORSLEY:
Okay. Motion to recess by Legislator Calarco.

LEG. MONTANO:
No speakers, right?

D.P.O. HORSLEY:
Second on the motion? Second by Legislator Browning. Okay. On the motion, Mr. Vaughn?

LEG. BROWNING:
You didn't hear me?

D.P.O. HORSLEY:
No, I didn't. You've got me spellbound (*laughter*).

LEG. BROWNING:
You better be careful how you say that (*laughter*).
D.P.O. HORSLEY:
Mr. Vaughn.

MR. VAUGHN:
The County Executive’s Office would like to withdraw this resolution and thank the Legislature for working with us on the other one that was adopted earlier day. So thank you and we’ll withdraw.

D.P.O. HORSLEY:
Okay. The public hearing is canceled. IR 2061 has been withdrawn.

All right. **(Public Hearing on) IR 2064-12 - Adopting Local Law No. -2013, A Local Law to ensure adequate gasoline distribution to the public after disasters (Stern).** Legislator Stern?

LEG. STERN:
Motion to recess.

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

LEG. D’AMARO:
(Raised hand).

D.P.O. HORSLEY:
Legislator D’Amaro seconds the motion. Would anyone like to be heard on 2064? Would anyone like to be heard on 2064? All right, we have a motion to recess. All those in favor? Opposed? So moved.

MR. LAUBE:
Sixteen (Not Present: Presiding Officer Lindsay - Vacant Seat: District #1).

D.P.O. HORSLEY:
All right. **(Public Hearing on) IR 2067-12 - Adopting Local Law No. -2013, A Charter Law to clarify Legislature’s role in collective bargaining (Calarco).** Legislator Calarco.

LEG. CALARCO:
Motion to close.

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

LEG. CILMI:
Second.

D.P.O. HORSLEY:
Okay, second by Legislator Cilmi. Motion to close.

LEG. NOWICK:
Just a quick question.

D.P.O. HORSLEY:
Okay, we have a quick question by Legislator Nowick.
LEG. NOWICK: George, can you just briefly tell me what that is?

MR. NOLAN: Yeah. What the law tries to do is in recent years there's been some confusion at times what type of agreements the County Executive negotiates with the unions, which of those have to come over to us to be ratified.

LEG. NOWICK: It's just a clarification.

MR. NOLAN: It tries to clarify within the -- consistent with New York State Law, Civil Service Law, to lay out exactly what type of agreements have to come here to be ratified.

LEG. NOWICK: Okay.

D.P.O. HORSLEY: Legislator Montano.

LEG. MONTANO: Which ones -- I'm just curious. Which ones would not come before us? Under the present -- under the present situation.

MR. NOLAN: Well, generally speaking, under State law, the agreements have to come us to if there's new appropriations going to be necessary, additional spending necessary in order to finance the agreement, or if it's required by other sections of State law, whether it be County law or General Municipal Law. And so those are kind of the broad outlines of the type of agreements that have to come here. So if the County Executive reaches an agreement with a collective bargaining unit that results in no increased cost to the County, that might not have to come over here. Really, the impetus for this bill is we've had a couple of instances lately where, for example, the County Executive did not send over an agreement a year or two ago with the Deputy Sheriff's --.

LEG. MONTANO: Yeah, this deals with the MOA, apparently, right?

MR. NOLAN: It deals -- it's really the side agreements, the so-called side agreements that are negotiated; not the main collective bargaining agreements but, you know, early retirement incentive issues where a union agrees to defer some type of benefit or income. So this tries to address the instances where we believe, under State law, they should come to us and gives everybody a good definition.

LEG. MONTANO: Okay. Thank you.

D.P.O. HORSLEY: Thank you very much, Legislator and Counsel. We have a motion to close and is seconded. Would anyone like to be heard on 2067? Would anyone like to be heard on 2067? We have a motion to close. All those in favor? Opposed? So moved, it has been closed.
MR. LAUBE:
Sixteen (Not Present: Presiding Officer Lindsay - Vacant Seat: District #1).

D.P.O. HORSLEY:
All right. **(Public Hearing on) IR 2088-12 - Adopting Local Law No. -2013, A Local Law to set minimum safety standards for recreational boats in Suffolk County (Spencer).** Doc Spencer?

LEG. SPENCER:
I don't know if anyone wants to be heard on it.

D.P.O. HORSLEY:
Well, just make a motion and then I'll ask them if they want to be heard.

LEG. SPENCER:
Okay, it should be the other way, but --

LEG. MONTANO:
I agree.

D.P.O. HORSLEY:
All right. Either way.

LEG. SPENCER:
You're the boss. Motion to recess.

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

LEG. D'AMARO:
Second.

D.P.O. HORSLEY:
Second by Legislator D'Amaro. Would anyone like to be heard on 2088? Would anyone like to be heard on 2088? Okay. We don't have anyone here that would like to speak on it. That being the case, we have a motion to recess. All those in favor? Opposed? So moved, it's been recessed.

MR. LAUBE:
Sixteen (Not Present: Presiding Officer Lindsay - Vacant Seat: District #1).

D.P.O. HORSLEY:
All right.

MR. NOLAN:
You have set the date for the Public Hearings.

D.P.O. HORSLEY:
Right, we have -- I'm setting the date. I'll make a motion to set the date for the following Public Hearings, first General Meeting, 2013, 2:30 PM, Rose Caracappa Auditorium, Hauppauge, New York; IR 2230, a Local Law to amend the membership of the Suffolk County Disability Advisory Board.
LEG. CILMI:
I'll second.

D.P.O. HORSLEY:
Seconded by Legislator Cilmi.  All those in favor?  Opposed?  The hearing has been set.

D.P.O. HORSLEY:
Okay, the manilla folder, we have one veto override and that is on Resolution 989-2012 - Requiring tracking of long-term care service inquiries (Browning).

LEG. BROWNING:
Motion to override.

D.P.O. HORSLEY:
Motion to override by Legislator Browning.

LEG. MURATORE:
Second.

D.P.O. HORSLEY:
Second by Legislator Muratore.  There's a motion to override.  On the motion?

LEG. BROWNING:
I guess I want to chime in a little bit.  I mean, I think everybody is under the impression this is necessarily just to do with John J. Foley Nursing Home; it's not.  And if you look, I appreciate the County Executive's Office in doing this comparison sheet, and as you see, it does not include DSS, it doesn't include the Office of the Aging.  This was a task force that was created by the Legislature and it was a recommendation by that task force.  I don't know why we create task forces if we're not going to take the recommendations and implement them.  But like I said, it's not just about the nursing home, it's about long-term care in general.

As you see, there are some issues here.  I spoke with Dr. Tomarken, I have no objection to merging the Oversight Committee, or whatever they want to call it, advisory committee or whatever it is, after the sale of John J. Foley, but that committee is not going to form unless John J. Foley is sold.  This is something that can continue to be done with or without John J. Foley Nursing Home.

The other thing is, is that we need to be looking at long-term care in general in Suffolk County.  We are looking at, you know, making sure that it's advertised so that when people go to health centers, to their doctor's offices, that it can be advertised that they have an avenue to go to if they -- you know, if you take your elderly parent or family member to the doctors' office or to a hospital, and there's going to be a need for long-term care; where do you go?  You know, who do you call?  And I think that that's something that we could provide a service on.  So this will be something that will be advertised that we will have it noticed -- notified in doctors offices and in our health centers to let people know, you know, this is a number you can call or this is somewhere that you can contact for assistance for long-term care for a family member.

You know, I hate to keep going back to Chris Barnes, but when I got the call from Chris Barnes' Dad telling me that he called five different nursing homes for long-term care, he wanted to bring his son home from England back to Mastic Beach, but he couldn't keep him in his home, he needed him in a nursing home, he was stuck.  He tried five different nursing homes, didn't know where to put him, nobody wanted him because of is age and because of his condition, and obviously, you know, he would be Medicaid.  So I think it's important that we make sure that the Suffolk County residents are being provided with what they need.  You know, they're the taxpayers of our County and I think it's a service that we need to provide to the residents of Suffolk County.
So that's why I'm asking you to override the veto. It is not just about John J. Foley, it's about long-term care in general for the residents of Suffolk County. And if John J. Foley sells, yeah, we are going to have a problem. And I think that it is incumbent upon us to help residents of Suffolk County if, in fact, we don't have the County facility. So with that, I'm asking you to support me in the override and making sure that Suffolk County residents can turn to their local government when they need help.

**D.P.O. HORSLEY:**
Anybody else?

**LEG. SCHNEIDERMAN:**
I think Tom wanted to comment.

**D.P.O. HORSLEY:**
Tom, you want to chime in on this?

**MR. VAUGHN:**
Actually, if the debate's over and you guys have all seen the veto message, the County Executive does believe that this bill is duplicative with what was passed in the patient advocacy bill. We feel that right now, the long-term services would either be provided by the John J. Foley Nursing Facility, which is still open at this point in time, and that in the future, that those services will be provided by the Patient Advocate Unit.

We understand some of the suggestions and some of the ideas that were crafted in Legislator Browning's bill, think that some of them are very important and that they can be worked into the eventual implementation of the long-term care bill. For example, the promotion of the long-term advocacy unit that she spoke about in the -- I believe it was the first RESOLVED clause. That is certainly a great idea, we just don't think that it needs a piece of legislation for implementation. Both bills do have a reporting mechanism which is something that I actually, in all honesty, was unclear about at the last meeting, but both do provide for quarterly reporting to this body. In addition, both bills, in my opinion, also include a database for tracking these patients. Without a database, I don't understand how the Patient Advocate Unit would report to the Legislature on a quarterly basis.

We really do feel that these two measures are very similar. We feel that they -- and that we've established the Patient Advocacy Unit and that unit will start up as soon as the John J. Foley center has closed and that sale is finalized.

**D.P.O. HORSLEY:**
Thank you, Tom. Legislator Hahn?

**LEG. HAHN:**
As an author of the Patient Advocacy Unit bill, along with Legislator Spencer, you know, I -- while there is some overlap, I don't see that the duplications -- like, are you feeling like your hands would be tied into creating two separate databases? Are you trying to suggest that the duplication will -- there will be actual duplication of services, or is it just that there are kind of intense that are similar and there's overlap and it's just unnecessary? Because I don't see the harm in approving what Legislator Browning has crafted that will in some ways codify a little bit more specifically the intent of what the patient protection program had looked to do and then add a little bit extra. So I just want to understand exactly what your concern is with this; I'm not quite clear on that.

**MR. VAUGHN:**
Well, through the Chair?
D.P.O. HORSLEY:
Yes.

MR. VAUGHN:
To me, the two bills, it's like the difference between a Ford and a Mercury (laughter); they're two things and they are the same.

I would also add, though, we do have some concerns. So for example, when we're discuss -- when we have included -- the patient advocacy bill was very specific. DSS provides the mechanism by which to enroll people into health services. The concerns that we have regarding the Legislator's bill is that that becomes a little bit -- a little bit more confused in that it also says -- it also asks for involvement from the Office of the Aging and the Office of Disability Services. And our point would be that there should be a single direction on this, so if a call is coming in to the department of -- to the Office of the Aging or the department is coming into disability services, at the current time we believe that that call should be funneled to the John J. Foley nursing facility. And in the future, we believe that that call should be funneled to the Patient Advocacy Unit.

So if we were having a database, in my opinion, the database would very succinctly say, "Well, call or response was routed to one of those two places." So from that standpoint, we don't see the need to include those two offices there. Those two offices should absolutely be trained, there should absolutely be direction given as to where these types of calls should be handled and how they should be funneled, but we don't -- we don't view them with the type of inclusion that is mentioned in this bill.

LEG. HAHN:
So, Counsel, if you can help me out here, I just want to be reminded. You don't think during implementation you could work out one database, calls funneled to the patient protection unit, once that's established? You think that this very clearly directs each department to hold a separate database?

MR. VAUGHN:
Actually, it says right here that the Department of Health Services, if I'm reading from the correct bill, "The Department of Health Services, the Department of Social Services, the Office of Aging, the Office of Persons With Disabilities are also directed to track all inquiries made to their offices for information on long-term services from the initial contact with the County through the resolution."

LEG. HAHN:
Right. But my point is --

MR. VAUGHN:
Then it goes on --

MR. NOLAN:
It goes on to say --

LEG. HAHN:
-- couldn't they meet -- oh, I'm sorry. Does it go on to say something more important?

MR. VAUGHN:
Yes, ma'am. So the third RESOLVED clause then follows that up with, "Those offices" -- it says, "Are authorized, empowered and directed, in consultation with the Department of Information Technology, to establish a shared database to aid the tracking of such inquiries."
LEG. HAHN:
Right. So my point is through -- you know, we write the policy, you all implement it.

MR. VAUGHN:
Absolutely.

LEG. HAHN:
Through your implementation, couldn't you meet the -- what we're asking you to do through a shared database that is held within the patient protection unit and -- you understand what I'm getting at? I don't see how it's expressed that one -- what we're all looking for here, which is one comprehensive database, couldn't -- you know, couldn't be met through both of these together.

MR. VAUGHN:
I think that we feel that the best place for our database would be in the Department of Social Services. That that's where a database should be kept and that is should be with the Patient Advocacy Unit, if, when that unit is established.

LEG. HAHN:
No, I agree with you, it should be with the patient protection advocacy unit which we spent so much time working on to create, is absolutely the best place for this. And this goes a little bit broader in scope, maybe, maybe not, maybe we're altogether on what should be done. But I don't see how the two can't happen together.

D.P.O. HORSLEY:
Okay? Thank you very much, Legislator Hahn. Legislator Gregory.

LEG. GREGORY:
Thank you. Tom, I think you guys have done an excellent job putting this comparison together. And it seems clear to me that there certainly is some duplication, but in other areas there's certainly -- the bill before us is lacking in some respects, as it compares to the original bill, the patient advocacy bill, and I have concerns about that.

And kind of just a statement to my colleagues. I think the County Executive has shown a willingness to work with us. He hasn't vetoed us any legislation other than this legislation. I just took a look at the list earlier today; in 2011 we had 72 vetoes, it was ridiculous, and this is the first veto of the year. So I tend to give him the benefit of the doubt. If he says that -- if he thinks this is not necessary, he's shown a willingness to work with us. And I see, from just my, you know, review of the literature before us and in my own little research, is that this is duplication, it's not necessary at this moment. I can't support overriding this veto.

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

LEG. MONTANO:
Yeah, very quickly, Tom. This comparison that you put out there, when did we get this, this morning, or did we get it before? Because I didn't get a chance to review it.

MR. VAUGHN:
This was placed into your packet at about 2:30 this afternoon. However, our veto message was drafted well within the --

LEG. MONTANO:
No, the veto message I got.
MR. VAUGHN:
Correct.

LEG. MONTANO:
I'm talking about this comparison.

MR. VAUGHN:
Yes.

LEG. MONTANO:
All right. All I can say is it might be more helpful, if you want to review it, to give it to us early so I have a chance to digest it. Because without having the chance to digest it, I'm not sure -- you know, I've got to rely on what I already knew, and what I knew is what I used to vote for this bill in the first instance. So it might be more -- you know, I'm just suggesting it might be more helpful to get it to us, you know, a little earlier. That's all. I don't want to get into the debate.

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

LEG. KENNEDY:
Thank you, Mr. Chair. I'll try to keep it brief. The first thing that I would do is notwithstanding the County Executive's compare and contrast, I would bring everybody's attention to the vote that we took on this on November 20th, and it did go 15-2. So at that point, the majority of us, a super majority of us, quite frankly, felt that the resolution had merit, it was valid and, quite frankly, it was something that was very much needed.

Secondly, I go right directly to the veto message and I would absolutely disagree with the County Executive's characterizations in both paragraphs two and paragraph three. And this may be something that is a fault of ours or mine in that most often, long-term care is followed by the term John J. Foley. But nevertheless, there's a significant percentage of our Suffolk County population that is elderly or becoming elderly, as I am as I speak. And there is --

(*Laughter*)

LEG. CILMI:
We all are.

LEG. KENNEDY:
-- definitely a need to assist our constituents and residents with the complex maze of navigating care for the elderly. There are attorneys, my colleagues around the Legislature who are attorneys know, that practice exclusively in Medicaid eligibility and long-term care asset application designed to focus on the cost associated with the care that people need as we go on. It is not easy. The average layman has difficulty with it. Actually, the skilled professional, including physicians at times, have difficulty knowing what all the right answers are.

So if we can, through this resolution, help expand and enhance a simple point of access or a thumbnail where our constituents can go to, including ourselves, quite frankly, this one, to me, seems to be easy and a no-brainer. And I think that the County Executive, in this case, got this one wrong. Certainly he has shown a posture much different than his predecessor and does not take out his veto pen wantingly, but in this case, I think he was just misguided and wrong, and I think he does not comprehend what the spirit and the intent of this resolution was, to help expand and facilitate the flow of information about long-term care. I am more than prepared to support an override on it.
D.P.O. HORSLEY:
Everybody good? Yes, Legislator Anker.

LEG. ANKER:
Again, we have two very similar programs. You know, my concern is, okay, you have two programs that basically do similar things. We're going to have to pay for the same thing to be done twice? I don't know, Tom, if you could address that.

MR. VAUGHN:
Actually, Legislator Anker, I'm going to say that I don't know. And the reason that I don't know is that the bill that was vetoed doesn't speak to how we're planning on staffing this. However, the patient advocacy bill clearly states how we're planning on staffing this.

The other thing that I would just add is that, you know, we have spent a year working together to try and make government more efficient and to try and remove inefficiencies and duplication of services, and I think that that is one of the things -- that is one of the concerns that we have with this resolution and that is one of the reasons why we elected to veto this.

LEG. ANKER:
Thank you.

D.P.O. HORSLEY:
Legislator Browning, you want to one more statement?

LEG. BROWNING:
Okay. Like Legislator Kennedy said, everybody seems to want to continually put this bill and put John J. Foley right next to it. It's not. The patient advocacy bill that was passed will only exist and that advocacy group will only exist if John J. Foley sells, and no other reason. And when I -- I have to chuckle at some of the comments about this being the only veto and it certainly, I think, makes me feel very special that --

(*Laughter*)

-- this is the first veto, and I'm certainly going to frame it.

LEG. MONTANO:
Merry Christmas.

LEG. BROWNING:
Thank you (laughter). But again, this is not -- I spoke with Dr. Tomarken, I think it is important to have the Office of the Aging involved in this. There are some things that I see that the patient advocacy bill neglects to recognize. And again, if John J. Foley does not sell, this is something that will continue to move forward. Unlike the patient advocacy bill, which will not move forward if John J. Foley does sell -- does not sell.

So, there is a need. I don't know how many of you have ever had a call from a resident in your district. I can tell you I've had more than one call, besides Chris Barnes. I had one that was sent to me from the PO's office a number of years ago about a family who had a constituent, a family member with a traumatic brain injury, a very young person, and they were planning to send them Upstate, and there was nowhere for him to go, and thank God we had a public-owned nursing facility to send him to. So how many of you had those calls from constituents saying, "I have a family member who needs to go somewhere"? And I think it's important for us, as a local government, to be able to have the resources and know where the places are to send our family members here in Suffolk County and not have to send them to Westchester or to Ulster County or to Massachusetts or
General Meeting - 12/18/12

Connecticut, because that's what's going on today. And I think it's for us to make sure that we're taking care of our Suffolk County residents.

Pediatric long-term care, finally something is getting done. But is there going to be enough beds? Absolutely not. So it's not just about the senior citizen family member, it's about children from birth to death is where we need to be addressing that issue and I think it's important for us to make sure that we have the services provided and that we have the information necessary. So take John J. Foley, stop thinking John J. Foley. The advocacy bill does not exist if John J. Foley does not sell. My bill will continue to address the issues that are needed for residents.

And again, the patient advocacy bill does not have a requirement to make it -- to require advertising at, you know, health centers or doctors offices to make sure that people know that there's somewhere they can go. Because let me tell you, I've had the experience in my office of family members come in stressed out with not knowing what they're going to do with that family member. And God forbid, if any of you have not experienced it, Doc Spencer, I'm sure you've had that experience in your lifetime as a doctor. But for those of you who have never experienced a constituent who just doesn't know what to do and says, "I can't send them out of state or Upstate," you feel very tied, your hands are tied and, you know, you have to do the right thing by your constituents. And that's what I'm asking you to do is to do the right thing by your constituents, not just in my district but in all of our districts.

D.P.O. HORSLEY:
Legislator Spencer.

LEG. SPENCER:
I've been called out. I appreciate what Kate is saying and I think that this is -- this is a tough vote. I walk that line every day with regards to trying to be the best doctor that I can be and be the best Legislator that I can be. And sometimes I think the difficulty that we run into is when we try to be all things to all people, and I'm terrible about doing that because it's hard for me to learn how to say the word no. And if I were to just show you my text messages, you know, I have people who I've met once who will text me and say, "Can you tell me where I can find a good child psychologist? Can you tell where I can find a good endocrinologist?" And people will come up and start talking to me about their heart and I'm an Otolaryngologist. And I can appreciate -- and it's hard for me to go against Kate, but I know that there are things that we deal with that are just gut-wrenching that are really, really tough, but we also have to look at what is our role. And when we try to be, as government, all things to all people, even though it's extremely important, when you talk about knowing the system out there with regards to patient advocacy, first of all, there is IMPALA laws. If you have someone that comes into a hospital, there's anti-dumping laws that if you have someone that doesn't have a place, that hospital is required to place them. They can't be discharged from the emergency room until they are placed. There's resources that are set up with regards to -- within administrations of hospitals that have Social Services that do a lot of the advocacy.

So, I mean, I understand and I appreciate and I view -- you know, I want to do everything I can to try to support our constituents. But also, we have to -- and I have to learn where we can continue to expand our role. We had one of the biggest, I guess, financial crisis where we saw this County almost go under where we're really trying to streamline and define our role. And even with long-term child care, it's gut-wrenching, it's important, but also we have to figure out what is our role as government and can we be all things to everyone. And, you know, are we now entering the Social Service arena? I don't know the answer to that, you know, but there is a slight counter to, again, some of the remarks that Kate is saying. So, it's a tough vote for me.

D.P.O. HORSLEY:
Legislator Lindsay.
P.O. LINDSAY:  
I'm disturbed by this bill and I'm disturbed by the veto. Both bills are so similar. Truthfully, I think between the Administration and Legislator Browning, you should have worked out a compromise here. You're putting us in a position here to address a veto, the first veto, which I think was unnecessary, and that makes me kind of angry. Because we've had a very, very tough year, and we've gotten through 90% of the year without a veto, and for it to come to a veto on this particular issue on two competing bills that are so similar that you have to do a side-by-side comparison to see the difference with them I think is kind of sad.

And I think there's some merits to Legislator Browning's bill, I just don't think that all the holes are plugged. I voted against it the first time around and I'll probably vote to sustain the veto. But I think that there is a need for some kind of service here and if it's the Administration's service that passed, that's the way to go, or let's refine it. But by all means, please, let's try and do it together. Okay? Thank you.

LEG. NOWICK:  
Wayne?

D.P.O. HORSLEY:  
Legislator Nowick.

LEG. NOWICK:  
I wasn't going to say anything because I just thought this was a no-brainer. But I've got to tell you, that tweeting you just heard was from my elderly mother, and fortunately for me and my family, I can get answers and all of us here can get answers from Social Services. And even at that, even with the power and the pull we have and knowing how to navigate the Social Services, it's still difficult. And if Legislator Browning's bill can help anybody navigate, whether it's an elderly parent or a child or someone with brain damage or whatever it is, we need to try to be everything for everybody because that's the roll of government. We may not be able to be everything, but the roll is to help as much as possible, and if this bill does that, I'm -- I'm in favor of it. And I really don't care if it's the only bill that was vetoed. I really don't care how many bills were vetoed, I'm looking at this one. And I believe Legislator Browning. I know you and I know your heart is in the right place and I know you do this to help people, so I'm supporting it.

LEG. BROWNING:  
Thank you.

D.P.O. HORSLEY:  
Everybody okay?

LEG. BROWNING:  
Well said.

D.P.O. HORSLEY:  
Okay. Roll call.

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

LEG. BROWNING:  
Yes to override.

LEG. MURATORE:  
Yes to override.
LEG. SPENCER:
Yes.

LEG. D’AMARO:
No.

LEG. STERN:
No.

LEG. GREGORY:
No.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. CILMI:
Yes.

LEG. MONTANO:
Yes.

LEG. CALARCO:
Yes.

LEG. ANKER:
No.

LEG. HAHN:
Yes.

LEG. SCHNEIDERMAN:
No to override.

D.P.O. HORSLEY:
I'm going to pass.

P.O. LINDSAY:
(Inaudible).

MS. ORTIZ:
I'm sorry, I didn't hear you, Legislator.

P.O. LINDSAY:
No.

D.P.O. HORSLEY:
That was a bad mistake. I'm going to vote yes to override.
**General Meeting - 12/18/12**

**MS. ORTIZ:**
Nine. Ten.

**P.O. LINDSAY:**
Okay. It's quarter after three and the only thing we have left is the Late Starters.

**LEG. NOWICK:**
Wow.

**P.O. LINDSAY:**
And then we can go home.

I'm going to waive the rules and set the following Late Starters on the table; 2247 to Ways & Means; 2248 to Government Ops; 2253 to Public Works & Transportation; 2254 to Ways & Means. I need a second to that motion. Second to the motion?

**LEG. CALARCO:**
Second.

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

**MR. LAUBE:**
Seventeen.

**P.O. LINDSAY:**
We are completed and we stand adjourned. And I want to just say to everybody, have a Merry Christmas, a Happy New Year, Happy Holidays, a safe holiday season for everyone.

**LEG. CILMI:**
You, too.

**P.O. LINDSAY:**
And you want me to make an announcement about this?

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

**P.O. LINDSAY:**
Okay. Hurricane Sandy Relief Benefit, Tuesday, today, the 18th at seven o'clock at Suffolk Community College. Admission is $10 and you can bring collected personal items, cleaning supplies, drinks, gloves, pet food, blankets, et cetera, et cetera, et cetera. There's also tonight a memorial service for the kids in Connecticut at the Maloney Funeral Home in Ronkonkoma, and I'm not sure what time that is. I think that's seven o'clock as well.

Okay. Thank you very much. It was a great year. Thank you for everybody's participation.

(*The meeting was adjourned at 3:17 P.M.*)

{ } - Denotes Spelled Phonetically