(*The meeting was called to order at 9:30 A.M.*)

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

P.O. LINDSAY: Call the roll, please.

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

LEG. ROMAINE: (Not present).

LEG. SCHNEIDERMAN: Here.

LEG. BROWNING: (Not present).

LEG. MURATORE: (Not present).

LEG. ANKER: (Not present).

LEG. EDDINGTON: Here.

LEG. MONTANO: Yes, here.

LEG. CILMI: Here.

LEG. BARRAGA: Here.

LEG. KENNEDY: (Not present).

LEG. NOWICK: Here.

LEG. HORSLEY: Here.

LEG. GREGORY: Here.

LEG. STERN: Yeah.

LEG. D’AMARO: Here.
LEG. COOPER:
Here.

D.P.O. VILORIA-FISHER:
Here.

P.O. LINDSAY:
Here.

LEG. EDDINGTON:
You have Anker here.

MR. LAUBE:
Fourteen (ACTUAL VOTE: Fifteen - Not Present: Legislators Romaine, Browning & Kennedy)

P.O. LINDSAY:
Okay. Could everyone rise for our salute to the flag that's going to be led by Legislator Nowick.

Salutation

If everyone could remain standing for our Invocation, and our visiting clergy is going to be introduced by Legislator Nowick.

LEG. NOWICK:
Good morning, everybody.

"Good morning" said in unison

Reverend Robert Schoepflin has served Abiding Presence Lutheran Church in Fort Salonga since 1996. He was installed as the congregation's Senior Pastor in January, 2001. Prior to coming to Fort Salonga, he served congregations in Islip and Manhattan. A life-long resident of New York, Pastor Schoepflin completed his under-graduate studies at Concordia College, Bronxville, New York, and his seminary training at Christ Seminary, St. Luis, Missouri. He also holds a Law Degree from Columbia University, New York; and I do remember when he practiced law in my office. In addition to serving as Senior Pastor of Abiding Presence, Pastor Schoepflin serves on the Council of the Metropolitan New York Synod -- did I say that right?

PASTOR SCHOEPFLIN:
Yes.

LEG. NOWICK:
-- of the Evangelical Lutheran Church in America, and as secretary of the Synod and also serves on the Board of Directors of Long Island Lutheran School in East Northport.

He's married to Dr. Janet Schoepflin, Chairperson of the Department of Communication, Sciences and Disorders at Adelphi University, and they are the parents of three sons. Pastor?

PASTOR SCHOEPFLIN:
Thank you, Legislator Nowick, for inviting me to open this meeting of the Suffolk County Legislature with prayer. When I got here I was told to say some words of wisdom; I wish she had told me that in advance.

(*Laughter*)
Because some mornings I don't feel as wise as others.

**P.O. LINDSAY:**
Us too.

(*Laughter*)

**LEG. NOWICK:**
But you've got connections.

**PASTOR SCHOEPFLIN:**
But jokingly I said it's very nice to be invited by somebody that I have never voted for.

(*Laughter*)

Only because I don't live in your district.

(*Laughter*)

My congregation is in Legislator Nowick's district, but I happen to live in Centerport where my home is, so Jon Cooper is my Legislator.

**LEG. NOWICK:**
So far not wise.

**PASTOR SCHOEPFLIN:**
So far not wise? Okay. But on a serious note, as a person of faith, it's very good to know that my -- our elected leaders seek the blessing and guidance of God as we might individually call for God for their work. So words of wisdom might be from Psalm 46, "God is our refuge and strength, the very present help in trouble. Therefore we will not fear, though the Earth be moved and though the mountains shake in the depths of the sea, though its waters rage and foam and though the mountains tremble with its tumult, there is a river whose streams make the city of God glad, the holy habitation of the most high. God is in the midst of the city, it shall not be shaken. God shall help it at the break of day. The nation's rage and the kingdoms shake, God speaks and the Earth melts away. The Lord of host is with us, the God of Jacob is our stronghold."

Let us pray. All mighty God, you have given us this good land as our heritage. Make us always remember your generosity and strive to do your will. Bless our land with honesty in the workplace, truth in education and honor in daily life. Save us from violence, discord and confusion, from pride and arrogance and from every evil course of action. When times are prosperous, let our hearts be thankful, and in troubled times do not let our trust in you fail. All mighty God, we give you thanks for those who protect us, for those serving in the Armed Forces at home and abroad, for the men and women of our law enforcement agencies, for the women and men of our fire departments, both professional and volunteer. We commend them all to your gracious care and keeping.

And All Mighty God, we lift before you all who govern in this country, State and County, especially your servants here today who serve as Suffolk County Legislators. Bless them and guide them that their endeavors and actions might serve all your children and promote our common life as sisters and brothers and as citizens of this great land. All this we ask in your most holy name, amen.

"Amen" said in unison
P.O. LINDSAY:
Thank you. If everyone could remain standing for a moment of silence. As we do every month, let us remember all the men and women who have given their lives for this country, and let us also remember all the men and women who put themselves in harm's way every day to protect our country. We saw last weekend the dramatic raid in Pakistan of our Navy Seal team and the bravery that they displayed, and someone must have been looking over them because they all got out of that very dangerous situation without any loss of life. So let us remember them.

Moment of Silence Observed

Proclamations

D.P.O. VILORIA-FISHER:
Presiding Officer Lindsay will present a proclamation to Louis Calderone, Deputy Commissioner of Public Works for Suffolk County on behalf of the Suffolk County Legislature, with best wishes for a happy, healthy retirement.

Applause

P.O. LINDSAY:
Over the last few years we've lost an awful lot of valuable County employees. And I know in terms of value, the guy that's stead in my left has been a rock for the Department of Public Works for 23 years. He is always there to listen to anybody that has a problem, from a Legislator to a citizen, and he has a reputation for getting things done, and we are going to miss him tremendously in this County for his work and his work ethic. And I just want to wish you, Lou, and your family a very healthy and happy retirement and a long retirement; all right? So the best to you and your family.

Applause & Standing Ovation

DEPUTY COMMISSIONER CALDERONE:
Thank you.

P.O. LINDSAY:
Now Deputy Presiding Officer Vivian Viloria-Fisher will present proclamations to Justin Seifert and Rick Miekley.

D.P.O. VILORIA-FISHER:
Gentlemen, can you join me up here, please? Mr. Chair, you remember years ago we had legislation here, I think most of our Legislators were not sitting at the horseshoe at that time, just you and Legislator Cooper and myself, when we had legislation requiring the use of defibrillators and the placements of defibrillators in public places. And these two gentlemen, educators, coaches, really responded very, very quickly at the end of a basketball game. When Hope Reindl collapsed, they acted very quickly. There was a defibrillator available in their school and they saved the life, because of their quick action, of a young woman. And you know, we've seen tragedies occur at the end of games where kids collapse and there's not quick enough action.

You know, the people, the educators, the coaches are the people who are in the front lines protecting our kids and making sure that they go home safely after school, and you gentlemen are just such a great example of this. If I could just read -- I'll read only one proclamation; I have one for each of you, but I'll just read it once.
"WHEREAS, the Suffolk County Legislature wishes to honor Comsewogue High School Coach Justin Seifert and Rick Miekley" --

Did I say that right?

**MR. MIEKLEY:**
Yes.

**D.P.O. VILORIA-FISHER:**
Okay.

"And quick thinking after a student collapsed at an intramural basketball game, and through their swift action, level-headedness and training they were able to follow proper protocol and cardiopulmonary resuscitation and defibrillator use in the face of life-threatening danger to a child."

"WHEREAS due to their thorough efforts to prepare themselves in the event of a medical emergency, they were able to save Hope Reindl's life and they should serve an example and inspiration to our community."

"Therefore, be it RESOLVED that we in the Suffolk County Legislature do thank and honor you today for your heroic actions."

Thank you so much.

*Applause & Standing Ovation*

**P.O. LINDSAY:**
I just want to add my voice to these two gentlemen. Over the last ten years, this Legislature has probably bought and distributed probably well over a thousand of these most valuable tools, but the tool is only effective if we have someone of the presence of mind with the proper training to use it and use it quickly. And what you fellows are being honored here today is probably the ultimate salute that anybody could make from this Legislature to one person and that's you saved a life, and I congratulate you. Thank you.

Okay. Next up is Legislator Eddington for the purpose of a proclamation.

**LEG. EDDINGTON:**
Good morning. Thank you. How wonderful it is that we see all different types of heroes. Today the Presiding Officer spoke about the heroes of the Navy Seals and today we see two outstanding heroes that are coaches and teachers. We must never forget how much they do for our community with our children.

And with that said, I'm here today, and joining me is Joe Phillipone, the Director of Science, Technology, Education & Libraries for Patchogue-Medford Schools, Dr. Robert Borowski who teaches at Patchogue-Medford High School, along with the AP Environmental Science class, and Saad Amer, a Patchogue-Medford Junior in the Independence Research class, that has gotten $80,000 in a technology prize from Samsung Solve-for-Tomorrow. And I'm going to ask them to come up and, Bob, just tell us a little bit about the research. This is -- if you remember, we had a Legislator last month saying that, "Isn't it nice that we can also, you know, award merit for athletics, but technology is something that often we don't see," and here it is right in my own district. Thank you.
DR. BOROWSKI:
Good morning, Suffolk County Legislators. I just want to explain to you a little bit about -- sorry. Good morning, Legislators, Suffolk County. My name is Bob Borowski and I'm an AP Environmental Science and Science teacher at Patchogue-Medford High School and I have some members of my AP Environmental Science class and Saad Amer from the Independent Research here. A lot of my other students are taking AP exams this morning. I wanted to explain to you very briefly about what the award consisted of.

Back in September I wrote three essays for the Samsung Grant; they wanted us to write about how we use math, science and technology to solve environmental problems in our community. I had met Mayor Pontierie who actually asked us to come and do some water quality testing over at the sewage treatment plant, they're undergoing an expansion to decrease the nitrates and phosphates going into the bay. And also we do testing at our own Nature Preserve, the Fish Thicket Preserve on Woodside Avenue between Patchogue and Medford, and many other places. And so we actually wrote a couple of essays and then I found out in October that we were selected as one of the semi-finalists. There were 50 semi-finalists and we found out later from Newsday there were over 1,100 entries into this nationwide competition, so we were a semi-finalist.

They then proceeded to mail us a camcorder, a laptop and some software and then we had to use their equipment and makeup to make actually two-minute videos describing the whole process. We then actually made the videos, Saad actually produced and edited the videos. We submitted three two-minute videos and one of them, the one about water quality that we had done both in Fishticket and at the sewage treatment plant, was selected as one of the top ten finalists nationwide. Our video was then uploaded on-line to the Samsung website; it was samsung.com/solvefortomorrow. We found out later on that the person that actually runs the Samsung.com website for the nation is a Patchogue-Medford High School graduate, so that was really cool.

And so then -- we were selected then -- there was a month long voted, the whole community got involved; News 12 did a piece on us and many people voted many, many times. They can view the videos. There were schools from Massachusetts and Alaska all over the country, but ten finalists, and then we found out actually in March that we were in the top five. Now, the top five in the nation actually all received $80,000 in both technology and software and equipment from Samsung, so we were in the top five, it was really great. We -- four students, Mr. Phillip and myself then took them to Washington D.C., we met Congressman Bishop, our Congressman, and then also we went over to the Samsung Experience in New York City at Columbus Circle, they met John Legend, he's a famous musician and singer, and then also the CEO of Samsung and they had a nice presentation there at the Samsung Experience. And now we're just starting to receive some of the software and equipment from Samsung, so this process was really very exciting for the entire community and for Patchogue-Medford High School. So thanks to Mr. Eddington and you all for the recognition.

Applause

LEG. EDDINGTON:
Yeah, I also want to add that Bob, we worked together with Peer Leadership when I was in Patchogue-Medford. And he's also a retired Navy Captain, so he does plenty for our community. Thank you, gentlemen, and ladies.

Applause

D.P.O. VILORIA-FISHER:
Mr. Chair, thank you. I did not see them when I made the presentation to Rick and Justin, but the Superintendent of Comsewogue School District, Joe Rella was here, as was the principal of Comsewogue High School, Joe Coniglione. I thank them for coming down.
P.O. LINDSAY:
Okay. Next up is Legislator Stern for the purpose of a proclamation.

LEG. STERN:
Lady Knights? Come on up. Good morning, everyone. It is really my pleasure to welcome this year's undefeated Suffolk County Class A Girls Basketball Champions, the Elwood/John Glenn Lady Knights. Please join me in welcoming them.

Applause

It's a pleasure to have this hard working, dedicated group of young athletes who bring such great pride to our community. They did such an outstanding job this year, they're joined by their head coach, Andrew Athanas. They consistently bring great pride to our community. It really is great to have them with us. Coach?

MR. ATHANAS:
I'm here.

LEG. STERN:
And do you want to say anything?

MR. ATHANAS:
Thank you very much, Legislator Stern and the Suffolk County Legislature for inviting us here. This is an exceptional group of girls, not only athletically, but the Elwood community is very proud of the young women that they've become, or they're becoming. And also, these are scholar athletes, we're a scholar athletic team. We had a great season; as Legislator Stern mentioned, we were undefeated in our league and undefeated Suffolk County Champions. So thank you very much for inviting us here.

Applause

LEG. STERN:
Thank you.

P.O. LINDSAY:
Next up is Legislator Cilmi.

LEG. CILMI:
Thank you, Mr. Presiding Officer. I have the privilege today of presenting actually three proclamations, the first of which is to Probation Officer of the Month Keith Whalen. Is Keith here? Keith, if you could join me.

Probation officer Whalen works in the GPS Unit of the Probation Department, and part of that unit's responsibilities is to monitor SCRAM devices used on probationers. For those in the room who don't know, SCRAM stands for Secure Continuous Remote Alcohol Monitoring; these are the bracelets that we sometimes put on the ankles of probationers who have alcohol related offenses. Officer Whalen received a phone call from another probation officer who was having trouble contacting a client. Not only could Officer Whalen tell from the device signal that the probationer had a significant blood alcohol content, but he could also tell that the temperature was unusually low.

Officer Whalen, with the help of another probation officer, immediately responded to the client's apartment and found the probationer unconscious at the foot of the door where the cold air had caused the tremendous drop in temperature indicated from the SCRAM device. Rescue was called and the probationer was taken to the hospital where she recovered. Ironically,
the SCRAM device and the quick action of the probationer officers which we so often hear about saved this woman's life. So please join me in recognizing Probation Officer Keith Whalen and all of Suffolk's PO's for the outstanding work they do.

Applause

Okay, next up, we all have those wonderfully rewarding success stories in our offices of the constituent services that we're able to provide and the heroism of so many different individuals in our communities. If I could ask Sid Lynn from VFW, the Commander of VFW to come up, as well as Chris Delaney, Mike Alexson and John Jecks from 9/11 Veterans to come up and join me at the podium as well, and Frank Banya as well.

About a month ago -- actually, at our -- I think it was our last General Meeting we received a phone call from a constituent, a 94 year-old veteran, female veteran of World War II who also happened to be a Gold Star wife who was getting thrown out of her apartment. She -- somehow some criminals got into her home and ended up stealing $5,000 of her money, which rendered her unable to pay her rent for the month, and so the apartment complex was going to evict her.

We made some phone calls, and as I said at the start, we have the opportunity to deal with some amazing organizations in our jobs, and certainly many of the veterans organizations that we're fortunate to have here in Suffolk County are at the pinnacle of that list. 911 Veterans and Suffolk County VFW stepped up to the plate in a big way and quickly and were able to provide this veteran woman, senior citizen, with the funds she needed in order to take care of her rent for the month and to nearly make her whole for the money that she -- that was stolen from her.

So congratulations to all of you. And thank you so much from the bottom of all of our hearts for everything that you do for our veterans in Suffolk County.

Applause

MR. LYNN:
Thank you so much.

LEG. CILMI:
And Commander Lynn, Sid Lynn has something to say.

MR. LYNN:
Good morning, Presiding Supervisor, Legislators. I appreciate the opportunity to say a few words again this morning. I was at the Seniors & Veterans Committee last month asking for additional funding. Now, the VFW in Suffolk County gets its funding from you guys, and you gave us $21,000 this year and that was certainly a tremendous amount of money and it's gone. Now, you all have the opportunity to send me more, you can send me applications for more grants. And if you need my address, please feel free to look at our website, vfwsuffolkcounty.com. Two of the Legislators have already stepped up and sent me applications for grants.

Now, we differ from 911 Vets. The VFW gets their money from you. 911 Vets -- we stepped up with $1,000. 911 Vets stepped up with the balance, and let me tell you, Ladies and Gentlemen, it was a considerable amount. These men and women in 911 Vets do a tremendous job for our veterans community. So I certainly like to take my hat off whenever I can to them for the work that they do. So thank you once again. Bye-bye.

Applause
LEG. CILMI:
And now Chris Delaney from 911 Vets would like to say a few words.

MR. DELANEY:
I just want to say thank you. We're getting a citation today and it might state the name of 911 Veterans on it, it might state my name, but 911 Veterans is more than just one person, it's a community.

Steve Clark, our founder who passed away on December 8th, I know a lot of you might have known him. He had a dream of the community stepping up and taking care of his veterans and that's how we were able to help this veteran, because the people in our community, all through private donations and corporate Long Island, donate to our organization to make sure that we take care of our Long Island veterans.

I'm an Iraqi Veteran. I came home in February of 2010 and I had an opportunity to sit in a school and do a veterans symposium, and I got to sit on the stage with a World War II Veteran, Korean Veteran, Vietnam Veterans, other Persian Gulf Veterans. And I can say, the one thing we all have in common, even though we didn't share the same fox hole or the same equipment, we all have the same stories of a brotherhood, and that's what we're about, we're about taking care of our own.

I just want to say thank you for recognizing us, and please, we need to take care of our Long Island Veterans. We recently heard that, you know, with the budgets in the Federal government, they weren't going to pay our military. That's unsettling to me, and if you ask me, it's not right. These guys are standing on the line so we can all stay here and enjoy our barbecues and enjoy the American freedom that they provide and we need to make sure that we step up and provide for them when they need. Thank you.

*Applause*

LEG. CILMI:
Thank you all very much.

P.O. LINDSAY:
Okay, that concludes our proclamations for today.

We have a couple of reports. We have a *presentation of the Teen Pregnancy Task Force*, it's completed its work and I'm going to turn over the mic to Legislator Vivian Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Thank you, Mr. Chair. I'm going to ask the members of the task force who are presenting today to please step up to the Clerk's table.

This is a task force that was developed from a -- from legislation that I introduced back in 2009. I have worked with this wonderful group of people for over a year. We've met once a month, we went on two full-day retreats, we worked very hard. I've come to know these women very well and it's been a great journey with them, sometimes very emotional and difficult as we saw the challenges that young women face that sometimes are -- come before they're becoming teen mothers.

I want to thank in particular Marcia Spector for her leadership. She has been the Chair of the committee and she was certainly the impetus for my introducing the legislation. And although she's not going to present today, I'd like to thank Ann Maurren who kept minutes; she's from the Department of Health. Ann, can you just stand up back there so people can see you? You've been so quiet for over a year. And she's done such a great job. Thank you, Ann.
Applause

So now I’m going to hand it over. I’ve prepared a quick Power Point so that we can stay on point and make this a very succinct and quick presentation. You all have the reports that were put at your desks at the beginning of the session. Thank you. Go ahead, Stephanie, you can start the Power Point.

**MS. FISHER:**
Just hold the button.

**D.P.O. VILORIA-FISHER:**
For all members, make sure that you speak into the mic, press the button at the base and keep your finger on it while you're speaking.

**MS. SPECTOR:**
Good morning. I'm honored to serve as the Chair of this committee. I want to thank the Legislature again for enabling this task force to be created, and I especially want to thank Legislator Viloria-Fisher for her leadership and her concern and her dedication. It's been a wonderful experience I think for all of us. We really came together. We're a very diverse group with a variety of philosophical views, but we, I think, made clear from the beginning that our concern was addressing this issue, and I think we did a remarkable job of doing that. So I'm going to run through a couple of basic facts about adolescent pregnancy for you. Each member of our committee who is here will be speaking a little bit during this Power Point presentation.

The Centers for Disease Control Report that the United States still has the highest rate of adolescent pregnancies in the developed world, there have been a number of studies over the last 20 years. We have made significant inroads in reducing adolescent pregnancy numbers, but we still lead the developed world and there are a variety of reasons for that. Ten percent of young women age 18 through 24 who have had sex before age 20 report that their first sex was involuntary, and 70% of teen parents report a history of sexual abuse. The younger the young woman, the greater the likelihood that she is a victim of sexual abuse of some sort.

There remains a great ethnic disparity in teens becoming pregnant, this is very much related to poverty because people of color are over represented in poverty and the underlying root cause of teen pregnancy is poverty. Nineteen percent of white teens, 51% of African-American teens and 53% of Latina teens will experience a pregnancy before age 20. The vast majority of teen pregnancies are unplanned. Nationally 30% of teen pregnancies end in abortion, locally that's about 50%.

The great majority of publicly funded family planning clinics counsel clients about abstinence and the importance of communicating with parents about sex. All of us want to see parents as the primary sex educators of their children.

As you'll see in the full report, Suffolk County falls below national and State rates of teen pregnancy and birth, and that's good news. Actually in Suffolk County we've reduced the teen pregnancies by 50%; there used to be 4,000 pregnancies a year, we now have less than half of that. However, several of our most disadvantaged communities have been greatly impacted by this issue, and there are a number of tables in the full report that demonstrate that.

I do want to call your attention to a couple of zip codes that are in the chart that say "above the County average" that are not above the County average and that was an attempt to incorporate school districts because the data is reported by zip code, but most often we address teen pregnancy in terms of school districts, and also a little bit of the software. Lorraine?
**MS. GARIBOLDI:**
Yes. My name Lorraine Gariboldi, I am the Executive Director of The Life Center of Long Island. And I would like to say to Suffolk County Legislator Vivian Viloria-Fisher, thank you so much for the opportunity to be on this task force.

We covered many things, but as our Power Point presentation says, teens have -- pregnant teen mothers have lower cognitive attainment and proficiency scores at kindergarten entry. They also -- these children exhibit behavior problems, have chronic medical conditions, rely more heavily on publicly provided health care. They often are incarcerated at some time during adolescence until their earlier 30's, they more often drop out of high school and give birth as a teen-ager. And for the young woman as well as the fathers of these teen-agers, they become unemployed or under employed as young adults.

We, as the Executive Director of The Life Center, we serve many pregnant teen-agers, and what I would say is critically important is the programs that the County provides like the BOCES Program so that our teen mothers can continue their education so they can further get on with their lives and provide a better environment for their children. But as Hillary Clinton often has said, it takes a village to raise a child. Well, it really takes not only just a village but a family as well, and we have seen that when a teen-ager has the support of their families -- mothers, fathers, siblings, grandparents -- that the success of the children born to that family is much greater.

So it is a community effort that we need to continue to help teen mothers and I hope this report helps to do that. Thank you.

**MS. SPECTOR:**
Through a series of about 25 meetings, four Public Hearings and a youth speak-out, we learned a lot, I think all of us learned about what adolescents are thinking and what some of the underlying problems are in our communities in Suffolk County, and we've identified them in this slide. Clearly there is a lack of knowledge. Young people don't know the basics about their bodies, about puberty, about risk behaviors, and one of our recommendations is that we strengthen their ability to gain the knowledge that they need to grow up healthy and avoid these risky behaviors. What stands in the way often of that happening is fear, resistance and isolation. A very small minority of adults fight the concept of school-based education because they're afraid that if we tell kids how to have sex they'll have it; we know that that's not the case. And we work with communities to try to increase their comfort level, but parents are afraid; they feel out of control and they need as much education as their young people.

We also know that caregivers work in isolation. School social workers, particularly people in school districts, really don't have the ability to network with other professionals and many professionals in other fields work in isolation and feel the frustration of dealing with a difficult population. Young people don't know how to make good decisions, they really need to be guided. We would like their parents to guide them, and often parents do guide them, but sometimes they're not able to do that. And we need to help them make good decisions, we need to help them in their communication skills, anger management, relationship education.

Many of our young people lack access to contraception. And the report goes into greater detail about that, so I won't mention much more except that we definitely, in my opinion, number one, need to strengthen the access to contraception for sexually active young people. Adolescents have limited access to health care, they're basically a healthy population, they don't see doctors as often as old fogies like us, and so there are missed opportunities for health professionals to talk to young people about prevention. And even when they are in a doctor's office, it's very difficult in a 15-minute time schedule to make that happen.
The research says time and again that young people need a sense of hope and that that is probably the best form of family planning for young people. They need to feel they have a sense of opportunity, and many of young people don't. The media certainly is a big villain in this issue, it is loaded with sexual messages, there's very little about sexual responsibility and young people are very confused. There's clearly limited access to culturally tailored resources, particularly here in Suffolk County. With all of our immigrant groups, we need to work much harder at identifying programs that specifically target our populations at highest risk, and in Suffolk County that is our Latino population. Even on a national level, most of the curricula that are used in Latina groups are designed for Mexican-Americans and their values may be different.

And the last bullet here is community involvement. Many of us live in diverse, rich, endowed communities, and we have resources and we have community members who are involved in our communities. In the communities that are most at risk, there is not the same level of services, there is not the same community involvement. The populations are more transient, parents are exhausted, they're working many jobs, or there may not be parents at home, and so there's not a level playing field.

**MS. SQUIRES:**
Hello. I'm Lorraine Squires, I'm the head of Teen services in Mastics/Moriches/Shirley Community Library. Thank you very much to the Legislature for allowing me to be part of this task force.

We had public hearings for youth, families and other community members who wanted to speak out and tell the Legislature what they feel are the key challenges and opportunities that come up when we talk about teen pregnancy and teen sexuality. I was particularly happy that we were able to hold one of those hearings at the Mastics/Moriches/Shirley Community Library where I heard from community members that I work with every day who are impacted by pregnancy either because they themselves have had a pregnancy or a pregnancy scare, their friends, their cousins have, their sisters and brothers, the children of teen parents, and they were able to come and tell us so much about what they feel that they need and what their challenges are.

What we heard over and over again at all of the public hearings were about the barriers that young people in Suffolk County face when dealing with their sexuality with a lack of access to education, a lack of access to transportation that could get them to after-school programming, to different community clubs, to the health care centers, the poverty that makes it harder to access health care, those cultural barriers that Marsha spoke about, the crime and the gang situation that really gives young people a sense of hopelessness when looking at their future, and then the opportunities.

And this was one of the most heartening things. So many young men and women spoke about how -- when young people are given a sense of the future, when they can picture their lives, productive lives five, ten, 15 years in the future, that helps so much for them to make wise, responsible decisions now. They know that they need that promise of the future, they know that they need both their parents and other caring, responsible community adults to help them envision that future, to make responsible decisions. They need those after-school activities, both in the schools and in community centers, to help them get education, explore their interests and make responsible choices, and they need -- their parents, too, need that support. Again, we heard so often that parents should be the primary sexuality educators, but that the parents, like their children, need support and education to help them guide their children.

Thank you.

**D.P.O. VILORIA-FISHER:**
Thank you, Lorraine. Before we move to the next slide, this group has worked really, really hard for over a year. I hope that we can have the Legislators' attention as people do their presentations. We cried together, we worked together, we listened to young people pouring their hearts out to us, we learned about girls who were being sexed into gangs and when they became pregnant they didn't
know who the fathers were. We learned about girls who were victims of incest. We learned from young men that it was important for young men to learn about their responsibility and self-worth. I ask my colleagues to please give your attention to the people who are speaking. We’ve worked really hard on this. Thank you.

**MS. FREEMAN:**
Good morning. I’m Jennifer Freeman from the County Executive’s Office. Thank you to the Legislature, thank you to the County Executive for allowing me to represent the Executive Branch, and thank you to our task force members.

This task force identified two areas of recommendations to address and reduce teen pregnancy in Suffolk County. They are a successor group and educational outreach. The first area of recommendation is to establish a successor group. Having met at least 25 times over the past year and a half, we have concluded that a successor group would be beneficial for the long-term facilitation of specific recommendations within our report. We believe that to continue to address the barriers to preventing teen pregnancy, our report identifies a group of community and municipal stakeholders must maintain a dialogue and working partnership. The membership of this successor group should include a culturally diverse cross-section of community representatives and professionals involved with youth issues, such as those involved with foster care, adolescents, health and sexuality and Social Services, for example.

Further, we recommend the successor group convene an annual summit of organizations and other Suffolk County established task forces. Realizing that teen pregnancy does not occur within a vacuum, but is instead interconnected to other issues we face, including gang, domestic violence, substance abuse, bullying. We recommend this annual summit consist of all advisory bodies, addressing these intersecting issues. Task forces by creation are task-oriented, and we hope that by bringing all of these task forces together we can bring Suffolk County to full-force, so to speak, to interconnect our resources, our discussions and our initiatives. The annual summit will also provide training, workshops to professionals on the front lines of services for teens, including applicable County employees, professionals in the medical and educational communities and youth agencies. Ideally, this successor group and the summit would build an annual agenda to strengthen our community’s support for Suffolk teens and their families. I defer to my colleague Laura to elaborate more on the second recommendation, educational outreach.

**MS. GIARDINO:**
Good morning, and thank you for the opportunity to be here this morning. I am a nurse practitioner with Suffolk County Department of Health Services, I currently work in the Office of Health Education. In my previous life I worked as a Nurse Practitioner, so I know firsthand how lack of knowledge is -- lack of knowledge, education and developing decision-making skills as well as relationship building is really an issue for young people. And we as a task force would really encourage the Legislature to please support any initiatives and programs that are available throughout the State and throughout the country.

As you will see in your full report, there are many recommendations and many curricula available that are approved and recommended by the CDC, many of them are evidence-based and we know they work. The problem, as Marsha mentioned before, is often resistance on the parts of parents, school-based programs, schools to implement these programs. So any time you as a Legislator have an opportunity to support this initiative, it would be really helpful in preventing teen pregnancy.

For an example, one of the curricula that is currently available through Suffolk County Office of Health Education is the Health Smart curriculum. This is a comprehensive health education K-12 curricula that is currently available to all school districts free of charge through the Office of Health Education. The office provides teacher training as well as student, peer-to-peer training, so we
know that education in developing skills and decision making, relationship building and just
knowledge is key to preventing teen pregnancy. So again, I thank you for your attention this
morning.

**MS. CASSIDY:**
Hello. I'm Janet Cassidy, I represent Commissioner Robert Dow at the Suffolk County Department
of Labor, we oversee the One-Stop Employment and the Youth Employment Program. We
recommend, as the task force members, that the County sponsor training for County staff and
contract agency members. Due to the retirements, we're an aging work force here in the County
and staff turnover in these high stress positions where working with youth in need. We recommend
that there's ongoing training so that there's the staff that's off in the first line of defense to
somebody in need, it might be the first person who tells them about a pregnancy or a violent
situation, a gang situation, that the staff be trained in how to deal with these situation. And also,
my colleague Judy will talk about the need for training of medical personnel. Thank you.

**MS. SPECHT:**
Hi. My name is Judy Specht, I'm a nurse, I'm representing Professional Nurses Association of
Suffolk County. I also am a nurse in the Emergency Department at University Hospital Stony Brook.
I'm also a Sexual Assault Forensic Examiner for the County of Suffolk.

A couple of things that you won't find in your Power Points that I'd like to share with you is I have
the charge and the privilege of reviewing every Emergency Department chart that comes through
my hands of every patient that's seen. And it's frightening to see how many people come in, how
many young adults, adolescents and preadolescents come in with complaints that could be related to
an obstetrical or gynecological problem. One of the questions we ask when they come in is how
many previous pregnancies have you had; that is part of a physician's history. We're seeing 17, 18,
19 year-olds that have had anywhere from two to eight previous pregnancies. Even if they're 20 or
22 and they have had five previous pregnancies, clearly these have been -- have occurred during
adolescence.

In my work as a Forensic Examiner, I'm seeing increasing numbers of youth, even preadolescent
from 11 years on up, who are having what they consider to be consensual relationship, intimate
relationships with older gentlemen. The parents are sometimes aware, sometimes not aware, and
this is happening on an increasing basis. Even though it is consensual, it comes to our attention
because of the age difference that is a statutory issue. But these people are just a heartbeat away
from being one of the statistics in this report for next year's report or the year after. Because it is
happening over and over and over again and the 11 and 12 year-olds that are having intimate
relationships with somebody who is 20, 30 or 40, it's very frightening, very scary and they consider
it to be a norm, a norm for them.

About three years ago I had the opportunity to do a research project and I queried all of the
pediatricians in Suffolk County to ask them, did they address sexuality, sexual assault, sexual abuse
or sexual encounters with the children that come to see them. Because clearly, they are the people
that will see the children every year for their school physicals, for their sports physicals, and 90,
greater than 90%, embarrassing to say, do not address this at all in their offices with this patient
population. So clearly we are not addressing the needs of this patient population who are sexually
active, whether we would like to think about our children being sexually active at 11 and 12 and 13,
they are. The pediatricians are not addressing it, the emergency rooms clearly cannot because of
time constraints and privacy, that is not the place to address it. So we need another plan, and
hopefully we have given some ideas to the Legislature to consider for the future to help this patient
population. Thank you.
MS. GILL:
Good morning. My name is Sandra Gil and I work for the Suffolk County Department of Health Services for the past 21 years. And I want to have this opportunity to thank Deputy Presiding Officer Viloria-Fisher for the opportunity to, you know, allow me to be a resource to this task force, and I want to commend, you know, the hard work that everybody on this task force did. But very importantly to me, as a mother of two teen-agers, as a proud Brentwood resident that unfortunately is one of the zip codes in the report that you will see suffer of these unfortunate, you know, high rates of teen-age pregnancy. It's been a wonderful experience and I have gained so much information and I want to thank again for the opportunity to allow me to give some of the insights and some of my own personal wishes, if I may say.

There are two programs in the education portion that work very well in communities such as Brentwood and any of the other communities where there's a high incidence of minority members. One of them is called Promotoras which is basically community health leaders. They train our women who will obviously develop a leadership skill, they will make presentations on reproductive health, communication, parenting and other issues related to the well-being of the family. They give talks to schools, churches, private homes and community centers and serve as resources for their neighbors. If they don't know an answer to a question, they know how to find it out, and that's what really this is all about; it's about empowerment to our parents, empowerment to our young women. Promotoras are effective because they come from the same class and culture as the families they're trying to reach. What best combination than that, a Promotora who lives in the community who's willing to connect with a member of the community and they can listen to them obviously better.

The other -- the other program that has worked beautifully, and I have been very lucky to be part of is the home health parties, which is basically a peer education model that utilizes community social networks, encourages parents and children to speak openly about topics of interest. Home health parties are conducted by peer educators in the homes of community residents. The home health party host is responsible for inviting and soliciting neighbors, family participation which utilizes and reinforces social networks in the community. Home health parties are a community-driven strategy addressing adolescent reproductive health issues including teen pregnancy, STI's and HIV/AIDS. Home health parties have proven effective in the Brentwood Latino community by working to improve adult teen communication.

I was lucky -- again, like I said before -- I was able to launch these worthy initiative in my Brentwood home on December 18th of 2010. For your information, six parents and eleven children attended the first meeting and it was a complete success. Due to these results, parents approach me and ask me continuously, "When are we having the next meeting? When are we having the next party?" And as always, I want to thank EOC/SNAP Division for always stepping up to the plate and they responded immediately to this need of our parents in the Brentwood community. And again, we hosted the second meeting on March 10th, 2011; this time we counted with nine parents and 15 children because word of mouth is a wonderful venue.

So I want to please take this opportunity to, as a constituent of this district, as a mother of two young women, as a concerned, obviously, human being for obviously all my Latina women out there and everybody in this wonderful County, to please consider, you know, to support programs such as these ones that I have mentioned and any other ones that work. Thank you.

MS. LAZARUS:
Good morning. I'm Dawn Lazarus representing Commissioner Blass, Department of Social Services. The educational piece for teens, medium that teens frequently use is the Internet, and so the 211 Long Island database, which is formerly known as the community resource database which has been funded by the Legislature for the past ten years is a resource that we would direct the community as well as the Legislators to familiarize themselves with and for them to use to access information. This
will allow teens and adults in their lives to find local, reliable resources to address many of the questions that they have. I defer to Gina, my colleague.

**MS. D'ANDREA-WEATHERUP:**
I'm Gina D'Andrea-Weatherup, the community affairs and advocacy manager at Planned Parenthood, Hudson Peconic, and I'd just like to say thank you to Deputy Presiding Officer Viloria-Fisher and also to the members of the task force for allowing Planned Parenthood Hudson Peconic to serve as a resource to the task force. It's really been an honor to work with you and to be a part of the process.

Our final recommendation for the Legislature is to engage in the social marketing campaign using on-line and off-line media to provide teens with the tools and the knowledge that they need to make responsible decisions. Rather than recreate the wheel, we suggest that you promote and support the initiative called "Act For Youth" which is funded by the New York state Department of Health. And some of their resources include a teen-focused website, a very active Facebook page as well as a Twitter feed and a blog, and other promotional materials that can be used off-line like posters that can be displayed and youth centers and medical centers and libraries and at bus stops.

In addition, we suggest that the Legislature make widely available to the appendices to our report, Appendix II is a list of health clinics and other easy-to-access health care providers that provide family planning services to teens, and in some cases primary health care as well, and a list of links to on-line informational sites at which questioners can find answers to all kinds of questions related to puberty and sexual health. And if you have a moment to look through that appendix, it actually lists short descriptions, some of the websites are specifically for teens, some are geared more toward parents. Many of them have information for parents and other caregivers so that they can know and be familiar with the kinds of information that their children are accessing on-line. Thank you.

**D.P.O. VILORIA-FISHER:**
Thank you to all of you. Thank you very much for all your hard work, it's been great working with you for those 25 meetings.

**P.O. LINDSAY:**
Ladies, if you'll -- Legislator Eddington has a question.

**LEG. EDDINGTON:**
Yeah, actually it's more a comment. I wanted to thank you for attacking a very serious, economical, emotional and obviously physical problem that needs to be addressed, and your prevention and early intervention strategies with education sounds great.

I did want to apologize because of Legislator Vivian Fisher remarks. Often we're asked to do a number of things like look at a new agenda and sign something while you're making a presentation, and I choose not to leave my seat during a presentation. And being a male, I have trouble multi-tasking, so if it looked like I wasn't paying attention, I'm very sorry.

**P.O. LINDSAY:**
Legislator Barraga.

**D.P.O. VILORIA-FISHER:**
Thank you, Jack.

**LEG. BARRAGA:**
I just want to thank each and every one of you for all the work that you put in to this particular subject. I mean, it's very important that these types of reports appear almost annually and
periodically, because there's a long history associated with this particular problem. And it's interesting to note that, you know, we always talk about K-through 12; it's our current system in the United States, but it's not necessarily the best system.

A number of years ago there was an in-depth report done by a very interesting group. There were the 200 top CEO's in the United States, they weren't coming from the educational community, and they talked about early and sustained intervention in the lives of children. And they were saying that, you know, the country, the United States, spends very little on children four years of age to birth, and the feeling was that a lot more has to be done from a fiscal perspective in that particular age group because they mature so quickly once they get into the regular school system. And the point that they make -- and the educators were not in disagreement but they said, you know, "Where do we get the funding for this? Because it costs a great deal of money to do this." And it was pointed out in that study and other studies, for every dollar we invest in that particular group, we save seven or $8 later on with reference to the societal problems that develop when we don't make that investment. All right.

But it was a good report, it was reviewed by the Legislature. But unfortunately, again, you know, people are not prone to move aggressively in new areas and to come up with the funding associated with it. That's why your particular report is so important, because it remagnifies the seriousness of an issue, it gets it before the general public and your effort, believe me, is worth it. Thank you.

P.O. LINDSAY:
Again, thank you, Ladies, for your work.

Applause

We're going to go in to the Public Portion. We have with us this morning Dr. Strongwater from Stony Brook University Medical Center, and I know he has a very tight schedule. Are you still with us, Dr. Strongwater? Yes, here he is. Doctor, I mean, if you prefer, you could sit over here if you would like, if you're more comfortable.

DR. STRONGWATER:
Good morning, everybody, and thank you for the opportunity to address you. My name is Steve Strongwater and I'm the Chief Executive Officer of Stony Brook University Hospital. And I'm here today not only as a hospital administrator, but as a physician who's practiced more than 25 years and who has watched health reform evolve where there has been a great deal of insight into the development at what you will commonly know as medical homes, that is places where people can receive their care in an integrated fashion. And I'm here to speak on behalf of the Elsie Owens Health Center, and I want to make three points and then I will explain them in due course.

First, it is a mistake -- it is a mistake to close Elsie Owens Health Center. It is just a mistake.

Applause

Closing the health center will jeopardize the health of thousands of people, many of whom are working poor and who pay taxes.

The third point I want to make is that time is of the essence. Time is of the essence, this cannot wait. The County has notified Stony Brook University Hospital of plans to close the Elsie Owens Health Center by July 1st of 2011. Elsie Owens is one of several County clinics which serves as a safety net for Suffolk County residents, including many who are poor and under insured or otherwise lack access to basic health services. Should Elsie Owens close, many of these patients will wind up in costly emergency rooms. Being seen in an emergency room is very expensive, perhaps three to five times as much as being seen at Elsie Owens. And this cost, this cost will be ultimately borne by
all of us as taxpayers, far more than it would cost by keeping Elsie Owens open.

Just in the context of statistics, Elsie Owens costs per visit approximately $135. The total operating costs per month are $384,000, and the annual budget is $4.6 million. New York State, should the clinic close, is required to notify patients who have been seen there for the prior three years, that is 18,000 people; 18,000 people from Elsie Owens would have to be notified that were previously seen over the past three years. Annually, there are approximately 34,000 visits representing a little over 8,300 unique patients.

Stony Brook University Hospital has been subsidizing Elsie Owens for many, many years. Due to a series of budget cuts dating back to 2007, we have had to reduce the costs of the center and improve the operating efficiencies, and we have done that successfully and maintained a full level of service. State budget cuts and Medicaid cuts have left Stony Brook University Hospital with a $47 million gap this year. And whereas in prior years we might have been able to help maintain the integrity of the clinic, we simply cannot do that at this time.

Elsie Owens is also being treated differently than other County clinics. The proposed cuts will actually force closure of Elsie Owens, whereas other centers, we are told, are being reduced -- are having their budget reduced on a fixed percentage. There will be a number of unintended consequences of closing the center. First, there is not enough capacity to move these patients to other treatment locations within the County. As I just mentioned, many other clinics are being closed, so there’s simply nowhere for these patients to go. These patients will, therefore, likely end up in expensive settings like emergency rooms and hospitals.

Elsie Owens provides a good deal of prenatal care. You just heard a wonderful presentation. That care, that prenatal counseling will be gone; that will lead to poor perinatal outcomes and potentially very expensive premature births. Those babies will wind up being treated for an extended period of time in one of the most extensive settings in any hospital and that’s the Neonatal Intensive Care Unit.

Other important services will be limited like HIV care, nutritional counseling, parenting classes, pediatric care and many, many more. Stony Brook University Hospital is willing to continue to work with the County to find ways to keep the Coram -- the Elsie Owens Coram Health Center open. Our hope, of course, is that New York State will restore the monies which were cut from Medicaid and allow the County to maintain the integrity of this important center. Time is of the essence because after June, there are no operating funds, zero, there are no operating funds. We have more than 40 staff members, including four physicians who work in the center. I’ll close by reiterating that it is a mistake to close the Elsie Owens Health Center. Closing it will jeopardize the health of thousands of people, many of whom are taxpayers. Time is really important.

And finally, my last comment is I understand that there is introduced into legislation by Legislators D’Amaro and Viloria-Fisher in Resolution 1354, an attempt to restore some funding that would give us an additional month of operating support, and I urge you to support, at a minimum, that bill. Thank you.

**P.O. LINDSAY:**

Dr. Strongwater, before you go, just to explain some of our problems, and we’ve been talking about this problem since December. People believe this is part of the State budget process -- guys, could you be quiet, please? It actually was done administratively to us. You know, we were notified in December that the State is no longer going to pay what’s called Article 6 money to the County, that we’ve gotten for 40 years. We could absorb that cut, but the kicker was is they made that policy retroactive till 2008, so a $5 million cut became a $20 million cut. And, you know, we’ve talked to everybody, we’ve sent letters. There’s two more letters circulating here today to our State officials. We can't get anybody to listen to us.
How can you take back $15 million for services we already paid for. It's just the most asinine policy I've ever heard of, and I couldn't agree with you anymore that, you know, it's fiscally irresponsible. People are still going to get sick. Just because you cut the money from us, that doesn't mean they're not going to get sick, and we don't have the money to replace the cuts. So they're going to wind up in your emergency room and every other emergency room around the County.

And, you know, the people that aren't poor are saying, "Well, how does this affect me?" You go to the emergency room, you're not going to be able to be served because they are going to be jammed. It's just a frustrating thing for me, it's a frustrating thing for this Legislature. The unfortunate thing is unless the County Executive comes over with what's called a Certificate of Necessity today, we can't address the budget problems. The Legislature can only change the budget four times a year, and the next cycle we can change it is in June. So we can't vote on a monetary adjustment today, and that means probably 18,000 letters are going to be sent out at the end of the week notifying people that the health facility that's been serving them can no longer serve them after July 1st, and it's frustrating for me because I don't know how to correct it.

And again, I urge my colleagues, there's a couple of letters circulating today -- one that I authorized, one that the County Executive authored -- to try and call an emergency meeting of our State delegation to see if we can get some help, see if we can get them to listen. We hear you. Part of the problem is, you know, it's easy for us to say it's the State budget, we're just going to have to react to it and close some centers. The biggest problem we have is this year because of this clawback effect. So if we can make it to January with our health center system in tact, even on a reduced service load, the cuts won't be as dramatic next year because of this clawback effect. You know, if the State just said the policy back to '208 is a little severe, but we're not going to pay you anymore," we'll figure some way out of that. The clawback is what's killing us, all right?

Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Thank you, Mr. Chair. And Dr. Strongwater, you know that I requested from the County Executive at the meeting of the Health and Human Services Committee that the -- asking the County Executive to introduce a CN today so that we could address the legislation that was introduced by Legislator D'Amaro and cosponsored by myself. So I'm hoping that the County Executive will do that so that we can have that 30-day reprieve and give the State an opportunity to respond to our pleas. You know, and this has to be very clear and I hope the media covers this, because the way it's been introduced, and I know when I heard it on the radio it sounded as yet another battle between the Legislature and the County Executive and that's not what this is. This is an administrative issue with the State Department of Health Services.

And you heard Judy Speck today, we rely on the Stony Brook University Hospital to act as a de facto County hospital. We can't push all our patients into that emergency room. Judy has told us story for the past -- stories over a year on what she faces in that emergency department, and it's tremendous. And the kinds of documents that she keeps and numbers were invaluable to that Teen Pregnancy Task Force that you heard reported earlier. And this Legislature has voted for the past four years on an initiative that I started four years ago with the NICU supporting the March of Dimes Program, because it's such an expensive proposition to take care of those tiny one and two pound babies and teen mothers are much more at risk to having those two pound babies and having problems and complications. It will cost the State a lot more money to support that NICU that's going to be inundated, because we're not going to have the kind of family planning services available at the health centers, we're not going to have the prenatal and neonatal care that's necessary there. It's just going to cost the New York State taxpayer -- it will be an exponential increase in what it will cost to take care of those young people.
So, you know, I want the media and the public to understand it's not another battle between the Legislature and the County Executive, it's on the back and it's on the shoulders of the New York State Department of Health Services and their administrative decision which was, I think, arbitrary and capricious, and certainly is inconscionable -- unconscionable.

**P.O. LINDSAY:**
Thank you.

**DR. STRONGWATER:**
We are hopeful that the -- now that the State budget is a little bit more formed, that perhaps there can be reconsideration at the Department of Health level, and we're going to continue to advocate, and I would urge you all to continue that advocacy as well. Because as you've pointed out, Presiding Officer Lindsay, that these are administrative decisions and they can be made and they can be unmade. Thank you all very, very much.

**P.O. LINDSAY:**
Thank you very much for being patient with us today. Oh, wait a minute. Legislator Anker.

**LEG. ANKER:**
Hi. I want to thank you again for attending the Health Committee meeting and speaking, you know, and giving us information. Were you able to discuss more as far as the negotiations with the County? I think you were going to go back and do that.

**DR. STRONGWATER:**
We have a meeting scheduled later today and we will continue to talk with the County. We want to continue to keep the dialogue going. Again, I think our emphasis will be to work with the County, but more importantly it will be to work with the Department of Health to try and get restoration which would solve the problem, not only for Elsie Owens but for the County and all the County clinics.

**LEG. ANKER:**
You're talking about the Department of Health at the County or New York State level, which one?

**DR. STRONGWATER:**
New York State Department of Health.

**LEG. D'AMARO:**
Bill?

**LEG. ANKER:**
Okay. Have you -- just a suggestion. Because, you know, again Legislator Lindsay does have a critical point as far as campaigning to the State for additional funding. I put a call in to the Commissioner and I'm going to be putting a lot more calls in, and I was wondering if there's any way or if you are really focusing on addressing this to New York State with a large group of people, both the patients, your employees.

**DR. STRONGWATER:**
My understanding is Commissioner Tomarken has made contact in the Department of Health and has a meeting scheduled already to try and address this with the Department of Health. So we're all going to try and channel our efforts and help to convince the Department of Health to reconsider their policy decision.

**LEG. ANKER:**
Thank you.
P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Thank you, Doctor, for coming out again. And my questions basically were some of what Legislator Anker had talked about. So our new New York State Health Commissioner is cognizant and aware of what's going on at this time with the possibility of the closure of Coram or the quandary that they've put our whole health care system into?

DR. STRONGWATER:
I know that the people that directly report to him are aware of it.

LEG. KENNEDY:
Has he been here to Suffolk County yet, to the best of your knowledge? Has he done anything to tour your facility or any of our facilities to see what the level of care is?

DR. STRONGWATER:
I believe he is scheduled to be out this summer but has not yet been here.

LEG. KENNEDY:
That's kind of like, you know, coming to visit after the horses are gone and the barn door is closed.

You know, I know that you point to your quarter century of practice as a physician and you have a great deal of expertise from a system's perspective, having operated a system in Connecticut and other health systems. There are about 50,000 patients, I believe, in our County clinic health system all together. And if you took a look at maybe a one or two or three person family with a clinic patient, that probably represents about 10% of our total County population when you look at it, or a 1.5 million resident County. So causing the shutdown or elimination of the delivery of health care for basically 10% of our total County population sounds like it's bordering on almost catastrophic.

We had talked a little bit about the cost aspect and I'd asked you in committee about the cost of an emergency room visit at Stony Brook, and at that time you had said it would far exceed what our cost is at Elsie Owens. Tell me again, what is that?

DR. STRONGWATER:
Well, my -- I should have gotten the precise statistic, but I would estimate that it would be at least four to five times the amount to be seen in an emergency room, whether it's at Stony Brook or anywhere else, than being seen as an out-patient at Elsie Owens. And I believe that at the Federal level, there is a clear recognition that you want to have is care at the lowest cost site, and those are out-patient sites with integrated platforms, exactly as we have built at Elsie Owens where there are social workers, where there are physicians and nurse practitioners to provide that kind of coordinated integrated care which has now become known as a medical home and which the country is racing to create to try and keep the total cost of care down.

LEG. KENNEDY:
Thank you. I have spoken to the Presiding Officer, we're involved in some dialogue today. I hope that your meeting later on today with the Health Department is going to be productive.

One of the things I'm going to ask you to talk about -- and again, I'm not going to pretend to know how to deliver health care at all. But it seems to me that if we were able to maybe move down on the hours of operation at the clinic in order to kind of weather the storm until we get to, you know, into next year, that might be something that helps keep Elsie Owens open and may, in fact, allow us to make some of our short-term funding suggestions carry us through the balance of this year. So I'm hoping that's something you'll be able to speak about. Thank you.
P.O. LINDSAY:
Legislator D’Amaro.

LEG. D’AMARO:
Thank you. And Dr. Strongwater, thank you for coming in again today, I appreciate it, and I appreciate your testimony also at the Health Committee during the week. And thank you for supporting my legislation.

You know, as the Presiding Officer made the point that we cannot possibly replace the clawback funding and all the funding that’s been withdrawn by the State of New York, what we’re hoping to do is try and prolong keeping the facilities open, this center and Dolan as well in my district, or close to my district, so that we can hopefully implore the State to take a second look at this and help us out and realize what the real impact is of the decisions that they’re making.

I just want to bring you up-to-date. I did meet again with the County Executive yesterday on this issue. I am hopeful, I don’t want to say optimistic, but I’m hopeful that we can find a way to provide some additional funding to both Dolan and to Elsie Owens Health Center. And I know that he is, along with his budget folks, are open to working with us. So I’m encouraged that you also have a meeting, I think Dolan representatives also have a meeting with the County Executive today as well, and it’s important for people to know that. And as Legislator Viloria-Fisher pointed out, this is not a tug of war between the Executive and the Legislative Branch, this is really something that was pushed down on us inappropriately by the State of New York and we’re all trying to grapple with the same issue.

I wanted to ask you just one quick question. I think it’s important to highlight here that should these centers close, what the real impact on the hospital will be. You talked about -- what is -- 18,000 people being notified of the cut off of health care services. If this opens up your emergency room, I mean, this could have a devastating impact on Stony Brook Hospital. Can you talk a little bit about that? I know that -- I mean, I don’t want to be inflammatory in any way, but as a layperson, not a medical professional, I would even worry about overwhelming a hospital to the point where it might have to close, couldn’t afford to go on. I mean, could it be that catastrophic?

DR. STRONGWATER:
I’m not sure that I can envision Stony Brook University Hospital closing, God willing it never will. But we are under a great deal of financial pressure right now; as I’ve mentioned, we’re trying to work our way out of a $47 million budget gap as a result of a series of reductions of State support and Medicaid cuts and other expenses. But I think logistically what will happen is that you will create a logjam that will jeopardize potentially the health of other people because the emergency rooms will just become overloaded, causing long delays and creating what could be construed as a crisis where it’s potentially all avoidable.

LEG. D’AMARO:
Right, and I agree with you. You know, of course you wouldn’t want to contemplate the closing of a hospital. But I get concerned about the impact. I think Legislator -- Presiding Officer Lindsay made the point that, you know, people who can afford health care or have coverage say, "Well, how does this impact me?" Well, it does, because even if you have health insurance and your kid is out playing in the street one day and God forbid something happens and you run to that emergency room and instead of an immediate assistance or maybe a five minute wait or a ten minute wait you have a three hour wait, it’s going to severely impact everyone’s life and the delivery of health care in this County.

So I’m encouraged that we we’re working together. Please keep us informed with respect to your discussions later today and we’ll continue the dialogue.
DR. STRONGWATER:
I thank you all for your understanding and you support. Thank you.

P.O. LINDSAY:
Thank you, Dr. Strongwater.

Okay, Public Portion. Jennifer Ortiz Rodriquez?

(*Ms. Ortiz-Rodriguez' testimony was translated by her daughter, Miss Sara Beth Rodriguez*)

MS. ORTIZ-RODRIGUEZ:
Hello. My name is Glennys Ortiz-Rodriguez.

MISS RODRIGUEZ:
My name is Beth Sara Rodriguez.

MS. ORTIZ-RODRIGUEZ:
I'm not here to represent Hispanic. I'm here to represent people with diabetes. I'm here to represent any people that need -- that have health issues.

MISS RODRIGUEZ:
She just listened to what they said, it was very informative. And she also wanted her pick, the same thing that she just said. She wants to make a conclusion. In her genuine opinion, she's alive today and she can see me today because Coram Central America gave her the attention necessary. When she came to this country, she didn't come in sick. She developed sickness here and Coram Medical Center gave her the attention necessary to her health. And two years ago she -- they helped her get -- she doesn't have to use asthma medication anymore. And a year ago she's working and she isn't -- because she's able to work, she doesn't put -- she doesn't need to go on Social Health?

MS. ORTIZ-RODRIGUEZ:
Yes.

MISS RODRIGUEZ:
Governmental health, Social Services. Because she is be able to get her health right, she's able to study and work. America has always been big and you have two big wings. What is the location? The youth people like me fly high, and the other one is health. The rest of society --

D.P.O. VILORIA-FISHER:
That allows society.

MISS RODRIGUEZ:
Thank you.

MS. ORTIZ-RODRIGUEZ:
Thank you.

MISS RODRIGUEZ:
That two wings, they can be cut. We understand that it's not in your hands, that the decision to close the health center, but she understands that if America gets together, our students won't suffer.

D.P.O. VILORIA-FISHER:
Students will suffer.
MISS RODRIGUEZ:
Yeah. And if they get all the help, education and help, they will be able to work and they won't have to need the need for Social Services.

P.O. LINDSAY:
Please wrap up, Ladies, you're out of time.

MS. ORTIZ-RODRIGUEZ:
I'm sorry?

P.O. LINDSAY:
You're out of time.

MISS RODRIGUEZ:
She's against people abusing -- like people getting help because they have too many children, I believe. She believes that God will give you guidance to answer to find another way besides cutting education and health centers.

MS. ORTIZ-RODRIGUEZ:
Thank you. I'm sorry.

MISS RODRIGUEZ:
Thank you.

Applause

P.O. LINDSAY:
James -- first I need a reso (sic) to extend the public portion.

LEG. CILMI:
Motion.

LEG. MURATORE:
Second.

D.P.O. VILORIA-FISHER:
Second.

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

MR. LAUBE:

P.O. LINDSAY:
James Kelly, followed by Andrew Levine.

MR. KELLY:
Good morning. My name is James Kelly and I reside in Huntington. I am here to ask the Suffolk County Legislature to urge the State of New York to continue funding of the health care clinics. One such clinic is the Dolan Center on Park Avenue in Huntington which stands to lose 40% of its funding. This facility, managed by Huntington Hospital, sees 5% of the entire population of the Town of Huntington. While 5% sounds like a small number, it represents over 10,000 residents who
visit the Dolan Center annually. Many of these patients are low income and uninsured. Many of these patients -- this is a crisis in the making for those affected by those cuts and will put them on the door steps of disaster.

Closing the Dolan Center will force thousands of additional visits to the emergency room at Huntington Hospital; this obviously is a theme that's being repeated consistently, this is true for all of the patients who are no longer able to obtain services at all six of the clinics. The County will eventually assume, at much greater cost, through the hospital reimbursement through Medicare.

On another issue, I call on this body to seek the support of the Long Island Delegation to seek change in the laws that allow the State to demand funds allocated and spent on services in the past. As was mentioned earlier, this is the Article 6 money that is being demanded back for the last four years of services. This is a sort of Damocles that hangs over every municipality that receives funding from the State. If this -- is this the first attempt by New York, in this time of fiscal austerity, to take back funds properly allocated and properly spent for the public good in the past several years? This concept, sometimes referred to as a claw back, must be restricted to incidents only where the funds have been improperly or fraudulently spent on local municipalities. And I realize that this would require a change in legislation of authority of the agencies Upstate, New York, but I do believe the authority of the State and its agencies must be curtailed to prevent this type of action from taking place. I thank you for your time.

P.O. LINDSAY:
Thank you, Mr. Kelly. Andrew Levine.

MR. LEVINE:
Presiding Officer Lindsay and Suffolk County Legislators, my name is Andrew Levine and I'm here today to speak on Resolution 1384, County Executive execution of agreement with Suffolk County Association of Municipal Employees.

I've worked for Suffolk County for the past 23 years and over that time I've been through furlough Fridays, lag payrolls, most recently in 2010. We've taken zeros in past contracts. We, as union members, have seen employees retire and those positions haven't been filled, so we're doing more with less, but that's a whole nother (sic) subject.

We have made concessions over the years. In this agreement with the County Executive, our union members voted for this contract which also includes zeros for 2009 and 2010. We voted by the highest approval ratio ever to help Suffolk County through your budgetary deficits. The Budget Review Office says that the money is available for this contract, so I ask you today to vote -- excuse me -- to vote in the affirmative for this contract. I thank you for letting me speak and the tough decisions you make for the residents of Suffolk County.

P.O. LINDSAY:
Thank you very much.

Applause

Cheryl Felice.

MS. FELICE:
Good morning. And Andrew took my speech.

(*Laughter*)
There's really nothing left to say, he covered it all. And we've been before your committee and I would have to just say on behalf of your Executive Board, the Board of Directors and the entire membership of AME, we look forward to your support of 1384. And anticipation of that vote today, we thank you very much.

**Applause**

**P.O. LINDSAY:**
Thank you, Cheryl. Geri Walsh.

**MR. WALSH:**
Good morning. My name is Geri Walsh and I have served on the South Brookhaven Advisory Council for the past three years; for the last year and a half I've served as the Chairperson. As such, I am keenly aware of the Department of Health's mission that is carried out each day at the South Brookhaven Health Centers and the role they play in aiding the uninsured in preventive medicine and eliminating the possibility of public health crisis issues.

Additionally, last year I was a member of the Legislative Health Center Financial Review Committee where I helped evaluate the presentation made by John Snow Incorporated on their assessment in transitioning the health centers to a Federally Qualified designation. Finally, I have been asked to serve on the Co-Applicant Board of the FQHC Organization currently created -- being created.

Having been involved in all these roles, and also being a patient at the Patchogue Health Center, I consider myself well-versed on the South Brookhaven Health Centers and the role they play in our community every day. Last month I asked the administrators of the South Brookhaven Health Centers to provide the Advisory Council with an overall assessment of what has been done over the past five years.

I listened to a presentation by the administrators and I learned very interesting things. This past year, over 31% of the 71,180 health center patients were seen at South Brookhaven. Over the past five years, annual primary care visits at these centers have increased 36%. While the volume has been increasing, cost per visit has been reduced over 25%; all this information is available in the South Brookhaven Health Center's Annual Report.

Many of you may be aware of the pod process that was implemented by Mr. {Valofkas} several years ago. This process has helped us significantly reduce cost per visit while being able to absorb a 30% increase in volume. Other health centers are currently trying to replicate what's already being done at our health centers in South Brookhaven. It's also worth stating that Brookhaven has not received any increase to their budget for the past five years, while they're actually saving money.

It's also worth noting that the leadership at the Brookhaven Centers over the past two years have implemented many strategies to reduce cost, some of which have required very difficult decisions such as eliminating providers in order to be more efficient. Over the past year, the leadership at these centers have been able to obtain a 100% utilization rate for their primary care providers; that means that their providers see more than 4,200 patients per year, which is --

**P.O. LINDSAY:**
Ms. Walsh, could you wrap up? You're out of time.

**MS. WALSH:**
I can, I can. Which is the FQHC benchmark. I think if you haven't been to the centers, you would be quite amazed at the work that they do. And I just urge you, I know you'll do everything you can to restore the funding and to keep all our health centers operational. Thank you.

**Applause**
P.O. LINDSAY:
Joy Negel. Joy Negel?

MS. NEGEL:
Hello again. I was here before and spoke to you about the Coram Health Center closing. I'm a family with four people that will get those letters that will go out out of the 18,000 if they close. 

Again, they keep saying about the emergency rooms getting overwhelmed with patients? That's not the only effect. If you go into an emergency room and you get billed, you have no health insurance -- like I said, we're working class poor, we have no health insurance. You go to an emergency room, they don't charge 5% more, it's probably about $500 just to walk in the door. After that, if you can't pay the bill they garnish your pay stubs; in return, that's all going to turn around and you're going to get garnishments, you're not going to pay your rent and it's going to cause a bigger problem and a bigger burden to the County. They need to keep the health center open, otherwise it's going to be a big snowball effect for everyone.

As far as health insurance, they have you apply for Medicaid and stuff which is another waste of tax dollars, because you know how much money you make, you know how much you're allowed to make; You're not allowed to make more than $32,000 a year, I think, around there, for a family of six. My younger daughter who is a patient at Coram has to go to Stony Brook for a tonsillitis -- tonsil -- take her tonsils out or something. I applied for financial aid through them; I didn't hear anything, so I have to pay almost $200 just for her to be seen there, which I don't have so my daughter missed her appointment last Friday. Closing the health center will only cause a bigger problem through the entire community. Thank you.

D.P.O. VILORIA-FISHER:
Thank you.

P.O. LINDSAY:
Mary Finnin.

MS. FINNIN:
Thank you, and good morning. The need for the health services -- oh, I'm sorry. The need for the health services has increased with the rise of unemployment and the uninsured and the under insured. The health centers have provided services without any increase for five years, while their costs have increased by 4% per year. Last year there were over 335,000 visits to our health centers. These health centers should be rewarded for improving productivity and increasing revenue, and the revenue should go back to the health centers to support Patient Care Services. Now it goes to the General Fund and our health programs keep getting cut.

Health centers were told to cut their budgets by 10% effective July 1; this includes BOCES-based programs and auxiliary services. This will reduce staff and services. And the BOCES Program will also, if it closed, impact the kinds of reports that you receive today from the task force.

The cuts in the closing of health centers will create greater problems. With the proposed cuts, the health centers will fall -- will fail the access and availability standards and the Suffolk Health Plan revenue will be at risk. The cuts in funding also jeopardize the application for the Federally Qualified Health Center. Those requirements include requiring services -- providing services, regardless of ability to pay. Also, providing primary health services, including diagnostic x-ray, lab case management, emergency medical services, dental, health screening and family planning; those are just some of the things that are required in FQHC. We have an application pending. If we cut and close, we're going to jeopardize that opportunity for Federal funding.
We have a revenue problem, not an expense problem. County Health Centers should be able to accept all health insurances. Gradually increase the sliding scale fee, which has been in place for 16 years, based on ability to pay. I personally would also propose a tax increase of one to $3 earmarked for health care services only. It is not the dollar or two in County health -- in County taxes that are killing us, it's the $500 increases in our local school taxes. Health care is not a luxury, it's essential for the well-being of all residents. I thank you for the opportunity for sharing my personal concerns. And happy Nurse's Week; this is National Nurse's Week. Thank you.

Applause

D.P.O. VILORIA-FISHER:
Thank you, Mary. Cesar Malaga.

MR. MALAGA:
Good morning. My name is Cesar Malaga, I'm the President of Hispanic American Association. First I would like to thank you, all of you, for approving the East End bus service on Sunday. I think it's going to be, you know, something that will be a profitable route out there on the East End.

I have six topics to talk about. First, I heard about LIPA. LIPA -- it was suggested by a member of the LIPA Board that LIPA should be privatized. The gentleman who said that, he doesn't know the reason that LIPA exists. It was a private company that provided electrical service care on Long Island. LIPA paid three times the cost of the assets at the time of the takeover. The assets of LIPA were $3.8 billion, but we paid $7.3 billion. LIPA has only the transmission and distribution lines costing only 1.9 billion, but as I said, we paid 7.3 billion. Is that a ponzi system that the State worked to get more money from the ratepayers. LIPA started with 30 employees, actually acquired by LILCO, but some relatives of politicians were added to the management workforce of LIPA which now has over 100 employees.

Now, I would like -- the next thing I would like to mention is about Dennison Building. It was suggested it should be sold; Dennison Building should not be sold. Where are they going to put the people that work at the building? If you lease you have to pay, if you rent you have to pay; at the end only you have receipts. I was told when I was in college that if you own a home you build equity, if you rent you have rent receipts which are worthless. Any facility of the County-owned such as piers and golf courses should be paid by the people who use the facilities, but not by the residents who pay taxes to maintain those facilities.

The other item, you know, we're talking about here was health facilities that many mention. Now, politicians, in order to get reelected, get millions of dollars in contributions for their re-election. Why don't you get contributions for our health facilities such as the John J. Foley that provides health and wellness? You can generate money, why don't you get it? Why just pay tax and taxes? Like I suggest to the District Attorney that the $4.1 million that Levy has, with the approval of the contributors, that money should go to the health facilities rather than give it to the people who contribute it.

Applause

The other thing is prepaid phone calls. There should be no requirement documentation to get prepaid cell phone service.

P.O. LINDSAY:
Mr. Malaga, you're out of time.
MR. MALAGA:
People buy these phones because they cannot pay the cost of a cellular cell phone. Now, the last item is campaign finances.

P.O. LINDSAY:
No, you're out of time, Mr. Malaga. You've got to wrap up, wrap up.

MR. MALAGA:
One second, all right. Now, campaign finances, it should be regulated. I mean, you have to pay finances and you have to pay the unions and keep jobs to the builders and --

P.O. LINDSAY:
Thank you, Mr. Malaga.

MR. MALAGA:
Thank you very much for listening. Bye-bye. Oh, by the way, let me --

P.O. LINDSAY:
No, you're out of time.

MR. MALAGA:
No, no, no, it's very important.

P.O. LINDSAY:
No, you're out of time.

MR. MALAGA:
It's very important. Now, here in this thing you have to put your approval of $30 million in bonds. Now, you can provide --

P.O. LINDSAY:
Mr. Malaga --

MR. MALAGA:
You can provide $2 to put --

P.O. LINDSAY:
-- save it for next month. You're out of time. I told you four times, you're out of time.

MR. MALAGA:
Provide $2 to put a switch here.

P.O. LINDSAY:
Sit down. Please sit down.

MR. MALAGA:
Thank you. Thank you. Thank you.

P.O. LINDSAY:
Miriam Garcia and Erica Brooks.

MS. GARCIA:
Good morning. Thank you. Thank you for allowing us to address the legislation for the second time. I'm Miriam Garcia, Executive Director of Adelante, and we're here on behalf of the cut that our
program, Family & Youth Services, received for $36,000. I know it's not a lot of money, but when you serve hundreds of people with a small amount. I would like to have Erica speak to you in reference to the people she serves every single day, from seniors, youth and families on the role who also we're the last stop for them.

**MS. BROOKS:**
Good morning. My name is Erica Brooks and I am a caseworker at Adelante of Suffolk County. I want to thank you all for letting me speak on behalf of Adelante and our programs. Adelante services the youth, seniors and their families across Suffolk County. We are perfectly aware that there are other agencies that help families, but we service the Latino constituents who are unable to access services without our help.

I was here last Tuesday and I felt conflicted when I heard a comparison of Adelante's Youth Program with a sports or an after school program. Our services go beyond that. Adelante is about empowering, educating and assisting the seniors, the youth and the families of your communities to become self-sufficient. How can a student focus on school when his or her parents are worrying about where they're going to spend the night, or if a family has nothing to eat or if there's violence in the home or they're transitioning from one shelter to another when there is no consistency; Adelante is that consistency. Adelante offers services for the seniors who maybe are taking care of a grandchild or we take care of the domestic violence victim who needs to get out of an abusive relationship and we serve the youth at the same time.

Excuse me. I believe that Adelante is a bridge to services to the families and the youth. We get clients from all over Suffolk County, we get clients from Wyandanch, Selden, Patchogue, Ronkonkoma, Holbrook, Centereach, Coram, East Islip, Mastic, Copiaigue, I don't even know if I said that right, Amityville, Lindenhurst; these are all your constituents, they come to us for services. And it's imperative that we have the resources to continue offering services to their community. I believe that it is imperative to mention that Adelante services can have great impact in people's life. I am a perfect example of that. I am a survivor of domestic violence and thanks to Adelante, I was able to become self-sufficient to get services from other programs. My stepdaughter, who also was a survivor of domestic violence, gets services with Adelante and I wouldn't be here if it wasn't for Adelante. Thank you.

*Applause*

**P.O. LINDSAY:**
Thank you. Chris Destio.

**MR. DESTIO:**
Good morning, honorable Legislators. My name is Chris Destio, I'm an employees of the John J. Foley Nursing Facility. I was hoping today that our union leadership was going to bring up the clinics and the nursing home, but that was short lived.

I'm here to speak about the clinics in Resolution 1319 which is an expansion of services that would make it possible to be less subsidized by Suffolk County taxpayers. An expansion of services means more programs that we could provide for our nursing home residents with higher reimbursement and less subsidy to our taxpayers. We need to reorganize and form back our Oversight Committee.

But this time we need to be looking at why other nursing homes are more successful than we are. What I mean is let's visit a bunch of successful nursing homes in Suffolk County and start looking into their billing practices and what kind of speciality care they do provide such as do they have a bariatrics unit, do they have a pediatrics unit, does the PT department operate seven days a week instead of five? Does the day-care operate seven days instead of six? Is there a biller at the nursing home making sure that we are getting the revenue that the services we provide? We need
to do this to make Resolution 1319 successful.

Now, to the clinics here. I was just curious, was there a community impact report done before any of these new policies on these clinics were implemented? What's going to happen to people who have AIDS or Tuberculosis and are turned away from -- are turned because they don't have the money. How long will it take for them to reach the emergency room? This impacts us here today as much as it impacts the people with these terrible viruses.

I worked at the Amityville Clinic for five weeks recently and I was shocked to hear that it will not be -- it will be a lot harder for these people to receive these services that they need. And I was also more shocked by -- there was a line almost out the door each day that I worked at the Amityville Clinic. Where is the union representation through this? The union's protecting -- by the union protecting its members at the clinics, they're also protecting the community.

Where are the public health nurses going to land after they lose their job at some of these County clinics? Is the union going to find them jobs also? I hope that all the Suffolk County employees at all the clinics have better union representation than we did at Foley, because if not they will be in for a tsunami full of problems. Thank you.

P.O. LINDSAY:
Bob Zebrowski?

MR. ZEBROWSKI:
Good morning, everybody. I'm Bob Zebrowski, I'm the founder of Judy's Run for Stroke Awareness. I just would like to thank the Legislature for approving the resolution to have the Dennison Building lit in stroke recognition on May 27th. I'll speak briefly about stroke awareness and give you a little background.

The numbers are horrible for stroke awareness; 750,000 occur a year. New statistics from the National Stroke Association have come out and had stated that a person has a stroke every 40 seconds. Our mission for stroke awareness focuses 100% of its funds, goods and services on efforts to provide public awareness towards stroke detection, prevention, its after effects and where to get help.

I started Judy's Run for Stroke Awareness in 2008. My wife had a stroke in 2005. Very debilitating, it's sorely needed in the County to recognize stroke awareness. Our fourth annual Judy's Run for Stroke Awareness is coming up at Sunken Meadow this May 22nd, it's a week and a half away. We've raised $10,000 in four years for stroke awareness. I'm very proud of what we've done. The support this year has been tremendous. I look forward to it, the second annual, and I plead with everybody to support stroke awareness. Again, it is sorely needed. You can visit the website, www.Judysrun, and I thank you, Ladies and Gentlemen, for approving the resolution and listening to me about stroke awareness which, again, is sorely, sorely needed in the community. I've got a job to do and I basically say in my presentations, "Move over Jerry Lewis because here I come."

 Applause

P.O. LINDSAY:
Thank you, Mr. Zebrowski.

D.P.O. VILORIA-FISHER:
Good luck.

P.O. LINDSAY:
Dr. Valenzuela.
DR. VALENZUELA:
Distinguished Ladies, Gentlemen, I’m here today to talk about IR 1266, the bill to register prepaid cell phones. Given the discussions that have been going on here today, this seems like a poor bill to be talking about. But I’m sure that the bill’s author was well-intentioned. I think that there are many, many problems with the bill. Not only that, low wage workers, women fleeing from domestic violence and other vulnerable populations use prepaid cell phones as a means of communication, but also then to encumber our Police Department with having to maintain the database is problematic when we’ve been discussing the need for more police and now we’re going to burden them with some more paperwork.

The database itself, I’m sure there hasn’t been too much inquiry into that when we have our national government with databases that are very problematic and have a lot more resources than we have here in Suffolk County. So I think while the bill is well intentioned, I think it’s a step in the wrong direction. I think that you have not paid attention to the people that it’s going to impact beyond those that I’ve mentioned. So, for example, on the way here today I stopped at a gas station, they’re going to be impacted; I stopped at a grocery store, they’re going to be impacted; a car wash, they’re going to be impacted. Many of our merchants are going to be impacted because they have to collect ID’s and then hand them over to the Police so that the Police can create and maintain a database.

So I urge you not to vote for that bill, and of course I urge our esteemed colleague, Kate Browning, to rescind the bill. Thank you.

(*The following testimony was taken & transcribed by Diana Flesher - Court Reporter*)

P.O. LINDSAY:
Dan Tomaszowski.

MR. TOMASZOWSKI:
Thank you, Mr. Lindsay. Dan Tomaszowski, Longwood Board of Education. I’m here primarily, I guess, because I think all 45,000 registered --

D.P.O. VILORIA-FISHER:
Speak closer to the mike.

MR. TOMASZOWSKI:
I’m here, I think, primarily because I’ve answered the call of 45,000 registered voters in my school district who, I think, have my number on speed dial. But I want to talk about the health crisis and hopefully I can give you some solutions because all we’ve done so far is talk about problems.

One other unintended consequence, if I could add that to the list, our EMS service is currently overloaded. And that’s going to be even more overload. Because what do people do when they got to get to the emergency room and they don’t have transportation? 911. And as a 35-year EMS person and firefighter, we have to take them and we will take them. So that’s another one that’s on your list.

We all know closing health centers is not an option. And I know the problem that you’ve been -- a position you’ve been put in by the State. We have been put in that same position at school districts. We know it well. We probably been doing it for a lot longer than you. Let’s talk about positive solutions and maybe moving along in a positive direction.
And just let me set the record straight: I am a very fierce advocate for public education. I think those of you that know me know that. However, that being said, if you don't have strong public education, you have no quality health system. It goes by the wayside. So those two are married. I think this problem will carry over to our children. There's no question, many of our kids that need these health services are not going to get them.

Solution: Each one of you has a list at your office of school superintendents in your district. When you go home tonight or this afternoon, get on the phone and call them up and say, guys, we need help. We need help in advocacy for public health in Suffolk County because we're faced with a crisis. I know each and every one of them. You can use my name. Tell them I told you to call. All right? They will assist you. They have direct lines to all of our state officials. They will get on the telephone and assist you. We're in economic crisis all over this country. And if we don't work together, we're all going to go down individually.

The other thing is, I give you my word, when I go home I will call the head of the Suffolk County School Boards Association for Fred Langstaff, who I know can quickly get out the word to all the school boards that Suffolk County is looking at a crisis, a health crisis. And I think they need to be aware and they need to get on board. And these are people who are very, very experienced at advocacy. And we certainly can use their help in this time of need. And if you have any questions, whatever, call me. Most of you know how to get in touch with me. So hopefully we can get through this crisis because the health centers can't close. That's not an option. We have to find a way to fix it. Thank you.

P.O. LINDSAY:
Thank you. Thank you very much, Dan. I'm just struggling with some handwriting. Arthenia Sealy-James. Okay.

MS. SEALY-JAMES:
Good morning. And I apologize for my handwriting. My name is Arthenia Sealy-James. I am the Civic President for the Greater Gordon Heights Civic Association.

The closing of the Elsie Owens Brookhaven North Health Center would create an enormous ripple effect on the greater Gordon Heights community. The results of the ripple effect would be an increase in emergency calls to 911; which in turn would cause an increase in call time for the greater Gordon Heights Fire Department; which then would cause an increase in the number of possible fatalities in the community and an increase in taxes.

Also because of the possible closing of the Elsie Owens Brookhaven North Health Center without a corresponding solution, the effect would be a building left uninhabited resulting in blight on the Greater Gordon Heights community. This is not acceptable to the homeowners who pay taxes.

The Greater Gordon Heights homeowners are requesting of the Suffolk County Legislators to make a wise decision concerning the Elsie Owens Brookhaven North Health Center that would create a harmoniously wise financial and business sound outcome leaving Greater Gordon Heights flourishing and thriving. Thank you.

P.O. LINDSAY:
Thank you, Arthenia.

APPLAUSE

Noel DiGerolamo.
MR. DIGEROLAMO:
Thank you for the opportunity to speak on the issue of Campaign Finance Reform. First, I’d like to state that any change that should take place on Campaign Finance Reform should be well thought out and discussed in detail to avoid the discrimination of any particular class of people or group. For the County Executive to attempt to enter this debate is absolutely absurd. Mr. Levy calling for Campaign Finance Reform is akin to Bernie Madoff asking for greater oversight of the financial markets to avoid a Ponzi scheme. Until he’s ready to address the issue of collecting inappropriately over a million dollars from county contractors and whatever agreement was reached by the surrendering of his $4 million, I don’t believe he has any position or bearing in this dialogue.

This County also witnessed recently a party leader who accepted $100,000 of quote tainted campaign funds. That same leader also said that he wasn’t going to give that money back until after the elections in case they needed it. Well, that would be like a friend holding up a bank and putting the money into my checking account and I use it to pay my bills. And I say, "don’t worry, I’ll figure out a payment plan later to give it back."

I think we’re focusing on the wrong issues here when we’re talking about Campaign Finance Reform and we need to be looking at real election reform in this County. We’ve witnessed top county-wide officials get cross-endorsed by all the parties and disenfranchise the voters from actually having a voice in the election process completely. No election was necessary because a backroom deal was made with the few individuals who decided an election wasn’t necessary. I think that’s the type of reform that needs to be addressed first before we start looking at how to cull out certain groups that we don’t want participating in election process.

Most states in this nation already prohibit such backroom deals and cross-endorsements. But in Suffolk County for whatever reason, it has become the norm. We should really look hard and deep into these issues before we start discriminating against any one class of people. I appreciate your time. Thank you.

APPLAUSE

P.O. LINDSAY:
Thank you, Noel. That concludes my cards. Is there anyone else in the audience who would like to speak? Please come forward and identify yourself.

MR. CASIGLIA:
I don’t know if it’s still morning. I don’t have a watch on. Good morning, Presiding Officer and honorables. My name is Frank Casiglia. I’m Executive Vice President of AME. I’m here in support of IR 1384. Excuse me.

In 2009 this body came to AME and other unions and asked for help to deal with the fiscal crisis. And AME answered that call to the tune of almost $15 million. There was no raise for our members in 2009. There was a reduction in income, but an escalation in services required. In 2010 there was no raise for our members and that escalation indeed continued the our members answered that call also. In 2011 we reached a tentative agreement after two and-a-half years with the County Executive, an agreement that our membership ratified in historic numbers; up to 85% of our members that voted ratified this contract.

It's 2011. Now it's our turn to reach out to you for support. We've been there when you've asked. We have come to a fair agreement with two zero's for 2009 and 2010. Our members again are giving in answering the call. We need you to answer the call for us. This two percent raise in 2011 and two percent in 2012 is not a lot to ask for, especially with members that average in the $30,000 range. It doesn't even keep up with the increase in the gas. But it is something. And it is a message from this body to 6700 people that what they've been doing for the past several years
without a raise and with the give-backs that they've given to this County and the service they provided means something to this body. And we ask, we gave, we answered your call; please answer ours and approve 1384. Thank you very much.

APPLAUSE

P.O. LINDSAY:
Thank you, Frank. Is there anyone else that would like to address us? Seeing none, I'll accept a motion to close the public portion. Motion by Legislator Barraga, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Is Commissioner Anderson still with us? Please come forward, Gil. He wants to talk about resolution 1182, which we asked him to come and fill us in. This is the resolution appropriating funds in connection with the purchase of Public Works highway maintenance equipment. It's all yours.

COMMISSIONER ANDERSON:
Correct. Thank you for the opportunity to speak and address this issue this morning. The original resolution was revised to remove a small dozer, which we felt we could go a few years without -- the one we have is very old and needs repair. But if we need it, if we have to, we can rent it. We have loaders and other equipment that, you know, we feel can do the work in a similar manner.

The other equipment, however, is needed. There are a number of trucks, six-wheel, ten-wheel, light dumps, spreaders, a semi-tractor, spreader bodies, all of the equipment that you see on there with the exception of the mowers, the tractors and the chippers are for snow plow equipment.

As you know, what we went through this winter, it was a long winter. We did a lot of work. It's under harsh conditions. The equipment gets beat up very quickly. While we normally try to maintain equipment for ten years, we will ask to replace equipment if we feel the need arises and we feel the need has arisen here.

The other equipment that's requested in here is tractors, chippers and a ride-on mower. This equipment we need to maintain the sides of our roads, you know, to maintain the public safety. I don't know if there's any other questions but --

P.O. LINDSAY:
Just, if you get a new mower could you cut the grass in my district?

LAUGHTER

COMMISSIONER ANDERSON:
Yes, sir, absolutely.

LEG. KENNEDY:
Legislator Lindsay.

P.O. LINDSAY:
Legislator Kennedy.
LEG. KENNEDY:
Thank you. Mr. Commissioner, thank you for being here to speak to us on this. I have asked for this resolution to be tabled twice now, not because I didn't think that there was a need to go ahead and have a fleet that was going to keep County roads free and clear of ice and snow, but just kind of cognizant of the extraordinary economic times that we're in right now and the magnitude of the current budgetary shortfall that we have. And the fact that as we add capital project expenditure, we impact what the payment is in maintaining that debt. I am not an automobile mechanic. I cannot sit here and talk about the life or useful life of a diesel truck or anything else. That's your job. That's what you were hired to do.

But I did ask for was say a fleet inventory or fleet number. And as of this time I still don't have that. Now, we do have a section in our administrative code that actually requires that we get a fleet inventory on a fairly regular basis. And I'm going to ask Counsel to speak to that. George, don't we have a section in the code that speaks to that?

MR. NOLAN:
I believe I shared with you a couple weeks ago that there is a section of the code that requires this body to receive periodic information on our fleet.

LEG. KENNEDY:
So, the dilemma we come to, Commissioner, is that you're presenting to us need, and I've never known you to come to ask for anything that's not a sincere need of your Department. But by the same token I'm sitting here trying to wonder how the hell do I figure out how many trucks do we have? Do I take a ride out to Yaphank to count? Do I make an inventory of all our yards? You know, it's a simple thing to ask for and it's been two cycles now.

I'm not going to ask to have this tabled again because then I'll be told if we have a snow storm in November, why we can't plow the roads because Kennedy jacked up the reso. But I am going to say to you please do what it says in the code. Please give us the information as far as how many trucks, how many tractors; and for that matter how about telling us how many cars we have right now. You know, it's a simple thing to ask for and it's been two cycles now.

I'm going to tell you please do what it says in the code. We passed a resolution. We have a section in the code. But nobody pays attention to it anyhow. Give us the information you're supposed to give us. Okay? Thank you.

COMMISSIONER ANDERSON:
For a matter of record, based on that initial request, we were in the process of putting together the requested tables. I have them here. I will forward them to you. It has the fleet inventory for trucks. It also provides fleet inventory for all our heavy equipment. And we just actually finished compiling it at the end of last week.

LEG. KENNEDY:
Well, I appreciate the fact that you took the time to put that together. And I know you have less and less people in your department to do the things like fixing roads, building roads and doing all the other things that PE's do. And maybe given a list of vehicles to a Legislator isn't a priority for the Department, but it is something that's in the code. So it should be a recurring sustaining function; not something that's got to be based on one guy's looking for a number to help him make a decision based on something more than osmosis. Thank you.

P.O. LINDSAY:
Gil, if you have that list, maybe you can give to the Clerk. We'll make copies of it and distribute it right now.
COMMISSIONER ANDERSON:
Okay.

P.O. LINDSAY:
Thank you. Okay. We go to the Consent Calendar on page three. Do I have a motion.

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine to approve the Consent Calendar, seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
I see Mr. Kopp. Do you want to address us?

MR. KOPP:
Yes. Thank you for recognizing me. Good morning. Thank you for the opportunity. I rise to speak about IR 1412, which appears before you today, the discharge petition.

At the last meeting of the County Legislature, the County Executive's veto of a measure restoring funding to a contract agency that was not included in last year's Omnibus process was overridden. Before the vote, the sponsor of resolution 1412 stated that if the Executive's veto was overridden and funding was restored, he would introduce this measure restoring funding for another contract agency.

The Presiding Officer has wisely counseled against these measures, pointing out that many difficult decisions were made in last year's Omnibus process, and I'm paraphrasing, there was no desire to go through the process repeatedly. If this measure is approved, what agency that lost funding in last year's process will appear in the next resolution? Are we now embarking on an unending chain of resolutions to restore that what was lost last fall? In light of the fiscal challenges, the Legislature ought to prevent this measure and its seemingly inevitable successes from being passed. Thank you.

P.O. LINDSAY:
Thank you, Mr. Kopp. Okay, I recognize Legislator Schneiderman for the purpose --

LEG. SCHNEIDERMAN:
I make a motion to take IR 1384 out of order. That is the contract for the employees union.

P.O. LINDSAY:
It's on page eight; bottom of page eight.

LEG. COOPER:
Second the motion.

P.O. LINDSAY:
We have a motion and a second to take 1384 out of order. All in favor? Opposed? Abstentions?
MR. LAUBE: 
Eighteen.

P.O. LINDSAY: 
1384 is before us. (Authorizing the County Executive to execute an agreement with the Suffolk County Association of Municipal Employees Bargaining Units No. 2 and No. 6 covering the terms and conditions of employment for the period January 1, 2009 through December 31, 2012) (Co. Exec.) Do I have a motion? Motion by Legislator Schneiderman -- to approve? To approve. Second by Legislator Barraga. Any discussion? Just the highlights of -- you know, I think it's more than a fair contract. If it wasn't for the severe economic times, I don't really think that this a very good contract. But I appreciate both the Executive and the Union coming to an agreement after two years of negotiations. And I know that the money has been set aside in the budget. Am I correct, Miss Vizzini?

MS. VIZZINI: 
Yes, there are monies set aside for anticipated contractual agreements.

P.O. LINDSAY: 
Okay. So we have a motion and a second. I'm just going to take voice vote. All in favor? Opposed? Abstentions?

LEG. ROMAINE: 
Mr. Clerk, please list me as a recusal. I have an employee that works in the County that would be covered by that, to avoid any appearance of a conflict of interest.

MR. LAUBE: 
Will do. Seventeen.

P.O. LINDSAY: 
Okay. Thank you. Congratulations.

APPLAUSE

Okay, go to page six, resolutions tabled to May 10th. First up is 1559, Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Police Department (Range Officer I) (Co. Exec.)

LEG. ROMAINE: 
Motion to table.

P.O. LINDSAY: 
Motion to table by Legislator Romaine, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE: 
Eighteen.

LEG. BROWNING: 
Can I add also 1559, the Range Officer, I took an opportunity last week to go out to the Range. And I will tell you that based on what I have learned, this is definitely not something we should ever support.
P.O. LINDSAY:
We tabled. **IR 2258, Adopting Local Law No. -2011, A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues public safety (Schneiderman)** Counsel tell me it has to be tabled.

LEG. SCHNEIDERMAN:
Right. I'll make a motion to table. The bill's been amended. It has to go back to public hearing.

P.O. LINDSAY:
Okay. We have a motion to table. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
**1002, Adopting Local Law No. -2011, A Local Law to protect the public from injury caused by accumulated snow or ice on moving commercial motor vehicles. (Cooper)**

LEG. COOPER:
Motion to table, please.

P.O. LINDSAY:
Motion to table. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
**1098, Amending the 2011 Operating Budget and transferring funds from the John J. Foley Skilled Nursing Facility to the Legislature (Browning)**

LEG. BROWNING:
Motion to approve.

P.O. LINDSAY:
Motion to approve.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Seconded by Legislator Kennedy. Would you like to explain that because it's been a while?

LEG. BROWNING:
Yes, it's been a while. Gail, maybe you want to jump in at some point. This was, you know, I have the RFP for the John J. Foley Nursing Home. This is funds that will be used to help pay for that RFP process to -- should I have you explain it better, Gail?

MS. VIZZINI:
Yes. When we move forward on the RFP for the private/public partnership, we may need consulting expertise either in the preparation or the evaluation of such RFP. And this would move $200,000 from the Nursing Home budget to pay for such consulting expertise.
LEG. BROWNING:
The Nursing Home has a separate budget. This is not General Fund, right?

MS. VIZZINI:
We're moving it from the Nursing Home under Budget Review so that we would have control over the monies related to any expenditures related to the consultant.

P.O. LINDSAY:
Any other question? Legislator D’Amaro.

LEG. D’AMARO:
Yes, thank you. I just wanted to ask through the Chair to the sponsor there is a -- I think there's a lawsuit still pending right now. I don't know what the status is. We're waiting for a decision with respect to the closure of this facility in the budget that was passed. So in light of that, moving forward now with the expenditure of more sums on an RFP, I mean how do you reconcile the two?

LEG. BROWNING:
Well, I don't think this necessarily has so much to do with the closure. As you know, the buyer of the Nursing Home walked away. He is no longer interested in buying it. So this is, I think, a good alternative to the Nursing Home. It’s creating a public/private partnership. I believe that this will help us to cut a lot of the costs and hopefully at some point drive it into the black. And this is money that is needed to create that RFP.

I know that there is a strong interest. Actually when the RFP came back up again in my bill, I did get calls from local hospitals wanting to see a copy of the bill, very interested in it. So, you know, let that process go through. And we lose a lot from closing it. If we close it, it certainly will not be financially beneficial to us. And, again, I've said it before, we are in the business of serving Suffolk County residents. Many of the Suffolk County residents at this Nursing Home have been rejected by private nursing homes.

And as soon as we passed the last bill, and one of the residents, who's been here and spoke in support of John J. Foley staying as a public nursing home, but as soon as that vote went through here to sell, he was sent to Massachusetts. So tell me why, when we have a new buyer and a commitment from the County Executive, that no one would have to leave their beds, why is he in Massachusetts? And I think there's three of them total. So they clearly cannot find nursing homes for some of the individuals that are living there.

And I think that we need to look at -- you know, obviously we would have to downsize if we did the public/private partnership. But there's certainly a need for a public nursing home; not just here in Suffolk County, but there's a need in other Counties. And, you know, I don't want to rehash everything from the past, but, you know, we gave you nursing homes throughout New York State that are public nursing homes and have chosen not to sell and to stay as public nursing homes. So I think we're really going down a really bad path if we close a County nursing home.

LEG. D’AMARO:
Right. I understand those arguments. And, you know, we've obviously made those arguments and had that debate over the last few years. I guess there's some uncertainty out there right now whether or not the policy decision that was made in our last budget to close the facility will actually be implemented because of the lawsuit, which has been hanging for quite sometime. There's been no decision. So in light of that, I guess, this would be an alternative track to pursue, especially if it turns out that the decision in the lawsuit says that the closure has to be undone, that's in the budget, so.
LEG. BROWNING:
And, again, don’t forget, if the lawsuit -- the current lawsuit is residents and employees of the Nursing Home. We’re not yet enjoined. I’m not sure -- maybe George can talk on that. But at the same time if we lose, if that lawsuit is lost, and the employees and the residents wins, that we are going to be prevented from closure, you know, the Mary Hibberd Law was not being abided by. So, you know, again, it’ll have to come back to this Legislature to vote on whether we should close it, sell it or, you know, do a public/private partnership.

LEG. D’AMARO:
Right. We took some giant leaps backwards when we lost the sale. And I have not supported this bill in the past. But in light of the fact that there's still no decision on the lawsuit, and it's very, you know, there's no decision -- we just don't know what's happening with this facility, I think as a backstop we should pursue various avenues should we have to keep it open.

So because of that without getting into the whole debate about whether or not it should close, shouldn't close, you know, in my opinion we've made that decision already in a budget. But now it's in the hands of a court. But I think at this point it might be more responsible just to put through every avenue that we have in light of the contingencies and the way that lawsuit may come down. So I'm going to support this today.

LEG. BROWNING:
I thank you.

P.O. LINDSAY:
Legislator Cilmi.

LEG. CILMI:
Yeah, thank you, Mr. Chair. Just a couple of questions. I guess through the Chair to the sponsor, I have to admit being somewhat torn with this resolution. I mean clearly I believe we have to look at every option at this point for this facility. Nobody ever wanted to close it. Everybody thought -- not everybody, but some of us thought a sale was a better option than closing it at least. But in light of what's happened with the proposed purchaser dropping out of the picture, again, I think we have to look at every option.

Now, given the sponsor’s acute awareness and dealings with the operations of this facility, I guess we can come to the conclusion that you’ve sort of come to the conclusion with the folks at the facility that taking $200,000 away from their budget for this purpose makes sense? I mean does it -- it seems like a risk but --

LEG. BROWNING:
Gail, do you want to --

MS. VIZZINI:
We're using the transfer to the Health Insurance Fund, which was budgeted through 2011; so there's $5.9 million there. So this is a $200,000 transfer. We feel that this would be the most appropriate place to take the monies from; again, as I reiterated, we're hoping to be able to cooperate with the County Executive's Office and the Health Department in the preparation of the RFP. To the extent that we're able to do that, we should have a fairly efficient and effective RFP and we may be able to minimize the expense for the preparation of the RFP. To the extent that they do not cooperate, Budget Review does not necessarily have the expertise to put together the RFP and to evaluate the RFP. In our most recent discussions with the Health Department, even they would use outside expertise to assist them with the evaluation of such RFP.
LEG. CILMI:
So this $200,000 pays for both the preparation to some degree of the RFP as well as the analysis of
the RFP’s when they come back in?

MS. VIZZINI:
We're hoping that we can get the maximum from this amount of money.

LEG. CILMI:
Okay. Just looking at it, and I always scratch my head when I see the numbers that we're dealing
with in terms of planning and studies and RFP’s; to me do you really need $200,000? I mean who
are we paying $200,000 to look at all this stuff?

MS. VIZZINI:
We haven't determined which consultant we would need or what they would charge. But when you
hire a consultant, you're paying for their level of expertise, which if you were going to ask me to
analyze a budget, I could come forward; but if you're going to ask me to analyze the best
respondent visa vie the laws and the government and restrictions on health delivery administration,
I need outside expertise.

LEG. CILMI:
Okay. It just seems like an excessive amount of money to me and -- but --

MS. VIZZINI:
Whatever's not spent will go to fund balance.

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

P.O. LINDSAY:
I just want to chime in that, I guarantee it's not going to be Loeb and Troper, because they -- if the
sale had went through, it would have cost us $800,000, which was, I thought, an extraordinary
amount of money.

Yeah, I just have Legislator Stern and then I'll put you on the list.

LEG. STERN:
Yes. Thank you. Very briefly. I, too, did not originally support this resolution. But clearly with the
change in circumstances, the prudent thing to do at this point going forward is to ensure that all of
our options are available so I'll be supporting it.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Gail, quick question. When you do the RFP, does the hiring of the consultant come back before the
Legislature?

MS. VIZZINI:
Well, if we were to get only one respondent, it definitely would. You have a separate bill that
actually talks about moving forward with the RFP.

LEG. BROWNING:
(Nodding head yes)
MS. VIZZINI:  
George, do you recall?

LEG. MONTANO:  
There's another bill in the packet.

MR. NOLAN:  
No, that would not come back to the Legislature.

LEG. MONTANO:  
And who makes that determination? Your office, Gail?

MS. VIZZINI:  
There's an RFP Evaluation Committee constituted in the legislation. Do you have it handy, George?

LEG. MONTANO:  
That's in the other legislation?

MR. NOLAN:  
The consultant will be -- there's a bill in the -- that came out of the Health Committee. It's IR 1319, also --

LEG. MONTANO:  
What page?

MR. NOLAN:  
I don't know. But it does describe a committee that will be responsible for selecting a consultant. There's a County Executive designee, the Commission of Department of Health services designee, Director of the Office for the Aging, Presiding Officer designee, representative from Budget Review and two additional Suffolk County Legislators to be selected by the Presiding Officer. That will be the committee that will select the consultant.

LEG. MONTANO:  
Thank you.

P.O. LINDSAY:  
And, you know, just to chime in a little bit about this is -- you know there has been a portrayal that this body has taken a position not to fund it. And we couldn't agree on the funding last year. We did change that. The facility is funded through the end of June now. And the one thing that's crystal clear, to close the facility is probably the worst of all options for a couple of reasons. Number one, many of us are convinced that they provide a vital service that government should provide. And, number two, fiscally it would kind of be irresponsible because when we close the facility, it loses a lot of its value if we were to sell it. And this is one way of looking at the whole situation of what's out there, what if's and to study it.

In discussions with the County Executive's Office, it would not surprise me if they put forward a new RFP to sell it. The one thing that's clear is the old RFP was probably flawed and we shouldn't really -- we'd have to do it over again. That's what's crystal clear, I think. I think. All right.

So with that we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:  
Opposed.
LEG. ROMAINE:
Mark me as recusal.

MR. LAUBE:
Fifteen. (Leg. Gregory not present)

LEG. KENNEDY:
Mr. Chair?

P.O. LINDSAY:
Yes.

LEG. KENNEDY:
If I can make a motion, we have a representative, our Public Administrator here today. I didn’t realize it, we have a resolution IR 1373 in Budget and Finance to create a new account clerk position in that office. I’m going to ask if we can take that resolution out of order so that we could have --

P.O. LINDSAY:
We have a motion to take 1373 out of order (Amending the 2011 Operating Budget to create one new position within the Office of the Public Administrator) (Kennedy) Do I have a second? Second by Legislator Romaine. All in favor? Opposed? Abstentions?

LEG. KENNEDY:
Thank you, Mr. Chair. I’m going to make a motion --

MR. LAUBE:
Eighteen.

P.O. LINDSAY?
Wait a minute. Did you call the vote?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Eighteen, okay. Go ahead, Legislator Kennedy.

LEG. KENNEDY:
Thank you. I’m going to make a motion to approve this resolution. And ask that Mr. Farris speak to us through the Chair.

P.O. LINDSAY:
Let me get a second first. Is there a second?

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Second by Legislator Romaine to approve. Please come forward, Mr. Farris. This was at Legislator Kennedy’s request.

MR. FARRIS:
Good morning everyone. Thank you. I have a small department with a small request. When we had a retirement of our administrative three position in August, it cut our budget down by 20%, but
it also made it difficult for us to fulfil some of our obligations. We handle about 70 estates, about $18 million on deposit and about 70 guardianships with $7 million. Losing Mr. Bianchet, our grade three administrative clerk, made it -- accumulation of the assets we need in order to generate revenues difficult.

If we were able to get this position, we would still be operating at more than 10% below our prior budget amount. But in order to cover the cost of this position, we would only need to increase even our lowest commissions that we generate for the County, only need to increase that by 10%. So I'm fairly certain that -- if this were approved, it would be at least revenue neutral and perhaps increase our revenues that we generate for the County.

In a good year our office is almost revenue neutral. Even in our worst years, our revenues cover at least 50% of our operating costs and we do have certain things I would -- contrast as unfunded mandates such as arranging for burials of indigents, handling guardianship accounts where the guardians have been removed by the Surrogates Court and we're appointed to handle the finances of those minors, those kinds of situations. So I would hope that this would be approved.

P.O. LINDSAY:
Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Hi. Good afternoon. Thank you for coming down. I'm not an attorney so I'm really confused about the function of your Department because I have heard the word revenue neutral and revenue coming in. I don't understand how revenues come into the County through your Department. Can you just walk me through how they come in?

MR. FARRIS:
Yes, I'll do my best. Where for some reason either a family member or an executor cannot or will not act as a fiduciary of an estate, the Surrogates Court, a state court, appoints our office, a county agency as the fiduciary. We become the administrator of the estate. We liquidate the assets, marshal the assets, sell the real property, if necessary. We file an accounting with the Surrogates Court. Often time you have to have a kinship hearing because the relatives are missing or they're overseas or they're somewhat attenuated.

And once the Surrogates Court signs the decree, our office earns commissions. And also another award, office expenses. And that usually totals approximately 5 to 6% of the estate depending on the size of the estate. It's a sliding scale. Every time that -- when we receive those funds, we forward them to the County Treasurer. Over the last -- since 2007 our commissions and office expenses that we paid to the County starting in 2007 approximately $325,000; in 2008 it was $204,000; in 2009 $451,000; and in 2010 $278,000.

D.P.O. VILORIA-FISHER:
So I assume with the retirement of your former employee, you've developed a backlog and so you have not been able to realize the same level of commissions; is that what you're indicating?

MR. FARRIS:
Well, I wouldn't say backlog but it makes it -- it's harder to liquidate the assets and marshal the assets, therefore getting the estate ready to give to our attorney to do the final accounting. So it has caused a slow down. And if we had this person, if we had a low grade, a grade 11 come in, grade 14, we could have them handle the non-revenue parts of the office such as the guardianships, administrating them, getting them ready to do income tax returns and close outs, things like that and have our more experienced people focus on the asset -- the revenue portion of the office.
D.P.O. VILORIA-FISHER:
Okay. So your backlog slows the process. This process slow down, do you have real numbers that reflect the difference between our revenues this year as opposed to last year? Because you mentioned revenues in 2007, 2008. Is it that you haven't yet reconciled the revenues from 2010?

MR. FARRIS:
Well, no. Mr. Bianchet, when he retired -- he only retired August 23rd. So I can just tell you from looking at the office, it’s taken us longer to send out the letters to the banks to get a hold of the income tax returns on the estate because we have to look for the assets.

D.P.O. VILORIA-FISHER:
I'm just trying to compare. So if you were to compare where we were at this point in -- where we were at this point in 2009 and where we are now -- I mean 2010 rather, and where we are now in 2011, are you able to see a pattern this year that would reflect that our ultimate revenues for 2011 would be considerably lower in the last year? I'm just trying to see whether this position creates a revenue neutral situation, whether it is a revenue positive or revenue negative; because we don't have a lot of money. And if we're going to hire someone, we want to make sure that there is a real concrete relationship between money coming in and money going out and that it's in our favor. You heard this morning testimony about closing two health centers. So we're in a really tight fix here. So even if it's not a lot of money, we have to watch every penny.

MR. FARRIS:
Well, the thing I can say is this: In between the time that we get an estate in and the time we realize revenues from it, it takes at least a year-and-a-half to three or four years, depending on whether we're able to liquidate the estate -- real estate or there's any litigation involved in the estate. But the nuts and bolts of the office, finding the -- locating the assets, getting the assets liquidated, setting up a personal property auction to liquidate the decedent's personal property, vehicles, things like that, setting up our real estate auctions, all of these require manpower.

And, again, this position would even -- even if it only helped us increase our revenues by 10%, it would still be revenue neutral. And I think it would do better than that. But as far as telling you exactly what's happened since last August when John Bianchet retired, I don't have specific facts and figures like that. I can just tell you that it takes us longer to get the information on the assets we need to get the estate ready for a final accounting.

D.P.O. VILORIA-FISHER:
Okay, just so you understand --

MR. FARRIS:
Let me say one other thing, too.

D.P.O. VILORIA-FISHER:
Sure, go ahead.

MR. FARRIS:
One of the other things that we're obligated to do, which doesn't really bring in assets or bring in revenues, is arranging for the burials of indigents. And I know -- let's see -- over the last three years we've averaged approximately 150 burials a year that we've had to authorize because there's no family members to authorize them.

If there are no assets to cover the burial, then the County is responsible up to $1200 or $1400 in certain situations to pay for this funeral. And, again, that's a really low amount. And it's a very broad budget kind of service. But if we're able to locate assets for these people, if we're able to find a bank account, if we're able to find money in abandoned property in Albany, if we're able to find an
insurance policy, if we're able to find a relative or friend who wants to come out and pay this burial, every time we do that, we can save the County $1200. Even if we only do that 20 times a year, it would still cover the cost of this position.

So what I’m saying is we look at the burials, the assets that we're liquidating and everything else in the office, I really -- you know, I can say honestly that it will at least be revenue neutral if not helping us increasing our revenues.

D.P.O. VILORIA-FISHER:
Thank you. I'm just keeping in mind that we just asked our Commissioner of Public Works to rent an earth moving equipment because we can't afford to buy equipment for him. So these are very, you know, weighty matters that we're thinking about. And I hope that we can have more testimony as to how this affects revenue.

MR. FARRIS:
The only one thing I would say is that when we lost our -- basically our office manager, he was making $97,000 a year. His retirement reduced our total budget -- because we're a small office -- by over 20%. If we got this other position, we would still be more than 10% below where we were before the retirement.

P.O. LINDSAY:
Legislator Cilmi.

LEG. CILMI:
Yes, thanks, Mr. Chair, just two quick questions for you. This is a responsibility that you're legally required to perform; correct?

MR. FARRIS:
Whenever we're appointed by the Surrogate to handle an estate, we have to handle it.

LEG. CILMI:
And what are the circumstances by which you might be appointed?

MR. FARRIS:
Well, under New York Law, if somebody dies without a will and your closest relative are cousins, then the cousins ordinarily cannot act as fiduciary. We have to act. Where there's a family dispute and the judge finds that no one is appropriate, he'll appoint our office. Where all of the decedent's relatives, distributees are non-domicil aliens or for some other reason they are unqualified to act, they have a felony conviction, we have to step in.

LEG. CILMI:
So is there a human cost to not having this position? Are there families impacted by -- would it be beneficial to families of deceased to have this position? Would it help them in any way?

MR. FARRIS:
If we had the increase in manpower, we would be able to get the estates settled more quickly. We would be able to do burial investigations quicker. We would be able to close up the guardianship accounts faster. I mean, my staff is working very hard, they're very experienced; but when you replace somebody with 40 years of experience and you have the responsibility of supervising $18 million in estate accounts and $7 million in guardianship accounts, you know, we have to be careful. I always like to take extra time to make sure we get things right rather than just getting things out. But having somebody even at an entry level position to come in and handle the more mundane aspects of our office and leaving our more experienced people to take up where John left off when he retired, would be very helpful and would us increase our revenues, I believe, strongly.
LEG. CILMI:
So the salary level here is -- give me a rough number. Not exactly, just a rough number.

MR. FARRIS:
The salary of the person coming --

LEG. CILMI:
Of the person you're hiring, right.

MR. FARRIS:
Well, if we were to bring them in, they would be under $30,000, I believe.

LEG. CILMI:
Thank you.

P.O. LINDSAY:
And this isn't a function of the County Clerk's Office; is that right?

LEG. KENNEDY:
No, no, Mr. Chair, no. As a matter of fact the County Clerk did not function in this capacity at all. There would be records that would be shared on occasion, but, no, the Public Administrator is a separate entity created in estate law, but that serves all of the residents of the County of Suffolk.

And if I can just go to -- add, again, the position that I put forward in this resolution is actually at a lower level than even what was requested by the Public Administrator. It was a grade 28 top step administrator three making $97,000 a year that left service last August. The request from the Department was a grade 14 senior account clerk, which probably averaged around 38 to $40,000 annual salary. The position before us today is for a grade 11 account clerk that makes $28,000 annually and it's for half a year so it would be only $14,000 that would be added.

And Mr. Farris is explaining to us this is not a permissive function. This is something that we as a government have to do. He has to do it. So that's the basis I put it forward.

LEG. MONTANO:
Can we get a vote?

P.O. LINDSAY:
Yeah, we're going to have a vote in a minute. But just to clarify, so this is under the Executive Branch?

LEG. KENNEDY:
No, no, no.

LEG. HORSELY:
We are trying to figure that out.

LEG. KENNEDY:
No, no. As a matter of fact, I don't want to speak for Mr. Farris, but this is a -- you are quasi state/county entity and you have a foot in both worlds, don't you?

MR. FARRIS:
Myself and the Deputy are appointed by the Surrogate, a state judge. But we are supervised --
P.O. LINDSAY: Okay. Do you need a SCIN -- do you need a SCIN form signed to hire someone?

MR. FARRIS: Yes.

LEG. KENNEDY: Yes, he does.

P.O. LINDSAY: Well, you can approve it all you want. If he doesn't sign the SCIN form, you're blowing smoke, I mean, you know, whatever. Let's just move it. We have a motion and a second. Any other comments? All in favor? Opposed? Abstentions?

LEG. BARRAGA: Opposed.

MR. LAUBE: Seventeen.

P.O. LINDSAY: Okay, thank you very much.

LEG. KENNEDY: Thank you.

MR. FARRIS: Thank you.

P.O. LINDSAY: We have like three minutes. And I hate to remind everybody of this, but today is the photo. Okay. Yes, Sarah's fault.

Okay, let me see if we can do one more or two more. Back to tabled resolution on page six, 1125, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act M.R.H. Mallard Family Limited Partnership, by Rhuella Hossain (SCTM No. 0200-975.90-02.00-043.000) (County Exec.) Do I have a motion?

LEG. COOPER: Motion to approve.

P.O. LINDSAY: Motion to approve.

LEG. CILMI: Second.

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

LEG. BROWNING: Opposed.
MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1182, Appropriating funds in connection with the purchase of Public Works Highway Maintenance Equipment (CP 5047) (County Exec.) Legislator Kennedy, are you satisfied? Do you want to put this off until you look at the list that Commissioner Anderson gave us? What do you want to do?

LEG. KENNEDY:
You know, Mr. Chair, I don't have the list in front of me.

P.O. LINDSAY:
We can skip over it until you --

LEG. KENNEDY:
Yeah, as a matter of fact, I would like to have a chance to get a look at it first. You know, again, each and every act we're looking at here is how it impacts the balance of the year.

P.O. LINDSAY:
Yeah, no doubt about it. We're in fiscal free fall. I even suggested maybe if we bought the earth mover, we could help bury the bodies. I don't know. So, we'll skip over it.

LEG. KENNEDY:
We have to rent it, though.

P.O. LINDSAY:
Okay. All right. One more. IR 1309 on page seven, Amending the 2011 Operating Budget to support West Islip Summit Coalition, (Leg Barraga) Legislator Barraga.

LEG. BARRAGA:
Motion.

P.O. LINDSAY:
Motion by Legislator Barraga.

LEG. BARRAGA:
Yeah.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
And 1311, Amending the 2011 Operating Budget to support Parents for Megan’s Law. Legislator Muratore, motion. And, again, this is all Omni money. Okay. Second by Legislator Romaine. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.
P.O. LINDSAY:
1322, Amending the 2011 Operating Budget to support the Smithtown Fire Chiefs Organization, Inc. (Kennedy)

LEG. KENNEDY:
Motion.

P.O. LINDSAY:
Motion by Legislator Kennedy, seconded by Legislator Nowick. And it's Omni money, right?

LEG. KENNEDY:
Yes.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1339, Amending the 2011 Operating Budget to support the First Congregational Church of Bay Shore (Barraga) Motion by Legislator Barraga, seconded by Legislator Montano. Again, Omni money, right? All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1353, Amending the 2011 Operating Budget to support the Town of Islip Parks Department Concerts Program (Lindsay) Again, this is re-appropriating some Omni money that I had put in a budget. I'll make a motion. Do I have a second? Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay. And 1374, Amending the 2011 Operating Budget to support the Smithtown Township Arts Council (Kennedy) Motion by Legislator Kennedy, second by Legislator Nowick. And it's all omni money, right?

MR. LAUBE:
Legislator Lindsay, you called 1374?

P.O. LINDSAY:
Yeah. We just did '73.

MR. LAUBE:
All right, I'm caught up now.

P.O. LINDSAY:
Okay. So we have a motion and a second for 1374. All in favor? Opposed? Abstentions?
MR. LAUBE:
Eighteen.

P.O. LINDSAY:
All right. I'm going to stop here and recess until lunch. But please nobody disappear. We have to do the picture.

RECESSED 12:29 PM AND RESUMED AT 2:35 PM

P.O. LINDSAY:
All Legislators to the horseshoe, please.

PUBLIC HEARINGS
We are going to start our public hearings. We are back for our afternoon session.

MR. LAUBE:
Do you want me to call roll call?

P.O. LINDSAY:
Please.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
(Not present)

LEG. MURATORE:
Here.

LEG. ANKER:
(Not present)

LEG. EDDINGTON:
Here.

LEG. MONTANO:
(Not present)

LEG. CILMI:
Yes.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not present)
LEG. NOWICK:  
Here.

LEG. HORSLEY:  
(Not present)

LEG. GREGORY:  
Here.

LEG. STERN:  
Here.

LEG. D’AMARO:  
Here.

LEG. COOPER:  
(Not present)

D.P.O. VILORIA-FISHER:  
(Not present)

P.O. LINDSAY:  
Here.

MR. LAUBE:  
Eleven.

P.O. LINDSAY:  
Okay. First up is the **2012/2014 Capital Budget Program.** I don't believe I have any cards for that. Is there anyone in the audience that would like to speak on that subject? Seeing none, I'm going to recess it for further comments. Do I have a second?

LEG. EDDINGTON:  
Second.

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

MR. LAUBE:  
Eleven. (Not present: Legislators Browning, Anker, Montano, Kennedy, Horsley, Cooper and Viloria-Fisher)

P.O. LINDSAY:  
It stands recessed.

Next is **Procedural Motion number 12, approval of the ferry license for Davis Park Ferry Company.** I don't see any cards here, but I see Mr. Rettaliata. Would you like to address us on this subject, Mr. Rettaliata?

MR. RETTALIATA:  
If I may, Mr. Presiding Officer, I did submit a card. I don't know where it is.

P.O. LINDSAY:  
Maybe I just didn't -- ah, here it is, here it is.
MR. RETTALIATA:
Okay.

P.O. LINDSAY:
It didn't have a number. I'm sorry. Okay.

MR. RETTALIATA:
On March 22nd the Legislature adopted a resolution granting a license for another two years to Davis Park Ferry Company to run between Patchogue and Davis Park on Fire Island. At that time we didn't have our concession from the National Park Service to run to Watch Hill. Since then we have gotten that and submitted a copy of the letter from the Parks Service saying we were the low or successful bidder. And we filed a new application for service between those points Patchogue and Watch Hill. And basically we're asking that the original resolution be amended to include that stop.

P.O. LINDSAY:
Okay. I thank you for that. I don't have my Budget Review analyst here. But have you submitted the paper work to Budget Review?

MR. RETTALIATA:
Well, everything was submitted with the original resolution other than --

P.O. LINDSAY:
Okay. You submitted the additional documents?

MR. RETTALIATA:
Yes. Right. Yes.

P.O. LINDSAY:
Okay. And I'm sure that you guys would like to close this at this point in time.

MR. RETTALIATA:
That's correct. I believe there's a Certificate of Necessity that's been furnished since we are starting service this weekend.

P.O. LINDSAY:
Okay. Okay. I'm going to make a motion -- is there anyone else in the audience that would like to speak on this subject? Seeing none I'll make a motion to close.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:

MR. LAUBE:
Fifteen. (Corrected vote: 13 - Legislators Anker, Montano, Kennedy, Cooper & Viloria-Fisher not present)

P.O. LINDSAY:
Okay, next up is 2045, Adopting Local Law No. -2010, A Charter Law to limit campaign donations by members of the Ethics Commission (Cooper). And I do not -- it doesn't appear I have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none --
LEG. STERN:
Motion to recess at the request of the sponsor.

P.O. LINDSAY:
Okay. Motion to recess by Legislator Stern. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen. (Corrected vote: 14. Legislators Anker, Montano, Kennedy and Cooper not present)

P.O. LINDSAY:
Okay. 2107, Adopting Local Law No. -2010, A Charter Law strengthening the budget adoption process. (Co. Exec.) I don't believe I have any cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, I'm going to make a motion to recess. Do I have a second?

LEG. CILMI:
Second.

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

MR. LAUBE:
Fifteen. (Corrected vote: 14. Legislators Anker, Montano, Kennedy and Cooper not present)

P.O. LINDSAY:
1124, Adopting Local Law No. -2011, A Local Law to change the formula for distribution of funds and fees generated from the seizure and forfeiture of vehicles. (Schneiderman)

MR. LAUBE:
Change that last one to 14.

P.O. LINDSAY:
And it doesn't appear I have any cards on this subject. Is there anyone in the audience that would like to speak on this subject?

LEG. SCHNEIDERMAN:
Motion to recess.

P.O. LINDSAY:
Motion to recess by Legislator Schneiderman. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fourteen. (Legislators Anker, Montano, Kennedy and Cooper not present)

P.O. LINDSAY:
Okay. IR 1162, Adopting Local Law No. -2011, A Local Law to ban the sale and use of coal tar sealers in Suffolk County (Lindsay) And I think we got some cards here. Yes, yes, yes. Okay. Bill Walsh.

MR. WALSH:
Good afternoon. I was not sure how to express what I felt about this issue until my son told me a story of when he almost failed high school science. In order to charm a passing grade and not have to hear grief from me, he asked his teacher if there was an assignment he could do to earn some extra credit points. His teacher replied "giving you an extra credit assignment at this point would be
like to pouring a five-gallon bucket of water into the Long Island Sound with the hopes of raising the water level. It would make no difference."

This bill amounts to the same thing. It was mentioned at the last hearing by one of the Legislators that she was trying to do -- what she was trying to do with this ban was protect her three children and the residents of Suffolk County. I have three children and seven grandchildren. We all drink the water from Greenlawn Water District. I worry about them and their future as does every parent.

And yet the Legislator and most everyone in this room participated in something that is much more environmentally hazardous to her children's health than driveway sealer and that would be driving to work. A recent article in Newsday stated that Suffolk County has the worst air of any municipality in the state. In order to show the relevance of this two-hour discussion, I would like to mention the following facts: In a news article about high gas prices, it was mentioned that the United States imports $9 million of oil every day. That's 450 million gallons a day that is going to be refined for use at a later date.

A little over a year ago we all saw pictures of the BP Oil well spill which was said to be pouring 20 million gallons of crude oil into the waters off Louisiana every day. That amounts to two to 400 million gallons before it was capped.

Today we sit here discussing the ban of refined coal tar that we use 300 gallons a day to make driveway sealer. I'm not sure how much of that 300 gallons might enter the ecosystem. But even if it's 100%, it still seems relatively insignificant. If we really want to do something to help our environment, maybe we should be discussing the ban of the internal combustion engine in Suffolk County.

It has been mentioned that there is an alternative sealer made from liquid asphalt which has less contaminants than sealers that are made from coal tar. The coal tar use for making driveway sealer is RT 12, which means refined tar to the 12th level. Many of the harmful elements of coal tar are removed by the time it becomes RT 12.

I will concede that asphalt does contain less harmful contaminants than coal tar per unit. However, I can tell you that coal tar sealer lasts anywhere from two to three times longer than asphalt sealer. I actually had a contractor call me the other day and told me he hopes the ban would take effect because this would mean he would be doing customers' driveways much more often; two to three times more often. Given the two to three times more sealer's going to be applied, is there really a net environmental gain?

I'd also like to make the following comments of the pathway for driveway sealer to enter the environment. I'm holding a container with a flake of coal tar sealer in water. This flake has been in this water for a month. You will notice the water has not discolored. And just before I came here, I put the flake in my hand and it did not leave a black mark. This demonstrates to me that once the coal tar sealer has dried and cured, it does not easily dissolve or re-emulsify. At the last hearing there was a gentleman from the Peconic Waterways who expressed concern that the coal tar particulate would enter our waterways through the storm water runoff and embed in the sediment of our streams and bays.

I applaud what he is doing and he is right. We should be very concerned with what enters our waterways through storm water runoff. His theory was that particulate from driveway sealer would enter the sediment and be ingested by an aquatic animal; then the animal be eaten by a fish and then we would eat the fish. It would then either lodge in our body causing cancer or it could very well pass through us and would wind up in a very large underground tank at my house along with all the other household wastes called the cesspool which is -- that is specifically designed to leach as much liquid into the ground as possible.
If this Legislature really wanted to affect an environmental impact, somebody should be concentrating on ways to treat storm water runoff before it enters our waterways, thereby removing all contaminants. If every municipality was to treat just 10% more water runoff than they do now, they could have a big impact on our environment instead of banning 300 gallons per day of driveway sealer that has questionable or minimal impact at a high cost.

Lastly, I would like to point out that the City of Austin claimed that it was coal tar sealer that was contaminating its wells. However, yearly tests taken of those wells for the last three years show no change in the contamination level. The people of Suffolk will pay for something they perceive as useful and beneficial as proven by their willingness to pay school taxes. They resent useless and wasteful legislation that has little or questionable value. I urge you to vote against this bill. Thank you.

D.P.O. VILORIA-FISHER:
Thank you.

P.O. LINDSAY:
Thank you, Mr. Walsh.

D.P.O. VILORIA-FISHER:
There's a question from Sarah.

P.O. LINDSAY:
I'm sorry. We have a question, Mr. Walsh, before you go from Legislator Anker.

LEG. ANKER:
Hi. Thank you for coming today to give us some input. Now you own the Velvetop products. Is that -- does that have the coal that has the coal tar in it?

MR. WALSH:
Correct. I am actually the sales manager for Velvetop Products and we do make the coal tar emulsion driver sealer.

LEG. ANKER:
Do you sell other products without the coal tar in it?

MR. WALSH:
We sell other coatings that either are latex, acrylic coatings but they're not made for driveways. They're made for -- more like tennis courts and basketball courts. We also sell other repair products and things that are asphalt-based for, like, repairing cracks in driveways and parking lots and roadways.

LEG. ANKER:
Does the majority of your profit come from the coal tar products?

MR. WALSH:
I would -- since I’m the sales manager, they don't tell me where our profit comes from. I would say that definitely is probably less than half.

LEG. ANKER:
Is the product, the coal tar a lot cheaper than the asphalt product?
MR. WALSH:
The cost of the coal tar and the asphalt products for driveway sealer are relatively the same right now; although with the recent spike in petroleum prices, the asphalt has gotten a lot more expensive recently. But that's one of the problems is that it changes so much.

LEG. ANKER:
Okay, thank you.

P.O. LINDSAY:
Okay, thank you, Mr. Walsh.

MR. WALSH:
Thank you.

P.O. LINDSAY:
Jennifer Hartnagel.

MS. HARTNAGEL:
Good afternoon. My name is Jennifer Hartnagel and I'm speaking on behalf of the Group for the East End. And I'm here again to speak in support of IR 1162. There's a growing body of scientific literature that indicates a compelling need to reduce human exposure to PAH's, which is in the coal tar product and to eliminate to the best of our ability the presence of these toxins from our environment.

The last time I was here there was considerable debate about the toxicity of the compounds and the sign-on letter that we presented to you. And I just wanted to provide some additional details. PAH's are in fact on the US EPA's list priority chemicals to substantially reduce or discontinue use of. Additionally PAH's are also recognized under the Clean Water Acts List of Toxic and Priority Pollutants. And lastly the International Agency for Research on Cancer, which is organized by the World Health Organization, an arm of the United Nations, recognizes certain PAH compounds as carcinogenic. There's even more evidence indicating environmental harm. The City of Austin also maintains a pretty lengthy list of acceptable alternatives. And these are manufactured throughout the country.

So in closing I just want to reiterate that banning coal tar paste sealant will help provide a safer, healthier Suffolk County, which should always be a priority. Thank you for the opportunity to speak. And I do have documents with those lists if anybody would like to see them.

P.O. LINDSAY:
Any documentation you give to the Clerk, Jennifer. Thank you. Edward Parthe.

MR. PARTHE:
Good afternoon, members of the Legislature. My name is Ed Parthe. I'm here today representing the Long Island Marine Contractor Association.

We're concerned that the emphasized wording of this law could apply to the use of creosote which is sometimes applied to existing bulkheads to reenforce the preservative properties in the wood. Exhibit A of the handout, you have a proposed amendment to the legislation which would address our concerns. In the legislation you define coal tar sealer including the words "as applied to a paved surface." But in the prohibition section the word "paved" is not included so we request that the word "paved" be added to the -- in front of "surface" in the prohibitions. And, therefore, the application -- a small amount of creosote as a preservative to an already installed bulkhead would not be covered by this law.
Now for those -- there's been some testimony about the adverse effects of creosote on marine waters. If you go to exhibit B of the handout, the DEC in 2000 did a very exhaustive study. It's from the -- by the standards criteria unit section for Bureau of Habitat, Ecotoxicology Section, Division of Fish, Wildlife and Human Resources. Now, this is a 49-page study, which was rather bulky so I just copied the executive summary. And in the right-hand margin is a checkmark where it says -- from the sentence *that creosote on pressure treated lumber inserted into marine waters does not have an adverse effect on marine environment*. Not that we're proposing to treat lumber that way, but I just want to cover that concern that you may have.

Last concern is just as residents of Suffolk County, we're concerned that the consequences of giving credibility to conclusions resulting from the application of the -- credibility to rumors, and equating them to conclusions resulting from the application of scientific method. What you have here before you is a lot of rumors going around, maybe creosote causes this or that. But we do have regulatory agencies to address these concerns. United States Environmental Protection Agency has reviewed it and declined to put into -- restrict the use of the pavement sealer.

Another problem is why when an applicant can't convince a duly constituted regulatory agency to ban something, they come running to the Legislature to ask you to act as a regulatory body. There can be adverse consequences to asking each of you to act as a scientific peer review committee. That's why we have specialists. It is very difficult to come up with answers to these questions. And there can be adverse impacts to the economy of Long Island if legislation -- if Legislators start replacing regulatory agencies.

Just take the case OSC Pharmaceuticals. They wanted to expand in Nassau County a few years ago. And they ran into a lot of flack from environmentalists who didn't like what they were doing. So they said *we'll leave*. And they moved. Consequently New York State decided this was a bad policy to regulate on the basis of rumors. The pathway is cleared and OSC Pharmaceuticals moved back to Long Island.

There are a lot of other instances where they try to stampede regulatory or legislative bodies with rumors. When there was the brown tide out in Peconic Bay, first it was street water runoff, then it was the sewage treatment plants. And it was toxic chemicals from bulkheads. And every year they came up with a new rumor, a request that you deal with this and stop it and save the Peconic Bay from brown tide. And after many years of research Marine Scientists Research Center came up with a conclusion that none of the above --

**P.O. LINDSAY:**
Okay, Mr. Parthe, I'm going to cut you off because you're done with your five minutes. I'm going to say something to you. This has nothing to do with the marine industry. I think I said it last time. I will be happy to look at changes that you might want in the bill to clarify that. The intent here and the wording does not apply to creosote. It does not apply to the marine industry. As far as regulations and bans, this Legislature for a longtime has exercised that ability because the agencies that are supposed to regulate products are very slow to move. And what happens, a lot of times they'll be something here that takes place in Suffolk County that catches the regulatory agencies like Ephedra was first banned here. And then it was picked up by our federal regulatory agency. So we appreciate your coming again. But you're talking about something that has nothing to do with this bill. Okay.

**MR. PARTHE:**
Well, the reason I came today is because the legislation hadn't been amended according to my request. That's why I came back.

**P.O. LINDSAY:**
We don't think it needs to be amended. But we'll look at your proposed change.
MR. PARTHE:
Thank you.

P.O. LINDSAY:
Thank you. I don't have anybody else on 1162. Is there anyone else in the audience that would like to speak to us on 1162? Seeing none, I will make a motion to close.

LEG. EDDINGTON:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1224, approving rates for Roncalli Freight Company. And I have several cards. Walter Boss. Walter Boss? Yes, please come forward.

MR. BOSS:
Good afternoon to the Legislature. My name is Walter Boss. And I've come to discuss the freight schedule that's before the Legislature. Just to describe that I am a year-round resident and a public utility in the area. I have been there for over 40 years. And currently I have had a discussion with Roncalli Freight. And I've reviewed the majority of the freight, which I really didn't have problems with other than one blaring fact, which has a big impact on my gas company.

Currently right now in the area most everybody has a $7 or $7.50 exchange rate for the cylinder exchange system and they are reflecting to have a $15 tank increase, which is in my opinion 115% increase to the cost of freight and would have a negative impact on my business. And I feel that I would be competing against LIPA in order to stay in business for putting in gas systems versus electric systems. That was one.

Second thing is, the lack of public knowledge of this increase going before the community was almost negligible. I stumbled on this in the course of calling the Legislature about how to deal with the situation and realized that there was a public forum. And that I think that our community, and I'm an all-year resident for over 40 years, that we should be giving a little bit more time to digest on how to deal with the cost increases. Although, like I said, I don't really have any big problem other than the large increase in the transportation of my gas.

And the only other thing that I saw in the freight was that there was a limit of $50 liability with the freight company, where is if they took it across the Bay or if they damaged it at their offices or damaged it when they delivered it to the house, that they were limited to $50. I think that, you know, like the post office, when you're a public utility, that the consumer should be offered an additional form of insurance in the event that, you know, you're sending over, you know, a $10,000 spa and it drops and breaks and there's no way to repair it, and you're only going to get a $50 limit of money. So I think that should be part of the considerations.

And, again, not having enough time to put all this together, that I would request that at some point we could give my community, which meets in the next week or so, discussion and time to come back and present a better accounting of this freight schedule. And that's basically what I have to say.
P.O. LINDSAY:
Mr Boss, I just have a couple questions. We're looking at the rate schedule. It looks like it's $10 to transport -- is that a 20-pound cylinder propane?

MR. BOSS:
A 100-pound cylinder is $15. I'm quite nervous standing up here. I don't remember the 20-pound cylinder. I'm a little nervous. But it's $15 on a a 100-pound cylinder. And that's 115% increase in the cost of the freight to take it over.

D.P.O. VILORIA-FISHER:
Wait. I'm looking at $10. George, am I looking at this incorrectly? I'm looking at the schedule. I see $10 for the 100-pound cylinder. Sorry to interrupt you.

P.O. LINDSAY:
Maybe Craig knows. Do you know, Craig?

MR. FREAS:
I just went on.

P.O. LINDSAY:
Okay. While he's looking that up, so you're saying it goes from $7 to $15?

MR. BOSS:
Actually that's what it said in the last schedule. And, again, I do have an open conversation with Eric Von Kuersteiner, who is one of the owners of Roncalli Freight.

P.O. LINDSAY:
$7 to $15. And you said it's a 150% increase?

MR. BOSS:
115%.

P.O. LINDSAY:
115, okay. Is there any other companies that provide this service?

MR. BOSS:
Actually the current situation as it stands right now, there really isn't anybody else that can accommodate that service. I have to say he runs a good operation. He's, you know, diligent. And my stuff is received in a reasonable time. And it's, you know, it's not damaged. But it was such a big increase, which is why I came. Although if he's come and he has changed the cost to $10 a tank, I don't have a problem with it.

D.P.O. VILORIA-FISHER:
I saw $10 on the bill.

P.O. LINDSAY:
Craig, did you find the schedule yet?

MR. FREAS:
Just a second.

P.O. LINDSAY:
The bill that we're looking at says $10, Mr. Boss.
MR. BOSS:
All right. The last one that was e-mailed to me had $15 on the schedule. I actually have a schedule that I took it off. It sounds like that maybe they have reconsidered the cost.

P.O. LINDSAY:
I'm just trying to confirm it from our Budget Review Analyst.

MR. BOSS:
Again, the only other thing that I see is that this $50 limit on damages is concerning to me because I'm also a General Contractor so I take over large amounts of high-end equipment. And if something happened or, you know, they hit a big wave and something fell in the water, you know, it was a $5,000 truck or, you know, machine, and I can only recover, you know, 50 bucks, that's not so good. Maybe I can suggest that they can offer insurance as an increase to protect whatever crosses the Bay.

P.O. LINDSAY:
Okay, but, Mr. Boss, again, while Craig is looking that up, Legislator Viloria-Fisher has a question.

D.P.O. VILORIA-FISHER:
Yes, I was checking on the schedule because I had a question about something you said. You had said something about competing with LIPA if you had to pay these rates. Can you explain what is the delivery of service that you have that would be in competition with LIPA? I didn't understand that.

MR. BOSS:
Well, when you're trying to sell yourself and you're competing with, you know, putting heat pumps in versus gas systems, the equipment in electric is very expensive in order to maintain the Energy Star ratings. And having completed several Energy Star buildings, the state only really recognizes gas as a heat system that has the best economic value. So if I'm starting to see large increases in the cost of my freight, that would have a total impact against how I develop my structures in my point of view on what it would cost to operate something.

D.P.O. VILORIA-FISHER:
I see. Okay. Thank you for that explanation. I didn't follow that.

P.O. LINDSAY:
Thank you, Mr. Boss.

MR. FREAS:
Mr. Presiding Officer, yes, sir. The rate in the bill that authorizes the rate increase is $10 per 100 -- propone tank.

P.O. LINDSAY:
Okay.

MR. BOSS:
Actually, I guess at some point it changed so --

D.P.O. VILORIA-FISHER:
Good.

MR. BOSS:
I'm not having a problem with it any more.
D.P.O. VILORIA-FISHER:
Good for you.

MR. BOSS:
Sorry for the inconvenience.

P.O. LINDSAY:
Thank you very much.

D.P.O. VILORIA-FISHER:
You can rest easy.

P.O. LINDSAY:
Eric Von Kuersteiner. Eric is the proprietor of -- your understanding is $10 is in the bill, right?

MR. VON KUERSTEINER:
Actually it's $10 for going and $5 returning. So, Walter's correct, the total cost is $15 both ways; if you take it both ways and you add them up. Can I just give a quick -- we have some handouts coming out. But I'll just give a quick statement.

I'm one of the principals and the Chief Operating Officer of Roncalli Freight Company. Just a brief history on our company: The business has been in operation for excess of 23 years. We had acquired it from the previous owner on April 1st, 2010, last year. There are three companies that provide freight to Fire Island. There's ourselves, Tony's Barge, which does more large commercial type projects and Sayville Ferry, which does all sort of things: Food, boxes, other items. So we're not the only provider that goes to Fire Island and Cherry Grove.

Prior to our purchasing the freight company, it had operated without a freight license from the County. Part of the acquisition was that we obtain a license from the County. At that time we did not have a rate sheet. And it was suggested to us that we take the rate sheet from Sayville Ferry, which had been approved in 2006. So the rates were already five years old at that point. But more importantly a lot of the rates have not been changed for over 16 years. And that is the case of the propane that Mr. Boss has been speaking about.

Prior to our adopting the Sayville Ferry's rates, a lot of the rates were higher -- that they were being charged were higher than the authorized rates. So once we got the rate sheet approved, we lowered many of the rates after we purchased the company. So although some of the increases might seem large, they were from a rate sheet that really had not been in operation at Coast Line Freight.

The Budget Review Office had suggested last year that after a full season in operation, we come back with a more appropriate rate request. And what we basically tried to do was match the cost of carrying certain items with the prices that were being charged. So some of the items, especially the larger bulk and heavy items were being charged at a much discounted rate. And so that's why there's -- percentage-wise some of them are quite large in percentages. But when you look at the overall picture with the size and weight, they all are trying to correspond to each other so that no one is being affected too severely.

Two weeks ago when I found out that the Budget Review Office had released their recommendations, I contacted the Fire Island Pines Property Owners Association and told them of our rate increase request. I sent them a copy of our petition as well as the Budget Review Office's recommendations. And I have since been in contact with them and we have made some -- an agreement to hold our rates for the next four years and to waive the Saturday surcharge for homeowners. And they have sent a letter, I believe, to the Legislature Office recommending that
the new rate increase be approved.

In addition, because Walter had touched on the propane, the cost of the propane tanks, I had a discussion with the largest propane dealer in Fire Island, CF LaFountaine Doug Teague, who runs that operation and owns it. And I explained to him how the cost over the past 16 years had not gone up for the freight, but yet the cost of propane had increased over 300%. And he understood what we were trying to do as far as leveling out the playing field with the cost and everything. And he, although not thrilled with it, said that the cost to his customers would be approximately 6% increase for the cost of an actual bottle of propane. So he in addition wrote a letter of recommendation for the new rates which is in your package as well.

In addition we provide a number of services to our customers at no charge. Short term warehousing, so if a customer gets furniture or boxes and they can't get it immediately, we warehouse them for free until they're ready. Sometimes it could be a couple of months. We also provide a propane storage area, which the homeowners also provide on the other side, what they charge $5800 for, forklift unloading, all those types of things we do not currently charge for at all. So we're trying to keep the way that we operate the business the same, but at the same time we need to definitely make up some revenues. And some of the prices have not increased in 16 years.

The only other thing I wanted to say as far as the Fire Island Pines Property Owners Association, they did a survey last summer, I believe, in 2010. And we got a 96% either good or excellent rating. So I think that the homeowners are very happy with the service.

One other thing that Walter touched on was the $50 liability. And that was pointed out to me about two hours ago; apparently it's on one of our websites. I can tell you for a fact that we certainly don't adhere to that. Last year we paid out an over $6,000 claim for damage. And this year I think we had one claim for $275 or something for a chair. So I'm happy to change that on our website, but it's certainly not a policy that we adhere to.

P.O. LINDSAY:
Yeah. You heard the suggestion, is it possible for you guys to hook up with an insurance company to offer your customers some additional insurance on their product?

MR. VON KUERSTEINER:
I know it says on the website, which we're going to remove -- we actually offer full insurance. There's no $50 limit. That's what I was just explaining that --

D.P.O. VILORIA-FISHER:
It's in the bill, though.

MR. VON KUERSTEINER:
It's in the bill?

D.P.O. VILORIA-FISHER:
I'm reading it. "Limitation of liability: Liability shall be limited to $50 maximum per shipment of items shipped aboard freight ferries."

MR. VON KUERSTEINER:
Okay. I'm happy to, you know, change that. We've never adhered to that policy so, and I really wasn't aware of that. I'm happy to take that out. That's not a problem.

P.O. LINDSAY:
Okay, Legislator Barraga has some questions.
LEG. BARRAGA:
Now your freight company has been in operation since what, April of 2010 when you purchased Sayville Ferry?

MR. VON KUERSTEINER:
That's correct -- we didn't purchase Sayville Ferry. We purchased Coast Line Freight. That was a typo in the Budget Office. We took the rates from Sayville Ferry. We didn't actually purchase Sayville Ferry.

LEG. BARRAGA:
Okay. Because in the last couple of days, I can't speak for other members, but I've gotten quite a few phone calls from people who live in the Pines, for example, who as this gentleman had pointed out, was completely unaware of the rate increases and they wanted more time to have some input, especially -- and I explained to him, this was going to be a public hearing. But I just want you to know I may move to give them a little more time to recess this hearing so that the public hearing can continue for one more session so it gives them an opportunity to come down here and express their point of view like that gentleman did.

MR. VON KUERSTEINER:
Last week -- or two weeks ago when I came we actually asked for a continuance because we only got a notice of the meeting the day before.

LEG. BARRAGA:
Okay.

MR. VON KUERSTEINER:
At that time I had given the property owners association notice that the meeting was going to happen. And I also told them that it would be continued for two weeks until today. And they sent out an e-mail to their constituent -- you know, to their members. And they, I believe, put in a phone number if you wanted to oppose it or an e-mail to the Legislature.

LEG. BARRAGA:
Yeah. My impression in speaking with them is that some of these people would like to come to the public hearing, they just couldn't do it because they had gotten such short notice. They only found out about this within the last couple of days. So I would like to see a continuance for one more round to give them an opportunity to come down here and express their viewpoint. So when the time comes, I'm going to move to recess this.

MR. VON KUERSTEINER:
Well, I, you know, it's your right to do that. I think they've had -- I mean I don't know what they hope to achieve by recessing it.

LEG. BARRAGA:
Well, they'll achieve nothing more than being -- coming down here and expressing their point of view like everybody else. I think they should have the right to do that, especially -- if nothing I must have gotten at least a dozen phone calls from people who really, I guess the word is filtering out, to call their Legislators, but most of them are -- you know, some live in the city, they haven't had time to come out, they really haven't had time to look at the rates, they want a little more time to express their viewpoint.

P.O. LINDSAY:
Anybody else have any other questions? There was an issue, and I've been getting phone calls, too, about the rates quoted are for shipping things across the Bay. But then when it arrives at the other side, the residents can't pick it up; it has to be delivered to their house for an additional charge? Is
MR. VON KUERSTEINER:
That's absolutely not true.

P.O. LINDSAY:
Absolutely not true.

MR. VON KUERSTEINER:
Absolutely not true. We offer a service: If you don't want to pick up at the dock and bring your things to your house, we'll do it for you. We have a separate staff that does that. But if you want to pick it up at the dock, you have every right to pick it up at the dock. That's why we run a Saturday boat. It's for the homeowners that can't get out during the week that want to pick up their stuff.

P.O. LINDSAY:
Okay, great. And the rates that you're looking for, for example, on the propane is the same that Sayville Ferry's charging?

MR. VON KUERSTEINER:
Sayville Ferry currently doesn't do propane, but it's in the rate sheet, yeah.

P.O. LINDSAY:
Okay.

MR. VON KUERSTEINER:
Yeah.

P.O. LINDSAY:
Okay. Craig, do you have any questions or comments about this application?

MR. FREAS:
Not at this time except that -- no.

P.O. LINDSAY:
Okay. Thank you. Okay. I don't have any other cards on this subject. Is there anyone else in the audience that would like to speak on this application? Seeing none, Legislator Barraga?

LEG. BARRAGA:
Recess.

P.O. LINDSAY:
You make a motion to recess. Do I have a second? Second by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Legislators Kennedy and Nowick not present)

P.O. LINDSAY:
IR 1228, Adopting Local Law No. -2011, A Charter Law to establish a 2% Discretionary spending cap in Suffolk County (Cooper) I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject?

LEG. ROMAINE:
Motion to recess.
P.O. LINDSAY:
Seeing none, Legislator Cooper?

LEG. COOPER:
Recess.

P.O. LINDSAY:
Motion to recess. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Legislators Kennedy and Nowick not present).

P.O. LINDSAY:
1247, Adopting Local Law No. -2011, A Charter Law limiting annual growth of the County Operating Budget and tax levy to no more than 2%. (Co. Exec.) I don't have any cards on this subject. Is there anyone who wants to speak? Okay. And Legislator Romaine made a motion to recess and I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Legislators Kennedy and Nowick not present)

P.O. LINDSAY:
1256, Adopting Local Law No. -2011, A Local Law expanding legal representation of County employees (Lindsay) I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to recess, second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Legislators Kennedy and Nowick not present for vote)

P.O. LINDSAY:
1266, Adopting Local Law No. -2011, A Local Law to register prepaid cell phones purchased in Suffolk County (Browning) And I have a number of cards. Charlotte Koons.

MS. KOONS:
Good afternoon. It's been a while since I've been privileged to address this august body. I'm Charlotte Koons. I reside at 81 Locust Lane in Northport where I have been for approximately 52 years. As of my want, I present you with this poem.

A Prepaid Presumption

Perhaps I am being presumptuous, yet I do react to asking a person sometimes too poor to purchase a cell phone plan or contract to provide a merchant or a big a chain store with more information that is required for a truly important transaction.

Perhaps I am being presumptuous, yet I have trouble seeing how requiring two forms of identification will aid in the location of those that threaten our nation.

Perhaps I am being presumptuous, yet I see you as simply adding to the already preposterously huge haystack of government lists to find a terrorist cell that somehow all of our security measures have missed.
Perhaps I’m being presumptuous, yet I need to stand for these, our treasured civil liberties that most certainly include the constitutional right to privacy, which our founders have given us with their blood, sweat and tears truly pre-paid. Thank you.

P.O. LINDSAY:
Ruth Gaines.

MS. NEGRON-GAINES:
Hello.

P.O. LINDSAY:
Hello, Miss Ruth.

MS. NEGRON-GAINES:
Hello, Presiding Officer Lindsay and Deputy Presiding Officer Viloria-Fisher and members of the Legislature. Thank you for this opportunity to come before you. My name is Ruth Negron-Gaines and I am a resident of Central Islip, New York.

Today I represent the National Association of Puerto Rican and Hispanic Social Workers. The mission of our organization is to organize social workers and other human service professionals to strengthen, develop and improve the resources and services that must meet the needs of the Puerto Rican and Hispanic families. Thank you.

I am here today to urge you to vote against resolution 1266. We are very troubled because this bill targets the poor and is coming before this Legislature. Many poor individuals throughout Long Island use prepaid phones because of the convenience. And with this I mean that they can pay $10 or $50 depending on the money that they have.

Many of the poor are transients. They move from place to place and during those times they lose their belongings and their documents. When their ID’s are lost, they have to find a way to get that particular agent -- to get to that particular agency to get new ID’s. However, there’s many a time when they can’t take the time off from their jobs or they don’t have a car or they don’t have the money to put in the gas tank.

This resolution places this population in danger when they find themselves without a phone, when they have health issues or need to get in contact with family members or the schools; not to mention the need these phones are for the women who are being abused. We urge you to vote against this resolution. Thank you.

P.O. LINDSAY:
Ruth, Legislator Browning just has a question for you.

LEG. BROWNING:
I just want to make sure that you’re aware, this is not a ban on prepaid cell phones. You’re aware of that, right?

MS. NEGRON-GAINES:
And this is?

LEG. BROWNING:
I just want to make sure you’re aware that this is not a ban on prepaid cell phones.

MS. NEGRON-GAINES:
Could you tell me, Legislator Browning, what is it for then?
LEG. BROWNING:
No. You're saying how it's -- you're talking about the working poor.

MS. NEGRON-GAINES:
Right.

LEG. BROWNING:
And the availability will still be there. And if someone's on Social Services, the only thing they'll have to produce is, they can use any kind of ID. A DSS card is appropriate; would be acceptable.

MS. NEGRON-GAINES:
I was an intensive case manager for the severely and mentally ill. There was issues with them being able to keep their documents. I was always either at Social Security getting them a new Social Security card or I was at DMV trying to get them a photo ID. They would lose their birth certificates. It presents a big, big problem not only for the individual but for those case managers that are there working, the social workers. That's what I am.

LEG. BROWNING:
So let me ask you, when you help them and they're getting a prepared cell phone, are they buying multiple prepaid cell phones? Are they -- because once you buy a prepaid cell phone, you can buy the minute cards to fill up the time on that phone.

MS. NEGRON-GAINES:
Right. However, many a times they lose -- they didn't only lose their -- what is it, their documents, but they also lose their phones. They would also, you know they just --

LEG. BROWNING:
Documents are retrievable at some point; right?

MS. NEGRON-GAINES:
Well, there are times they are not able to go out and get them. That's our concern. This is the fact that, you know, this places just another obstacle for the working poor or even for the poor people. They have enough to deal with than being worried about -- there used to be phones in the street when you could put a quarter in there and make a phone call. Nowadays you can't do that. You need to have a cell phone if you get yourself into any kind of -- even if you have flat tire, you need a cell phone so you could call someone.

LEG. BROWNING:
Okay, I'm not going to go any further. Thank you.

MS. NEGRON-GAINES:
Thank you.

P.O. LINDSAY:
Mary Reid. Hi, Mary. How are you? Hold your finger on the button so we can hear you.

MS. REID:
I got it. How are you doing?

P.O. LINDSAY:
All right.
MS. REID:
Good. I live at 1583 East 3rd Avenue in Bay Shore. And today I’m here to urge you to not support this bill. I feel that it’s a violation of our constitutional rights; no more than that. I hear what you’re saying, Legislator Browning; however, I live in an immigrant community. We see the police everyday. And people are afraid if they have to give more identification for anything that they’re going to be deported. And that is what your bill says loud and clear to my community. Thank you.

P.O. LINDSAY:
Thank you, Mary. Wait a minute, wait a minute, Mary. Who wants to say something? Go ahead, Legislator Browning.

LEG. BROWNING:
Mary, I just want you to be aware I’m an immigrant. And I certainly would not do anything that would hurt immigrants. This is an issue that I have looked at. But I have also looked at the fact that, you know, we had 9/11, the Times Square Bomber, the Craig’s List murderer and recently Gilgo Beach. And if you look at 9/11, the many immigrants that were killed at the World Trade Center and had our country had some kind of control over that and required identification on cell phones, it’s very possible that maybe some of the things that occurred could have been stopped.

So this is not a bill to attack immigrants. And, like I said, I’m an immigrant, too. This is a bill that, I think, should go to the federal level and I am pushing that issue. And, you know, the industry does not want to see that happen because they make a lot of money on this issue. And I think that this bill will not just protect us, but it will also protect the immigrants who live in this country. And I think we live in a time where we have to be realistic. And the lady who read the poem, and too often you hear -- you know, my husband and my son are both being deployed. Freedom is not free. And sometimes we have to give up some of our rights for the freedoms that we have here. And I think this is important that we make sure that our country is safe. And these prepaid cell phones, there is absolutely no control over them.

MS. REID:
I appreciate your thoughts. You’re entitled to your opinion. However, someone has to give up their rights, but I don’t know who those persons are. I really don’t. So I won’t comment anymore on it. You’re entitled to that; however, I am requesting and I respectfully ask this board, this Legislature to vote against this bill. Thank you.

P.O. LINDSAY:
Wait a minute, Mary. Legislator Anker also has a question.

LEG. ANKER:
Hi. Thank you for coming because your comments are important us to. I have a question for you. You mention protection in your community; you mention the police. From what I’m understanding about this bill, it’s to help protect your community and keep your community safe. I know Legislator Browning had mentioned the larger perspective of the terrorists. If you focus on the local perspective, which is the unfortunate drug incidents and violent incidents, do you feel that it would help in some way in your community to prevent some of those situations that may be happening?

MS. REID:
No.

LEG. ANKER:
Would you consider that dealing -- you know, we’ve heard directly from our police officers that this is one of the most vital tools that could be used to prevent those acts of violence and puts specifically the drug --
MS. REID:
Maybe I need to rephrase what I’m saying. I live in the Third Precinct, which has a wonderful precinct commander. However, that does not remove the fear that the residents have of driving while black and being arrested, walking with your package from the bodega home and being stopped. Do you understand? Those things cannot remove the fear that my neighbors feel. So, okay. So will cell phone registration help to remove that fear? No. It will aggravate them. It will make them more suspicious than they already are of a system that we live in. And I don't want to put anyone on the spot, but Legislator Montano, am I speaking out of turn when I say that?

LEG. MONTANO:
Not out of turn.

LEG. ANKER:
Okay, thank you. And I just wanted to say sometimes we have to face our fears directly. And if there's any way we can do it, do that and help you as Legislators, I think that's our job. And, again, we appreciate your comments and we will consider those.

MS. REID:
I'd be glad to come to your office. I ask you to come to Bay Shore where I live and attend some of our community meetings. I invite you. I invite you to the NAACP meeting, which is the 19th of May at the Brentwood Public Library seven o'clock. Come out and listen to what the residents of Brentwood/Bay Shore are saying, people of color. Come to our neighborhood.

P.O. LINDSAY:
Thank you, Mary. Amy Kramer.

MS. KRAMER:
Good afternoon, Presiding Lindsay, members of the Legislature. I'm Amy Kramer with AT&T testifying in opposition to IR 1266, a local law to register prepaid cell phones purchased in Suffolk County.

On behalf of AT&T, I thank you again for providing us with the opportunity to discuss this proposal. AT&T has a long history of support for and cooperation with law enforcement to the extent allowed by the law and the limits of technology. We welcome the opportunity to continue our work with you and the development of a workable set of national protocols to promote public safety and security.

This bill has been a platform to bring attention to your concerns regarding Suffolk County's violent and drug-related crimes. However, we believe that the requirements as drafted, would also run afoul some fairly insurmountable practical and legal obstacles, deny your constituents access to mobile phone service, place unreasonable burdens on the retail community and subject law-abiding citizens to massive privacy exposure. We also believe that the legislation would not meet the goals you seek to achieve, to aid law enforcement in solving organized criminal activity or determine terrorists.

This bill would require retailers in the County to obtain two forms of identification from the purchaser of prepaid cell phones; create a record of each prepaid cell phone sale containing the date of the sale; copy of the two forms of ID provided by the purchaser. So that's a copy of the one with the address ID and then a record of the driver's license number; the make, model and serial number of the cellular phone; the phone number assigned if you got that at the time of the sale; and the service supplier for the phone’s wireless service.
They got to retain all of that and the identifying information for three years from the date of the sale. Or they can upload that information altogether weekly via the internet. That's going to be the customer's information, the device and sale records into a county-developed law enforcement database keeping that all in receipt order.

As you heard from Mr. Keegan of CTIA on April 26, prepaid wireless customers account for 20 percent of all US wireless consumers. Approximately 63 million nationally and 3.9 million here in New York State. Prepaid cell phones provide important and sometimes necessary option for consumers. Indeed, for many, this alternative provides the only real means of accessing telephone service.

First, prepaid cell phones often provide the most suitable fit for low income, fixed income or budget conscious consumers. Many prepaid customers relay on the pay-as-you-go feature of prepaid to contain costs for themselves or family members.

Second, millions of consumers nation-wide simply do not want to be locked into a contract or deal with monthly bills. Thus, while carriers like AT&T over post-paid wireless plans to fit many budgets, often many individuals prefer not to receive a monthly bill or be saddled with a long-term contract. Indeed for many customers the cell phone is desired for safety or occasional communications, but not for heavy usage. For them a contract and a monthly bill is not a smart option. Students and senior citizens, for example, would not have the safety benefits of a cell phone if not for the prepaid product.

Finally, families without credit cards or the unbanked are often limited to the prepaid sell device if cash is their only option. Also for many consumers presenting two forms of legal ID just isn't possible. Many prepaid consumers for varying reasons including no or poor credit history do not want post-paid contract. For many families who do not have access or the ability to maintain a traditional land line phone service at their residence, the prepaid product is their only means of communication. Many law makers are very concerned, they express this to me all the time, with the costs and accessibility of mobile telecommunications and appreciate that prepaid is a product that fits those needs.

As you can see a large number of consumers view the prepaid option as their only way to obtain the safety and security of mobile telecommunications. And we should not assume that prepaid phones are only purchased as a tool for illegal activity or even created by wireless as a means for anonymous communications. Prepaid is a product desired by many law-abiding Suffolk County citizens and families. This bill would impose risky and burdensome requirements and many of whom are likely to stop selling these phones. For many families a prepaid phone again is their only option.

In an attempt to stop criminals, the County would deny communications for many law-abiding citizens creating yet another public safety danger. This legislation would impose identification and record-keeping and weekly transmittal requirements on retailers who make this product easily available to consumers but who are ill-equipped for these functions. It is expected that these requirements would drive most retailers from carrying a product as it would result in burdensome and administrative responsibilities and legal exposure that would not be worth the trouble. Eliminating or reducing the availability of prepaid phones will harm families and prepaid phones can be a lifeline for families with limited income or poor credit, allowing them access to a cell phone and controlling their cost.

Some of our concerns would be basic functionality of the legislation. Despite good intentions, this provision will not generate a County database of criminals. When retailers interact with customers, and alert them of the documents required to purchase the phone, law-abiding and criminals will likely not have the information with them at the time of purchase and likely not offer their personal information to the retailer and simply purchase their prepaid phone elsewhere.

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D.P.O. VILORIA-FISHER:
Amy, your time is up. Could you just wrap up, because I see that you have another page or two left.

MS. KRAMER:
I'll just refer you to my written comments.

D.P.O. VILORIA-FISHER:
Okay.

MS. KRAMER:
I think one of the main concerns we see with the functionality, we're not opposed to law enforcement. We're concerned that when you've got somebody -- when your law enforcement has a phone with a serial number on it, that's often -- you got this phone, how are they going to match that to the records? And also we feel that this law while it's got good intentions, it may work to undo itself. You're going to force folks to be -- they'll still have phones -- prepaid phone being used in the County, but they're not going to be purchased here. They're going to be purchased elsewhere so now you're not able to track them. So you got phones being used in your County but you're not going to be keeping track of them.

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

D.P.O. VILORIA-FISHER:
I do want to explain one thing, if I could, Amy. You talk here later on, I was kind of scanning forward on this, you spoke about protocols for retailers as far as having to maintain records? Can you just explain what you were saying about that, that there are protocols in health care regarding privacy, etcetera? So what problems do you see with retailers doing this?

MS. KRAMER:
Right. Well, I know that AT&T -- I can only speak for our stores, but I know at AT&T, our store staff go through extensive training, and this is training developed by attorneys, carefully vetted and meets Federal standards for requirements. Even I have to go through this training and I don't touch consumer records, but it's just so important to our company. And there's so much liability when you're handling personal information, just like at a bank or, you know, in health care, that training is very important. That doesn't come cheap and it doesn't happen over night, that's something that retailers, whether you be a mom and pop shop or a national chain, would have to develop something special for Suffolk County.

D.P.O. VILORIA-FISHER:
Any questions? Okay. Amy, thank you very much for coming down.

MS. KRAMER:
Thank you.

D.P.O. VILORIA-FISHER:
Elizabeth Joynes.

MS. JOYNES:
Good afternoon. My name is Elizabeth Joynes and I'm a Skadden Fellow at LatinoJustice PRLDEF. Since 1972, LatinoJustice has been a leading force in the fight for the Civil Rights of Latinos in New York and across the Eastern Seaboard. Thank you for the opportunity to submit written testimony today.
LatinoJustice strongly opposes the proposed IR 1266. First and foremost, if enacted, the law would have a disproportionate effect on low-income residents of Suffolk County, especially Latinos and other minority groups. Second, IR 1266 poses serious danger to crime victims -- including victims of domestic violence, stalking, identity theft and human trafficking -- who are advised by law enforcement authorities to use prepaid cell phones for their own protection. Third, the proposed law would undermine the principle that residents of Suffolk County have a right to privacy and personal information and a right to remain anonymous. Finally, IR 1266 would run afoul of both the Fourth and First Amendments of the Constitution, conflict with existing Federal regulations and vitiate the presumption of innocence.

IR 1266 will have a detrimental effect on Suffolk County residents of limited means, a particularly troublesome issue in a time of recession and widespread under and unemployment. For the many Suffolk County residents facing long-term job loss, foreclosure and restricted credit, obtaining a long-term cell phone contract is just not feasible. These are the individuals that the law targets. The proposed Local Law would disproportionately burden the Latino and African-American communities of Suffolk County. As the Public Safety Committee may be aware, the Bureau of Labor Statistics just published reports documenting 13.3% rate of unemployment among Latinos and a 16.1% unemployment rate for African-Americans, compared with 8% unemployment rate for white individuals. Unemployed people and others of limited means rely on prepaid cell phones to conduct business, stay connected to their family and friends and report crimes and emergencies to law enforcement.

By requiring government-issued ID to purchase a prepaid cell phone, the Local Law would also prohibit many residents from acquiring cell phones in Suffolk County. A study by the Brennan Center for Justice at NYU has documented that approximately 11% of all Americans lack or cannot get a current government photo ID, a disproportionate number of who are racial minorities, senior citizens and the working poor. By prohibiting this group of residents from purchasing prepaid cell phones, Suffolk County would contribute to further marginalizing an already vulnerable population.

The proposed law conflicts with the U.S. Constitution and the Federal Telecommunications Law. The Supreme Court has held that anonymous speech is an aspect of the Freedom of Speech protected by the First Amendment and restrictions upon the ability to remain anonymous infringe on every citizen’s freedom of association. Further, the Fourth Amendment imposes strict requirements on law enforcement agencies requiring them to get warrants before launching investigations into civilian cell phone use. Wireless carriers are currently required to comply with the U.S. Patriot Act and work with law enforcement to provide telephone records, including personal information of consumers pursuant to a subpoena. But IR 1266 would create a loophole around the warrant requirements that protect the Civil Rights of people in this country.

Federal Law already imposes significant limits on the use of customer information obtained by wireless carriers, limits with which IR 1266 directly conflicts. Basic subscriber information held by a wireless service provider can only be obtained by a law enforcement agency if the agency has issued a subpoena for that information. Since proposed Local Law 1266 does not require a subpoena, it directly conflicts with Federal Law. For example, Verizon Wireless sells prepaid cell phones in addition to providing wireless service. 1266 would require Verizon Wireless retailers in Suffolk County to give basic customer information to Suffolk County law enforcement without a subpoena, as required by Federal law. Such a conflict would pose a grave concern to Suffolk County because Local Laws that conflict with Federal laws are vulnerable to expensive legal challenges. Because Federal law establishes an extensive set of regulations governing the use of basic customer information by wireless companies, localities are prohibited from passing their own legislation in this same area.
Lastly, victims of domestic violence, human trafficking, stalking, identity theft and other serious crimes are endangered by this bill. Law enforcement authorities and crime victim advocates uniformly recommend the purchase of prepaid cell phones for individuals who fear the predators, abusers and thieves will continue to use personal information to harass, injure or rob their victims. The bill makes no exceptions for a battered woman seeking shelter from her husband, an exploited trafficking victim attempting to keep in touch with law enforcement, or a credit card user whose identity has been hijacked. This is an unacceptable outcome and consequences for Suffolk County residents.

**D.P.O. VILORIA-FISHER:**
Thank you very much, Ms. Joynes. Legislator Browning has a question.

**LEG. BROWNING:**
Just a couple of things. I think you’ve actually gone beyond ridiculous in some of your comments. But at the same time --

**D.P.O. VILORIA-FISHER:**
No personal attacks, please.

**LEG. BROWNING:**
No. But at the same time, are you familiar with the Federal Program for free cell phones for people on Social Services?

**MS. JOYNES:**
What is the name of that program?

**LEG. BROWNING:**
I'm not sure of the exact name, but I do have the information and I'd be happy to provide that.

**MS. JOYNES:**
Thank you. I would be interested to see that.

**LEG. BROWNING:**
And again, I can tell you, as an immigrant, this is an issue that has been brought to my attention. And are you familiar that the Consulates are working on providing ID's for undocumented immigrants?

**MS. JOYNES:**
You know, I'm actually not speaking today specifically to undocumented immigrants. As I mentioned in the testimony, 11% of all Americans are unable to get a current form of government-issued ID, which may include some undocumented immigrants but also include senior citizens, a lot of poor people, young people. So it really -- my comments today were not directed at undocumented immigrants, although I think a lot of these issues would include them.

**LEG. BROWNING:**
I think a lot of senior citizens and low income people, if they don't have a driver's license, you can go to DMV and get a government ID issued to you. You don't have to get a driver's license, and that's accessible also at DMV.

**MS. JOYNES:**
Legislator Browning, I do very much appreciate, you know, the purpose of this law. I think we're just -- would like to call your attention to perhaps unintended consequences or issues that may not have been thought through before.
LEG. BROWNING:
And the last point, you talked about human trafficking, domestic violence. I’ve had -- law enforcement have sat in on meetings with me throughout this process, and many of our victims, their abusers are using prepaid cell phones. So I think this is another issue that we -- if we register these prepaid cell phones, it would help the victims also.

MS. JOYNES:
While it is probably true that some abusers do use prepaid cell phones, that does not change the fact that many victims need prepaid cell phones and are, in fact, advised by law enforcement to use them to protect their safety.

LEG. BROWNING:
And that's still going to be available to them.

MS. JOYNES:
Thank you.

D.P.O. VILORIA-FISHER:

MR. SINHA:
Good afternoon. My name is Amol Sinha, I’m with the New York Civil Liberties Union. Thank you for the opportunity, once again, to submit testimony regarding IR 1266.

As I discussed at the last General Legislature Meeting on April 26th, the New York Civil Liberties Union opposes IR 1266 for a number of reasons, including social and constitutional concerns. I'd like to take this opportunity to briefly reiterate some of those points and discuss why IR 1266 does not present an effective law enforcement strategy and leaves open much potential for abuse.

IR 1266 proposes an ineffective way to protect against crime and terrorism. Instead of utilizing well developed standards that facilitate effective law enforcement, this proposal creates a new scheme that will be burdensome for consumers, retailers and law enforcement. And there's no evidence that the scheme will actually help law enforcement. Would-be criminals could just as easily avoid identifying themselves by purchasing prepaid cell phones outside of Suffolk County; this would leave Suffolk County with an expensive database filled with photocopies of innocent people's ID's.

There's been no affirmative showing of evidence that suggests that a prepaid cell phone registry would actually provide law enforcement more tools to combat or prevent or deter crime and terrorism. This law would simply cause criminals to change their tactics leaving the innocent folks of Suffolk County to deal with a burdensome law.

Also, IR 1266 would not provide for more efficient policing. If retailers opt to maintain paper records rather than entering the information into the Police database, then we'll have an enormous distribution of paper files all over the County. In the course of an investigation with the knowledge or suspicion that a prepaid cell phone was used, law enforcement would have to sift through all these records in all stores, taking time and efforts away from more substantive leads and strategies.

IR 1266 potentially leaves sensitive information in the hands of retailers. This information could easily be misused or misappropriated for improper means. Now, I understand that the latest version of the bill provides for some protections against misuse, but it's not enough. For instance, the bill requires that any retailer that uses the Police database system must discard all hard copies of identification within 30 days.
While I respect the intentions behind this amendment and I do think it’s a well-intentioned step to protect consumers, it would be extremely difficult for law enforcement to enforce. Additionally, the law calls for retailers to take measures to prevent identity theft and misuse of information they collect. Again, this requirement is vague and it outlines no specific procedures on how to prevent identify theft and would be difficult to enforce.

Finally, the law calls for retailers to hand over consumers personal information to any authorized law enforcement officer pursuing an investigation. This means that retailers would have to make the judgment call of whether or not an officer is authorized to gather the consumer information. However, retailers, in most cases, do not have the expertise to make that determination, which is why a warrant requirement is necessary. Warrants provide the retailer with neutral information from a judge declaring that there is probable cause for an investigation and authorizing law enforcement to cease certain items.

I understand that there are other laws in Suffolk County that suspend the warrant requirements for collecting records of sale from other entities such as pawn shops and other shops. However, the fact that -- that fact does not make those laws valid. It just means that if IR 1266 passes, we could have three laws in Suffolk County that potentially run afoul of the Constitution.

Thank you for your time and I urge you to oppose IR 1266.

P.O. LINDSAY:
Thank you. Thank you very much. Ms. -- it looks like Glynn?

D.P.O. VILORIA-FISHER:
Jessica Glynn.

P.O. LINDSAY:
Jessica Glynn.

MS. GLYNN:
Good afternoon. My name is Jessica Glynn, I am the Supervising Attorney at SEPA Mujer, a Latino rights organization that provides pro bono representation to immigrant survivors of domestic violence.

While we applaud the bill’s intent to assist law enforcement officers in the prosecution of perpetrators who may use prepaid cell phones in the course of their criminal acts, we have great concern about the unintended consequences of this bill on crime victims, specifically victims of domestic violence. For domestic violence victims, we believe the value of maintaining the degree of anonymity offered by prepaid cell phones as used to prevent abusers from tracking and further harming victims outweighs the potential benefits of this legislation.

Domestic violence victims would be particularly vulnerable if this bill passes. We live in a community that is riddled with gender-based violence. One in four women will be the victim of domestic violence in her lifetime, making DV the leading cause of injury to women, more than car accidents, cancer, muggings and rapes combined. Women fleeing violent relationships face many challenges, and that period of leaving a relationship is particularly dangerous for them.

A prepaid cell phone is often an important lifeline for a woman attempting to escape a violent relationship. Therefore, SEPA Mujer’s concerns regarding this bill are primarily three; for many domestic violence victims, prepaid cell phones are one of the safest ways to use a phone after fleeing abusers. Two, collecting identifying information and storing it in a database poses a danger to victims because of the risk of disclosure to those trying to track and harm them. Three, requiring government-issued and other identification will inevitably exclude many victims who are forced to
flee abuse without any opportunity to take such important documents, or even a purse with them before they fled.

While prepaid cell phones may present difficulties to law enforcement, they’re also an important asset to domestic violence victims fleeing abusers who go to great lengths to track them down and harm them. Victims are increasingly being tracked and killed through the abuse of data and technology. Prepaid cell phones offer a safer alternative for victims most at risk; this legislation would eliminate that option and for that reason we must oppose it.

Since abusers often know private information about their victims such as date of birth, mother’s maiden name or commonly chosen computer passwords, they can easily pose as their victims and illegally access their credit, utility, bank, phone and other accounts as a means of getting information after the victims have fled. Phone victims are a particularly rich source of information for the determined stalker. Through cell phone records, a stalker has access to information that includes whom they called, when the call was made, how long the call lasted and the location of the calls. By illegally obtaining this information, a stalker can locate his victim without the victim ever knowing that she is being tracked until it is too late. The theft of private information can be devastating for an average individual who may have her identity stolen and her credit destroyed. For victims of domestic violence or stalking, however, that theft of private information is not just financially or personally devastating, it can be fatal.

Domestic violence, sexual assault, human traffic and stalking are the most personal of crimes, and the more personal information the perpetrator has about his victim, the more dangerous and damaging the perpetrator can be.

In sum, victims of domestic violence, acquaintance rape, human trafficking and stalking are particularly vulnerable because perpetrators know so much about their victims that they can often predict where their victims may flee and to whom they may turn to for help. For many victims, prepaid cell phones are one of the safest ways to use a phone after fleeing abusers. The relative anonymity offered by prepaid cell phones offers victims to have a personal telephone, but without a record of the location that can be used by abusers to find them and renew their abuse.

Every battered woman’s advocate can share story after story of victims fleeing an acute crisis with nothing but the clothes on their backs. The victim who jumped from a moving car and ran for her life to escape or who broke out of the bathroom window and fled as her batterer was kicking through the door, or who had nothing and nowhere to go after being discharged from the hospital after an assault; these victims would have no means of providing the government-issued ID that this bill would require. Consequently, they would be prevented from purchasing prepaid cell phones which may be their only available form of communication that will prevent their abusers from trafficking and finding them.

I have one more paragraph. Again, we want to stress that we appreciate the quandary law enforcement personnel face in situations in which perpetrators use prepaid cell phones to further their criminal conduct. Indeed, abusers may use prepaid cell phones to perpetrate crimes against their victims. However, given the risks to victims by abusers who hunt them down through phone records and other data sources, prepaid cell phones are a critical safety tool used strategically by victims to protect themselves and their children. For domestic violence victims, we believe the value of maintaining the degree of anonymity offered by prepaid cell phones as used to prevent abusers from tracking and further harming their victims outweighs the potential benefits. Thank you very much for your consideration and I welcome any questions.
P.O. LINDSAY:
Okay. Legislator Nowick has a question.

LEG. NOWICK:
Just a quick question. And your argument is certainly very compelling and I agree with a lot of what you say. But I was just curious, it sounds like you have all the facts and figures; where did you get all that information from?

MS. GLYNN:
I brought a statistic sheet with me. Actually, it was from the National Coalition Against Domestic Violence, they compile them all yearly. And the CDC, the Center for Disease Control, offers the most compelling statistics.

LEG. NOWICK:
Thank you.

P.O. LINDSAY:
Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Jessica, did you submit that to the Clerk, those statistics?

MS. GLYNN:
I certainly can.

D.P.O. VILORIA-FISHER:
Could you, please? Thank you.

MS. GLYNN:
I had one last thing to say, actually. Because I represent solely immigrant survivors of domestic violence -- some who are documented, some who are not -- I actually invite you, Legislator Browning, to our office so that I can have you meet with some of our women about how this legislation would specifically jeopardize their lives.

LEG. BROWNING:
May I respond?

P.O. LINDSAY:
You want to respond?

LEG. BROWNING:
Yeah. I will let you know, I did speak with the domestic violence organizations. Some of them are supportive of this bill and the reason being is that they have -- and I did ask them about the domestic violence victims who come to the centers, and they said within two days they can help them to get an ID if they have to flee their home.

And I will tell you on a personal note, I have a family member who's a domestic violence victim, so I'm very much aware of the issue.

MS. GLYNN:
And with all due respect, the women that I represent are often married to United States citizens and eligible for status, but because of the abuse, their abuser has not petitioned for them. And so due to their undocumented status, they are not eligible for that same type of relief.
LEG. BROWNING:
The Consulates are working to give ID's to undocumented people. I know the El Salvadorian Consulate, the Nicaraguan Consulate and the Mexican Consulate, there has been meetings and discussions with them that they're willing to issue cards and that would be an acceptable form of ID.

MS. GLYNN:
I welcome your assistance the next time I have someone in my office. However, I maintain that I have -- this is a big issue and it's one that continues to go unresolved. Having represented undocumented women who are fleeing domestic violence for five years, in the hundreds of cases I have had, that's never been the case.

P.O. LINDSAY:
Okay. Thank you.

MS. LOMORIELLO:
Do you have your statistics?

P.O. LINDSAY:
Philip Castaldo.

MR. CASTALDO:
Good afternoon. Please bear with me, I forgot my glasses today, so I'll try to hack through this. My name is Philip Castaldo, I'm a 7-Eleven Franchisee and Senior Vice-President of United Franchise Owners of Long Island. I stand here today representing one hundred 7-Eleven stores and franchises that reside in Suffolk County. My colleague Jack Rugen's testimony on April 26th touched on the increased cost and the unintended result that this legislation will have to discourage sales of prepaid cell phones to the consumer. If this legislation is made law, it may force retailers to abandon this marketplace.

The average 7-Eleven employees are approximately 12 to 15 staff members, many of which are high school kids, college students, and we have a turnover ratio of approximately 65%. The development of training programs for this new law will not be cost effective for many 7-Eleven retailers, as the average sale per month on prepaid phones is approximately two to three units. The average retail is approximately 15 to $20. Our margins are 12 to 15%; these margins will be reduced dramatically by the amount of time it will take to train employees to fill out forms, check ID, keep a record of the transaction and transmit the required information. Compliance with IR 1266 will greatly outweigh any income opportunities. Many merchants are ill-equipped to handle these functions and the cost of additional programming, software and training will not be cost effective, even if retails were raised.

IR 1266 would impose risky and burdensome requirements on merchants and manufacturers while impeding the purchase availability for many families who find a prepaid cell phone their only option. My concern is that the responsible retailer will recognize the liability and the privacy dangers that will stop -- and will stop selling prepaid cell phones, dramatically hurting the industry, causing a loss of income and jobs in an already bad economy. The cost burden to the County to carry out compliance checks as well as maintaining the database of the phones, ID numbers and purchase information will ultimately fall on the taxpayer. I ask on behalf of my members that the legislation explore other avenues of linking the purchaser's ID to the phones. Thank you for your consideration.

D.P.O. VILORIA-FISHER:
Thank you.
P.O. LINDSAY:
Legislator Anker?

LEG. ANKER:
Hi.

P.O. LINDSAY:
A question.

LEG. ANKER:
A question, question. Hi. You own a 7-Eleven?

MR. CASTALDO:
Yeah, 33 years. I own two stores in Suffolk County.

LEG. ANKER:
How many cell phones do you sell a week?

MR. CASTALDO:
I sell approximately two to three a month.

LEG. ANKER:
Thank you.

MR. CASTALDO:
Okay. And as far as the terrorists go, the terrorists did have those cell phones; they also had pilot licenses. They learned to fly planes in the United States, and the people that were training them, they wanted to learn how to fly a plane, they weren't interested in how to land it and or off, and no one said a word about that.

P.O. LINDSAY:
Okay. Edward Balzer.

MR. BALZER:
Good afternoon, Ladies and Gentlemen. I'm going to speak on this issue, but I'm going to touch on a few things. I'd like to pass around, this is a picture of my son Brian who passed away of a drug overdose October, 2009. I'm going to touch on this, but there are a few issues that I'd like to touch on pertaining to this whole situation that I've listened to over the past few minutes.

There are casualties of war. We have a drug war here on Long Island that are taking 350 to 400 kids a year. Some of you I've been in your high schools. I am on a mission to change what's going on in our society, I am on a mission to change what's going on in our world. We are living in a different time right now. I don't understand. I've listened to these people, I don't like the government intruding on what's going on in my life, but I would be willing to give up some of my freedoms to protect my children, the people around me. And society has changed, the game has changed, completely.

It baffles me to listen to people that simply do not want to give identification to get a phone. I don't care what studies they do, what lawyers they have or whatever it is, you're asking for a prepaid phone, you're asking for identification to locate that phone based on what we're dealing with in this country. We're dealing with major drug issues, we're dealing with terrorism, we're in a whole different society. Technology has accelerated this. Technology is with these unregistered phones. We're not taking away anybody's rights, you can still get the phone, give your information. If you're driving a car you need a license, if you're living in America you need to be documented; that's the
laws of this country. It seems to me that there's some issues that are laying beneath this that people really don't want to address. I want to address this and I'd be willing to give up some of my freedoms.

I listened to the lady from AT&T, nice lady, but put pay phones in those areas, we can find a remedy. As I said, there are casualties, there are casualties of war, but we are in a different time, we're in a different situation and we need to look at the picture to save the majority of our people, not just a few. Yes, the game has changed, my rights have changed; everybody in this room, your rights have changed. When I turn on my cell phone they know where I am; if I don't want them to know where I am, I take out the battery, to be quite frank. If I don't want AT&T or whoever it is to know where I am, I take the battery out of my phone. I'm not a computer person, I could care less. I think technology for the most part has been good for the country, but it's also been bad for the country.

Now, going back to the drugs. We are in a war here on Long Island. We are in a war, just generally in a war for our children's, for our children's lives, and I think all of you people know exactly what I'm speaking about. My son should not be dead. My son is dead because he made choices that cost him his life. I don't need this thing.

**MS. ORTIZ:**
You have to use it for the stenographer.

**MR. BALZER:**
Oh, I'm sorry. These choices cost him his life. And I am on a mission now, like I said, to educate our youth so we're not dealing with this. But here's the question and here's the bottom line; what could you possibly be hiding behind, not wanting to register and give your name? It's that simple. What could you be hiding behind? If you're unregistered then get registered. If you have to make a phone call overseas, then borrow a friend's phone who's registered. If there aren't phones available, AT&T could put pay phones for people to make phone calls. In fact, I would love that myself because there are things I don't like as far as what's going on as far as the government watching everything that we do; I do agree with some of the things that these people say.

But, again, we have to balance this out. Are these prepaid cell phones things being used for crime? Are they being used for good or for bad? We have to think about it in our hearts, what they're being used for, what their purpose is. And again, this is the last thing I'm going to say, why would you not want to give your name? That's my main question. What is the basis behind that; what could you be hiding behind? Thank you.

**P.O. LINDSAY:**
Thank you, Mr. Balzer. No questions.

**LEG. BROWNING:**
I'll ask a question.

**P.O. LINDSAY:**
Oh, Legislator Browning has a question.

**LEG. BROWNING:**
Mr. Balzer, thank you for coming. It's about a year ago that you came to my office with a number of other family members and this is where this bill came from, was the conversation with you guys. That all of you had said, "Look at my son's or my daughter's cell phone numbers," and it was all prepaid cell phones and multiple phone numbers for drug dealers. So I just want to say thank you. And I know that we did have law enforcement here at the last public hearing and they said that this is one of the biggest problems is the drug problem and the prepaid cell phones, more than anything.
And I just want to say thank you for coming and we will continue to fight on the drug issue.

**MR. BALZER:**
Well, I would definitely continue to fight. And yes, the issues with the phone, it's an avenue for crime. I'm sure it's not, you know, everybody is going to commit a crime, but it's a huge avenue for crime. Thank you and everybody have a nice day.

**P.O. LINDSAY:**
Thank you very much. Ann Haney.

**MS. HANEY:**
Good afternoon, Suffolk County Legislators. My name is Ann Haney and I am the Director of Grants on the staff of the Suffolk Coalition to Prevent Alcohol and Drug Dependencies. Our Executive Director has asked me to come and speak on this issue.

The Suffolk Coalition is a prevention agency whose main goals are to establish school and community partnerships committed to the fight of alcohol and drug use by our underage youth. As a representative of the Suffolk Coalition, I am here to support Legislator Browning's bill, IR 1266 concerning prepaid phones. We congratulate her and all of her colleagues for all of their efforts. We see this bill as a part of Suffolk County's many efforts to put as many road blocks in place that will deter -- be a deterrent for underage youth accessing alcohol and drugs. We look forward to working with all who wish to protect the greatest gifts of Suffolk County, our youth and our families.

That is the prepaid statement that was worked out between myself and the Executive Director. Since being here and having listened to all that has been said, I got on my cell phone and I spoke again to our Director. We continue to believe that the spirit of this bill is quite important for Suffolk County. We have worked with many of the communities that are represented by the legislative individuals. I have worked a long time ago with Mr. Gregory, Legislator Gregory back when he was a Legislative Aide and we were working in Amityville. We've worked with many of the current communities here.

We have heard and I have heard many of the concerns and have taken them with great weight. We continue to see that we need to be able to put as many barriers in place, as many obstacles for illegal action that we possibly can. It is our understanding that as bills go through, many times as they are written there are subsequent amendments, revisions or whatever is needed by the community and by the County. We, the Suffolk Coalition, look forward to working with each and every Legislator, community and community organization out in Suffolk County to put the obstacles together to protect our youth. This is -- they are an important gift, they are an important asset to our community.

We recognize that all may not be perfect, but we recognize that the Suffolk Coalition and all of our other coalitions are quite willing to put whatever sweat and anything else we need to do to try to protect our individuals. So I thank you deeply for this opportunity to speak and for this opportunity to work with you in any way that we can. Thank you.

**P.O. LINDSAY:**
Ms. Haney, Legislator Eddington has a question for you.

**MS. HANEY:**
Thank you.

**LEG. EDDINGTON:**
Ann, I want to thank you for coming here. And you know, like you started off, I've been sitting here for over an hour now and I've heard all the negative, you know, things about prepaid cell phones.
And I’ve heard in the past, last month or a couple of weeks ago, the Police talk about all the positive. And you know, I’ve heard a lot of people come here today and tell us how bad it is and how bad, bad, bad, bad. You’re the first person that has said, "I’d be willing to work with all," that the spirit of the bill and -- so what I’m going to say is because of your attitude, maybe you can turn around and talk to all the people that are against it and maybe meet with them. Because you know what? Nothing is all good or all bad here. I mean, I know everybody likes you to be on their side, but it sounds like you’re saying, "We’re willing to work with anybody if it ultimately helps the kids and the drug problem." And I have to believe, with all the intelligent people that spoke today, there is a solution; we may not be able to do it, but I believe you could.

And so, Ann, I’d like to ask your organization to maybe reach out to these people that are against the bill and try to find a gem in the bill that we can all build on and everybody can win. It doesn’t have to be a win/lose situation, because that’s what happens here when it gets voted down, we lose a bill where there could have been something really good in it. So I’m wondering if your organization could take the lead to try to get everybody on board.

**MS. HANEY:**
Legislator Eddington, I will convey your thoughts to our Executive Director. I know that there are some of you who have seen dropping around the neighborhoods and working with -- I can say that I’m in my car an awful lot working with organizations. And I would venture out to say, because it was during this that some of you may have seen me leave and go and speak to the Director, and her words were that we need to establish a collaborative effort.

**LEG. EDDINGTON:**
Uh-huh.

**MS. HANEY:**
That we cannot simply let those who misuse the spirit and need go by and simply let them get -- to being able to do some of the things that have happened and some of the tragedies that we’ve all seen. We’ve seen tragedy after tragedy after tragedy, and this is the first time I’m saying it, but I have been a victim of stalking and intense stalking where law enforcement removed me from the County so that I could be safe. However, we need to do something. I don’t know exactly what it is, but yes, I can say that I will speak to the Director and with her consent and her support, we will be willing to assist whoever to find a way to present -- to put together appropriate obstacles in preventing any kind of risks for our under age youth.

**LEG. EDDINGTON:**
Thank you very much, Ann.

**P.O. LINDSAY:**
Thank you. Okay, that concludes the cards on this subject. Is there anyone else in the audience that would like to speak on this subject? Seeing none, Legislator Browning?

**LEG. BROWNING:**
Motion to close.

**P.O. LINDSAY:**
Motion to close. Do I have a second?

**LEG. MURATORE:**
Second.

**P.O. LINDSAY:**
Second by Legislator Muratore. All in favor? Opposed? Abstentions?
MR. LAUBE:
Seventeen (Not Present: Legislator Anker).

P.O. LINDSAY:
It stands closed.

Public Hearing on IR 1289-11 - Adopting Local Law No. -2011, A Charter Law to ensure transparency in the County budget process (Cilmi), and I have one card, Ruth Delcol.

MS. DELCOL:
Just press this center button?

MR. LAUBE:
Yes, hold it down.

MS. DELCOL:
Okay. Is that working? Okay. Good afternoon, everyone. My name is Ruth Delcol and I am the Director of Development for Federation of Organizations. I'm here today to talk about bill IR 1289, a Charter Law to ensure transparency in the County you budget process.

As you are aware, our Foster Grandparent Program was cut by 44% which amounted to $78,733. The program has also been cut by the Federal and State budgets, but none so devastating as the County cut, and I am here today to represent over a 170 senior volunteers serving over 2,100 children a year in schools, rehabs and day-care centers. These volunteers are the backbone of our County. Some have served in this program for over 25 years. We are one of the most cost effective programs in the State and are recognized as the most advanced Community Service Program for our children at risk.

For the year 2009-2010 school year, children served by the Foster Grandparent Program has shown a 99% improvement in their academic goals which includes children in the ESL Program. I believe that the procedure in place today gave me no information of these severe cuts and no time for recourse. I have contacted all of you and have expressed my opinion about the hardship that this has caused, as I do not believe it was fair or just. In these difficult times, I believe that we need to be more transparent and allow the constituents you serve more time and discussion before such decisions are made.

Thank you.

P.O. LINDSAY:
Thank you. I don't have any other cards on this subject, 1289. Is there anybody else in the audience who would like to speak on this subject? Seeing none, Legislator Cilmi?

LEG. CILMI:
Motion to close.

P.O. LINDSAY:
Motion to close. Do I have a second?

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Second by Legislator Kennedy. All in favor? Opposed? Abstentions?
MR. LAUBE:  
Fifteen (Not Present:  Legislator Anker, Eddington & Montano).

P.O. LINDSAY:  
*Public Hearing on IR No. 1313-11 - Adopting Local Law No. -2011, A Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County contractors (Schneiderman).* I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Schneiderman, what would you like to do with this?

LEG. SCHNEIDERMAN:  
Motion to close.

P.O. LINDSAY:  
Motion to close. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:  
Sixteen (Not Present:  Legislators Anker & Montano).

P.O. LINDSAY:  
*Public Hearing on IR No. 1314-11 - Adopting Local Law No. -2011, A Charter Law to establish a truth and honesty zone for clean campaign practices in Suffolk County by banning improper fundraising (Romaine).* 
And I have one card, Roger Clayman.

MR. CLAYMAN:  
Good afternoon. My name is Roger Clayman, I'm the Executive Director of Long Island Federation of Labor. I came to discuss Resolution 1314 in the event that I may have completely misunderstood it, so maybe I could be corrected. But it appears as if -- the way it's drafted, that it seeks to do a couple of things. First of all, to equate a labor union with a business or a contractor, and to suggest that some of the unethical practices that might be engaged in by a business or a contractor would be the same ones that a union might be involved with, which really makes very little sense.

Secondly, we're particularly concerned with the very broad definition of the term *contribution* within this draft. What it would do, by the definition of *contribution*, is ban communications to the membership from the union. Secondly, it would ban the union helping the membership become registered to vote, and it would ban the creation of a political committee by the union.

Essentially, what it's saying to the employees of Suffolk County is that you can check your Constitutional rights at the door when you come to work. So now if I've read that wrong, I'm ready to be corrected, but I think that as far as unethical practices go, we have a lot of mechanisms and a pretty good DA who knows how to deal with them. And I suggest that we follow those kinds of approaches and not take away the rights as citizens that union members have. Thank you for your attention.

D.P.O. VILORIA-FISHER:  
Thanks, Roger.

LEG. ROMAINE:  
Mr. Presiding Officer?

P.O. LINDSAY:  
Yes, Legislator Romaine.
LEG. ROMAINE:
Roger, first of all, thanks for coming down. Second of all, that was not my intention to take away any of the rights. I'm going to make a motion in a few minutes to recess this because this isn't going to move anywhere. And what I'd like to do over the next couple of days, weeks, is come with you, sit with you and look at ways that we can improve this bill. My intention was not to close down unions or have anyone who is affiliated with the union check their rights at the door. I happen to believe in the collective bargaining system of this country for all.

What I want to make sure is that we don't create conflicts for municipal unions in terms of contributions; I want to avoid that. And if there's a way to do it, great. And if there isn't? You know what, sometimes legislation creates more problems than not. So this is thrown out there as a way with several other proposals that were suggested. If we can't move forward with this without impinging on other people's rights, then I don't want to move forward with it. But what I'd like to do is between now and the end of the week give you a call, maybe come sit down with you, have a cup of coffee, see what we can do about that. Just so you know, that's where I'm coming from.

MR. CLAYMAN:
Thank you.

LEG. ROMAINE:
And --

MR. CLAYMAN:
And I'd be happy to do that. And I know from your history you respect people's rights, and so I was a little surprised at some of the language in here.

LEG. ROMAINE:
Absolutely. I'll move to recess this.

P.O. LINDSAY:
Okay. I just want to see if anybody else in the audience wants to speak on this subject. Seeing none, motion to recess by Legislator Romaine.

D.P.O. VILORIA-FISHER:
I'll second it.

P.O. LINDSAY:
Seconded by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislators Anker & Browning).

P.O. LINDSAY:
Okay, it stands recessed.

Public Hearing on IR No. 1315-11 - Adopting Local Law No. 2011, A Local Law to limit the restraint of pets outdoors (Romaine).
I don't see any --

(*Laughter*)

I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject?
LEG. ROMAINE,
Motion to recess.

(*Laughter*)

P.O. LINDSAY:
I thought maybe they were all outside.

(*Laughter*)

LEG. ROMAINE:
Some people have tied up dogs for hours, regardless of how hot it is.

P.O. LINDSAY:
We have a motion to recess it, and I'll be happy to second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen (ACTUAL VOTE: Sixteen - Not Present: Legislators Anker & Browning).

P.O. LINDSAY:
Public Hearing on IR No. 1371-11 - Adopting Local Law No. -2011, A Local Law to impose new limitations on the future employment of County officers and employees (Muratore).
I don't have any cards on this subject. Is there anyone in the audience that would like to comment on this subject? Seeing none, Legislator Muratore?

LEG. MURATORE:
Motion to close.

P.O. LINDSAY:
Motion to close.

LEG. KENNEDY:
Second.

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

MR. LAUBE:
Sixteen (Not Present: Legislators Anker & Browning).

P.O. LINDSAY:
Public Hearing on IR No. 1372-11 - Adopting Local Law No. -2011, A Local Law to prohibit County elected officials from collecting two public salaries (Muratore). I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Muratore?

LEG. MURATORE:
Motion to close, please.

P.O. LINDSAY:
Motion to close.
LEG. KENNEDY:
Second.

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

MR. LAUBE:
Sixteen (Not Present: Legislators Anker & Browning).

P.O. LINDSAY:
Okay. And the last bill of the night is Public Hearing on IR No. 1406-11 - Adopting Local Law No. -2011, A Charter Law to waive a certain Charter provision and provide adequate funding for the John J. Foley Skilled Nursing Facility (Presiding Officer Lindsay).
And I have one card, Mr. Eric Kopp.

MR. KOPP:
IR 1406 seeks to transfer $18 million of unexpended appropriations in the John J. Foley Skilled Nursing Facility's 632 Fund to support Foley's ongoing operations for the remainder of the calendar year. This proposed law would approve a one-time waiver of the Charter Section barring mandated to discretionary transfers.

When the 2011 Operating Budget was enacted, the $18 million appropriation was created and it still exits. However, with that $18 million, $18 million in revenue was anticipated. That revenue has not been realized since it was based on the proceeds of the sale of the various assets of the Foley Facility, including the facility itself, its licence and equipment. And as well all know, the Foley Facility has not been sold, so the revenue expected to support the appropriation has not materialized.

By transferring $18 million in appropriations, lacking the matching revenues while continuing full operations for the remainder of the year, Suffolk County is still faced with an $18 million revenue shortfall. We recommend the Legislature take a hard look at this measure, particularly in light of the many fiscal challenges that are confronting Suffolk County in this economic climate. We have all seen the difficulties resulting from New York State's unprecedented claw back of money already spent by our health centers over the past three years, and we must still confront the challenges posed by the loss of State funding for EMS and the Medical Examiner.

As we expressed at the Health Committee meeting last Thursday, the administration stands ready to roll up its sleeves and to work side-by-side with this Legislature to find solutions to these unprecedented challenges.

P.O. LINDSAY:
Thank you, Mr. Kopp. I'll make a motion to close.

LEG. KENNEDY:
Second.

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

MR. LAUBE:
Sixteen (Not Present: Legislators Anker & Browning).
P.O. LINDSAY:
Okay. I have to go back to the Capital Budget, 2012-2014, and I want to make a motion to reconsider, because we really should have closed that, not recessed it, because we fulfilled our obligation to have the Public Hearings.

LEG. EDDINGTON:
Second.

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

MR. LAUBE:
Sixteen (Not Present: Legislators Anker & Browning).

P.O. LINDSAY:
The Capital Budget is back before us. Public Hearing on 2012-2014 Capital Budget & Program. I’m going to make a motion to close. Do I have a second?

LEG. EDDINGTON:
Second.

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

MR. LAUBE:
Sixteen (Not Present: Legislators Anker & Browning).

P.O. LINDSAY:
The other thing is 1256; I’d like to reconsider that, too, for the purpose of closing it rather than recessing it. So I make a motion to reconsider 1256.

LEG. COOPER:
I'll second that.

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

MR. LAUBE:
Sixteen (Not Present: Legislators Anker & Browning).

P.O. LINDSAY:
It is before us again. Public Hearing on IR 1256-11 - Adopting Local Law No. -2011, A Local Law expanding legal representation of County employees (Presiding Officer Lindsay). I'll make a motion to close.

LEG. COOPER:
Second.

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

MR. LAUBE:
Sixteen (Not Present: Legislators Anker & Browning).
P.O. LINDSAY:  
It stands closed.

Okay, that concludes our public hearings for today.

I want to make a motion to **set the date for the following Public Hearings for June 7th, 2011, 2:30 PM;**

*IR 2258-10 - A Charter Law to provide for fair and equitable distribution of public safety revenue Sales and Compensation Use Tax revenues (Schneiderman).*

*IR 1002-11 - A Local Law to protect the public from injury caused by accumulated snow or ice on moving commercial motor vehicles (Cooper).*

Didn't we just --

MR. NOLAN:  
We're reopening it.

P.O. LINDSAY:  
Oh, we're reopening, okay.

*IR 1414-11 - A Charter Law to require timely submission of budget amendments (Cilmi).*

*IR 1425-11 - A Local Law amending Chapter 278A of the Suffolk County Code addressing Invasive non-native plant species (Viloria-Fisher).*

And that's it. Do I have a second to that motion?

LEG. BARRAGA:  
Second.

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

MR. LAUBE:  
Fifteen.

D.P.O. VILORIA-FISHER:  
We're right behind.

P.O. LINDSAY:  
Did you get them? Okay. *(ACTUAL VOTE: Sixteen - Not Present: Legislators Anker & Browning).*

That concludes our public hearings for today.

And I'm just going to ask Legislator Kennedy, if we go back to **Tabled Resolution 1182,** are you okay with that now?

LEG. KENNEDY:  
You know what, Mr. Chair? I'm going to ask for the indulgence of the body to go ahead and table one more time, and I'll tell you what it's predicated on.
Yes, Mr. Anderson did stand before us and he provided four sheets, an Excel spreadsheet. And quite candidly, Mr. Chair, the most disturbing thing is the last sheet which shows 13 vehicles, all identified for the purposes of snow removal, and the vehicles with the greatest mileage on it are from 2002, they're diesel freight liners and they have 44,000 miles on them. Again, I am not somebody who is a fleet manager, nor somebody who's charged with deploying resources to go ahead and keep roads clear. But quite candidly, I find the lack of information almost frightening while we're contemplating, you know, this loss of -- or lack of revenue.

I've spoken with the administration, they seem to be amenable to one more tabling. And I'll come back and I'll share with all my colleagues what I'm able to get out of this, but I'm determined now to get some answers, one way or another.

P.O. LINDSAY:
Okay, we've got a motion to table. Do I have a second? Is there any other motions?

LEG. SCHNEIDERMAN:
I'll second.

P.O. LINDSAY:
Second by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:
On the motion, Mr. Chair?

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
I don't understand the problem with the list. We had received accolades, actually, from the public with regards to our management of snow removal, and so don't we need that equipment? I'm very confused as to what the issue is now.

LEG. KENNEDY:
Madam Vice-Chair, I'll simply pass over to you what was given to us by the Commissioner just before the lunch break. Again, as I said, I do not pretend to be a fleet manager, but my simple knowledge of a diesel engine is that it usually lasts somewhere 200, 300,000 miles, and I defy anybody to show me something on that list that's got, you know, more than 50,000. Most troubling are the last three vehicles that are noted for snow purposes only, each of which has only been utilized for about 4,000 miles in this past season.

D.P.O. VILORIA-FISHER:
So what you're saying is that these are vehicles that are going to be replaced, is that what -- because that doesn't -- I thought this was an inventory of --

LEG. KENNEDY:
Existing vehicles.

D.P.O. VILORIA-FISHER:
-- vehicles that are existing. It doesn't say that they're being replaced.

LEG. KENNEDY:
No, it doesn't. But by the same token, if you'll recall my questions from the last time around which I asked the Commissioner, both verbally and in writing, was to go ahead and give us some basic information about how long a vehicle is utilized, what the average mileage is, how many miles of
road it cover, the basic nuts and bolts that any trustee or fiduciary utilizes when they procure any piece of equipment, and that's still not forthcoming. So in the absence of that, I don't see how, in good conscience, we can go ahead and agree to buy more when we don't have a good analysis of what it is we have now.

**D.P.O. VILORIA-FISHER:**
Isn't this spreadsheet entitled "Fleet Services Division Vehicle Inventory"?

**LEG. KENNEDY:**
Yes, it is.

**D.P.O. VILORIA-FISHER:**
So then wouldn't you assume that this is a vehicle inventory from that title?

**LEG. KENNEDY:**
Absolutely.

**D.P.O. VILORIA-FISHER:**
And that these are the vehicles that are currently in service?

**LEG. KENNEDY:**
Yes.

**D.P.O. VILORIA-FISHER:**
So why would you assume that we were getting rid of these vehicles?

**LEG. KENNEDY:**
If I gave that assumption, I'm sorry, I didn't mean to give that assumption. No, what I'm saying is if I'm trying to interpret from what was given to us which shows 13 vehicles, and there's five that are being requested for snow purposes, that's almost a 50% replacement. Three of the vehicles on that list of 13 show that they have no more than 4,000 miles put on them in this last season; that's a question that's got to be answered.

**D.P.O. VILORIA-FISHER:**
I don't see where it's saying that they're being replaced.

**LEG. KENNEDY:**
Well, you know --

**D.P.O. VILORIA-FISHER:**
John, you know I respect how carefully you look at things. I have always remarked on how diligent and hard working I think you are. But I think this really rises to the level of real micromanaging. And I've -- we do have to have oversight, we do have to look at what is being purchased, but we have every reason to believe that this department is working, as are all of our departments, bare bones.

**LEG. EDDINGTON:**
Bill?

**D.P.O. VILORIA-FISHER:**
I am going to object to the tabling motion. We've tabled it one cycle. You know, there's no representation here that these vehicles are going to be replaced. It clearly says that that's the inventory and I thought that's what you asked for. I don't know if Gil Anderson said that he wouldn't mind a tabling or not, but I just believe that we should have oversight but we shouldn't
have our hand holding the hand of the administrator, you know, doing everything he has to do. It's a big department and I think that we have to give them some kind of ability to be administrators.

LEG. KENNEDY:
Well, we do. Actually, I've asked through Legislator Schneiderman --

P.O. LINDSAY:
I don't understand the spreadsheet.

D.P.O. VILORIA-FISHER:
We had them and we didn't make copies of them. I'm sorry, the Presiding Officer was --

LEG. KENNEDY:
Yeah, I don't think it's going to hurt to table it one more cycle. And as a matter of fact, if you heard the dialogue between himself and I, the fact that I asked for this material when we last met --

D.P.O. VILORIA-FISHER:
You know, I'm in full agreement with that.

LEG. KENNEDY:
And only when I specifically pointed it out to him did he even offer that they had just completed the request yesterday, and this is a matter that we've spoken about now twice.

I agree with you, we bring on Commissioners to handle the tasks that they've been put before us for. But by the same token, even at $1.9 million, that's a lot of money to spend on equipment if we can --

D.P.O. VILORIA-FISHER:
It's big equipment.

LEG. KENNEDY:
Well, it is, there's five vehicles alone that represent $800,000. And you know, it's obviously the wish of the body, but I'm going to ask if we get it tabled one more time so I can get more specificity out of them so that we can justify the purchase.

P.O. LINDSAY:
Okay. Legislator Eddington had a question.

LEG. EDDINGTON:
Yeah, I'm going to support the tabling. And, you know, as the Chair of Public Safety, the whole committee had to legally get the Police Department to send us information, we had to subpoena for information. And I think what Legislator Kennedy is saying, it's not that he doesn't trust them, it's, again, the lack of communication to the Legislators. When we ask for information, it should come in a timely fashion. And I think there's -- Legislator Romaine has told us many times, there's the Davis Law, I think, that says that it's supposed to be seven business days.

LEG. ROMAINE:
Five.

LEG. EDDINGTON:
Five, okay. So, you know, I think Legislator Kennedy is just reminding them that don't put an expectation on us if you don't meet our expectations, and I think we need to continually remind them. So I'm going to support tabling.
P.O. LINDSAY:  
Ms. Vizzini, did you want to weigh in on this or not?

LEG. ROMAINE:  
No.

(*Laughter*)

D.P.O. VILORIA-FISHER:  
She's saying, "Do I have to?"

MS. VIZZINI:  
Are we talking about the $1.9 million appropriation for the Public Works vehicles?

P.O. LINDSAY:  
Yes.

MS. VIZZINI:  
Only that there is $2.4 million in the Adopted Capital Program for vehicles.

P.O. LINDSAY:  
Okay. But what we were looking for is an analysis of which vehicles they're replacing. The list that Commissioner Anderson gave us, it looks like the whole inventory of all of the fleet, and it probably would help if he cleared up which vehicles he wants to replace or he doesn't feel he has an enough vehicles to do an adequate job. That's the kind of questions you want answered, Legislator Kennedy?

LEG. KENNEDY:  
(Nodded head yes).

P.O. LINDSAY:  
All right.

MS. VIZZINI:  
Okay, I'll reach out to him via an e-mail to help you in your request for information.

P.O. LINDSAY:  
Okay.

LEG. KENNEDY:  
Thank you.

P.O. LINDSAY:  
Mr. Kopp, do you want to comment on this?

MR. KOPP:  
I just asked a member of our staff to reach out to Legislator Kennedy to find out exactly what you need with specificity, and I've assigned them to be a liaison between you and Commissioner Anderson to get you exactly what you require so you can make an informed decision.

LEG. KENNEDY:  
Okay. Thank you.
P.O. LINDSAY: Thank you. Okay, so we have a motion to table. And Legislator Eddington seconded the tabling motion?

LEG. EDDINGTON: Yes.

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

MR. LAUBE: Eighteen.

D.P.O. VILORIA-FISHER: Opposed.

P.O. LINDSAY: You’ve got one.


P.O. LINDSAY: Okay, moving right along.

We've got 1412-11 - Amending the 2011 Operating Budget to support Adelante of Suffolk County (Montano).

LEG. MONTANO: I make a motion.

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

LEG. MURATORE: Second.

P.O. LINDSAY: Second by Legislator Muratore. And I recognize Legislator Barraga.

LEG. BARRAGA: Yeah, this goes back to the previous session where we have this habit of reopening and making follow-up decisions after we’ve made basically a major directive to hold the line on certain costs and expenses.

Last session we reopened it and gave, I think, $78,000 to the diabetes Organization. At that time, the sponsor of this legislation made it very clear that once you open that door, he was going to also put in a resolution, this one, for another $36,000 to restore the Adelante monies. And yet, you know, here we're talking about a situation in this County where our fiscal situation is grave. You know, we all want to fund Adelante, we want to fund the diabetes groups, but the money realistically isn't there.
I noticed another bill here which is on the agenda, I don’t know if we’re going to take it up, with reference to a not-for-profit organization that owes this County $778,000, and I took a look at that particular bill and it’s retroactive to 2004, basically forgiving that debt. This organization had a contract with the County, but the reality is they didn't live up to the contract, they spent the additional monies and now we want to turn around and forgive them. If you take that not-for-profit, the 778,000 if that bill goes through that we’re not going to get, the Adelante monies, the diabetes monies, that’s $850,000 in revenues and expenses we're not going to incur. We could keep that Elsie Owens Health Clinic going for another two months if the monthly fee is $334,000 a month.

So if we're going to take this dual position where any bill that comes before us we're just going to vote for additional spending, but at the same time the next bill we’re going to complain about, "We don't have the money, we have to be careful, we have a huge deficit"; what's wrong with that picture? We're not here to hurt any organization, we just don't have the dollars. What you're doing here, you're spending more and more money you don't have.

So Mr. Montano is doing exactly what he said he was going to do, and he should do it, but this shouldn't pass. The diabetes monies shouldn't have been prorated last month. And certainly, when we take up this bill for this not-for-profit, we shouldn't go along with that either. We just can't afford it.

P.O. LINDSAY:
I really feel uncomfortable; I agree with Legislator Barraga.

(*Laughter*)

D.P.O. VILORIA-FISHER:
Me, too.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Thank you.

P.O. LINDSAY:
No disrespect, Legislator.

LEG. BARRAGA:
No, I understand.

LEG. MONTANO:
No, no disrespect. And I do want to thank the Legislators that signed the discharge petition so that we can get this on the floor and get an up and down vote. And I know that some of them signed with a clear indication that they would not support the bill, and I do appreciate that. I'm going to ask for an up or down vote on this.

You know, when I made my statements with respect to introducing this resolution, I just want to put it in proper context. When the budget was passed, immediately Adelante came to me with their explanation of the particular need, and at that point I told them that I was hesitant to introduce -- even though I recognized the need, I was hesitant to introduce it because we had gone through the budget process. And it turned out that, you know, we were trying to maintain the policy that even -- you know, there are a lot of agencies that express need and we don't want to rewrite the budget at every Legislative session, and I agree with you on that one, but we have done it. We've done it historically, we've done it this year, as you said, we did it for the Diabetes Association because -- or
Cornell Extension because they came forward with a compelling argument, to some, not to all. We did it a little while ago when we appropriated the position for the Public Administrator, and now we have Adelante.

Adelante poses a unique service and they're a unique agency because they deal primarily with a particular community. And as was expressed very eloquently, I'm not going to take a lot of time on this, by the young lady that came forward, they're an organization, while located in my district, do touch most of the districts throughout Suffolk County because they deal particularly with one agency. This bill is, what, $38,000, Gail?

MS. VIZZINI:
Correct.

LEG. MONTANO:
Thirty-seven, $38,000. I would -- you know, again, I would ask you, in light of the fact that we're not infallible when we do the budget, sometimes we overlook, sometimes we make decisions and at a later point it turns out that maybe we should reconsider; that's a prerogative that we retain for ourselves as Legislators. Do I think that we should be redoing the budget every day? No. Do I think that we should be able allowed to amend the budget every month? No, I do not. There are certain circumstances where we should reconsider. And.

I what I've done is I've told Adelante that if, in fact, we reconsider any of the budget aspects then I would move forward, and that's exactly what I did. So again, I appreciate your allowing this to come to the floor so we can have an up and down vote. I'll be glad to answer any questions. And with that, I guess I just ask for a roll call, unless there are further comments.

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
It certainly sounds like Adelante does important work. They came to the Budget & Finance Committee; we did, as you know, table it there. You know, I want to be consistent. Cornell is County-wide; Adelante isn't quite County-wide, but they do work in extensive parts of the County. Let me --

LEG. MONTANO:
Go ahead.

LEG. SCHNEIDERMAN:
If I could finish. The reason why I supported Cornell is they made, I thought, a fairly compelling case that by not putting that money back, we would lose millions of dollars in associated grants from other states -- other levels of government, Federal money, State money. And so it just didn't seem prudent to not put that money knowing that millions were going to be lost, or potentially millions would be lost.

When Adelante presented, they spoke mostly about out after school programs. And I sat on that Budget Working Group and I think we pretty much cut back or eliminated most of the funding for after school programs because they're often -- we felt that the schools ought to be providing them.

Adelante no doubt does other things. We've got a petition here or letters related to a Senior Nutrition Program, they spoke some about substance abuse programs. You know, I like what we do to be consistent; if we're funding some substance abuse programs, we probably should do others that are similar. But I think with the after school programs, we didn't fund them. So I'm not going to support this as it is. If the sponsor wants to come back with special programs that are consistent
with what we did, I'll take another look at that, but as it is now I can't support it.

LEG. MONTANO:
Can I respond?

P.O. LINDSAY:
Go ahead.

LEG. MONTANO:
Yes, that was the argument that was used for Cornell; I don't know that that necessarily was the most convincing. But having said that, Adelante, as was said earlier by one of the community members from -- on another bill, come to or go to Adelante and look at the people that they serve. It is a unique program. I would not compare Adelante with a generic after school program because they deal with people that have -- many cases there are cultural differences; recent arrivals, the parents don't speak the language, the kids do. You've got to put yourself in their position to understand what kind of unique service they provide. And while it may not touch every district within Suffolk County, it covers -- it's not a local program.

And I am familiar with the after school programs, I funded years ago the FAST Program. I don't fund them anymore. Adelante provides specialized services, they said it more eloquently than I did. And you know, again, you're -- this is a decision that each Legislator has to make individually; it is a tough call. But having opened the door to reconsider, there are instances where other programs may come forward, we're going to have to deal with those on an individual basis. And this is one -- you know, we had a rule, we went and we amended the rule and now we're saying, "Well, we want to go back to that," and I'm saying no, once you amend the rule you've got to look at it individually. And you know, if it we are any other agency, I would not come forward with the resolution. And I hesitated, I could have come forward from day one with these arguments and I hesitated, but they're entitled to an up or down vote so that they can know whether or not they'll be in a position financially to provide the services that they've been providing. So any other questions on that?

LEG. SCHNEIDERMAN:
And I certainly don't fault you for fighting for this.

P.O. LINDSAY:
Well, not a question, but I just want to reiterate that I'm not going to support this, Legislator Montano. And I want to be consistent because I didn't support the Cornell thing either.

LEG. MONTANO:
No, no, and you made that very clear and I appreciate that.

P.O. LINDSAY:
And when we did the budget, just to jog everybody's memory, we knew that we would be shorting an awful lot of agencies because we don't have enough money; we're broke, folks. And that's why we, you know, designated some discretion to each Legislator to fund programs that they felt were vital to themselves. So, you know, we evidently spent that money and are coming back for the draw for more and we don't have the money. I know we heard the Foster Grandparents make a plea that they were cut 47%, and I've heard them over and over again and gotten letters from them. They don't understand, it's not that there's anything wrong where with their program, we just don't have the money. We're in pretty dire fiscal shape, and I think it's a matter of prioritizing what we're trying to do.

Recently, myself and Legislator Montano have been trying to work on a rescue program for the day-care center in our Cohalan Court Complex that prevents little ones from being dragged into the courtroom and watching, you know, their parents maybe being in trouble with the law, and it's a
wonderful program. They're closing to today and we don't have any money. I mean, I've committed some discretionary money --

**LEG. MONTANO:**
So have I.

**P.O. LINDSAY:**
-- and so has Legislator Montano and, you know, I'm going to write everybody a letter to see if anybody has any bucks they can throw into it. I mean, we're faced with nothing but bad choices and worse choices all across the board. So that's all I want to say. Legislator Viloria-Fisher.

**D.P.O. VILORIA-FISHER:**
Legislator Montano, you know I've always been a great supporter of Adelante and I understand their work. Had the Elsie Owens Center been in the kind of situation that it's in right now, I probably would not have voted for the Cornell money, but I'm looking at every penny to keep that health center open. I believe that the closing of that health center is going to result in a health crisis in our County. And I can't have any -- I can't accept any money being diverted to anything while we're trying mightily to keep that health center open. People are going to be hurt, people are going to be suffer -- people are going to suffer when that health center, if that health center closes.

So I would ordinarily have supported this very vigorously, but I can't at this time knowing that people -- people could die because of the closure of that health center.

**P.O. LINDSAY:**
Okay.

**LEG. GREGORY:**
Bill?

**P.O. LINDSAY:**
Yes, Legislator Gregory.

**LEG. GREGORY:**
Just quickly. I appreciate and understand the sentiments of the sponsor, I appreciate and respect him for advocating for agencies in his group. You know, I am conflicted in the sense that I understand where he's coming from, and I have organizations in my district that received cuts and I would like to restore funding for their programs as well that I feel are very important.

My support for the Cornell bill is because I felt that it's a more County-wide program. They're actually in both of my health centers where they provide diabetes nutritional counseling. They're actually in the libraries, I know they're in other health centers and libraries and even school districts throughout the County. Although Adelante may service people from my community, they're not in my community, so I felt it was a more County-wide program.

And I have a very good family friend that has been a volunteer for Adelante for many years, Penny Castro, and so I'm very familiar with what they do. Growing up in CI, I'm very familiar with what they do, but I just can't support it at this time. That would just further open the floodgates to many more budget amendments. I have $50,000 just on the top of my head that I could wish to restore for youth organizations in my community that I wouldn't torture you guys with, but I just don't think that it's appropriate at this time. And even more than that, we just don't have the funds. So I can't support this.

**P.O. LINDSAY:**
Okay. We have a motion and a second. Roll call.
(*Roll Called by Mr. Laube - Clerk*)

LEG. MONTANO:
Yes.

LEG. MURATORE:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes is to approve?

LEG. MONTANO:
Yes.

(*Roll Call Continued by Mr. Laube - Clerk*)

LEG. SCHNEIDERMAN:
No.

LEG. BROWNING:
Yes.

LEG. ANKER:
No.

LEG. EDDINGTON:
No.

LEG. CILMI:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
No.

LEG. GREGORY:
No.

LEG. STERN:
No.

LEG. D'AMARO:
No.
LEG. COOPER:
No.

D.P.O. VILORIA-FISHER:
No.

P.O. LINDSAY:
No.

MR. LAUBE:
Six.

Economic Development:

P.O. LINDSAY:
1317-11 - To appoint Corrieann M. Young as a member of the Suffolk County Citizens Advisory Board for the Arts (Stern).

LEG. STERN:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Stern.

LEG. COOPER:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1361-11 - Authorizing a Lease Agreement with AMPCO, Inc., for use of property at Francis S. Gabreski Airport (County Executive).

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Cooper.

LEG. HORSLEY:
Second.

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

MR. LAUBE:
Eighteen.
P.O. LINDSAY:
1362-11 - Authorizing use of property at Francis S. Gabreski Airport by the Kiwanis Club of Greater Westhampton (County Executive).

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman.

LEG. COOPER:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1377-11 - Designated Poet Laureate for Suffolk County (Edward W. Stever)(Horsley).

LEG. HORSLEY:
Motion.

P.O. LINDSAY:

LEG. ROMAINE:
Wait, can I raise a question?

P.O. LINDSAY:
You want to ask a question about the Poet? Sure, go ahead.

LEG. ROMAINE:
Have we contacted the current Poet Laureate to tell her that --

LEG. HORSLEY:
Yes.

LEG. ROMAINE:
-- her term of office is over, just as a courtesy?

(*Laughter*)

LEG. HORSLEY:
No, no, she --

LEG. ROMAINE:
I don't want to get into the Poet Laureate fight, but --

LEG. HORSLEY:
Nor do I.
LEG. ROMAINE:
-- I always get e-mails from this lady about all the poetry work she's doing, and I said, "I hope someone told her that she's not getting reappointed."

LEG. HORSLEY:
No, no, it's a single appointment. Is that the way it works? It doesn't work on a -- it's not something you do forever.

D.P.O. VILORIA-FISHER:
You don't reappoint.

LEG. HORSLEY:
You don't reappoint.

LEG. ROMAINE:
Oh, okay.

LEG. HORSLEY:
In fact, she led the committee --

LEG. ROMAINE:
Tracy Morgan-Nunzio I believe her name is?

D.P.O. VILORIA-FISHER:
Yes.

LEG. HORSLEY:
Yes, Traci, that's exactly right.

LEG. ROMAINE:
Right.

LEG. HORSLEY:
She led the committee that picked Mr. Stever.

LEG. ROMAINE:
Oh, okay. I just want to -- because we --

LEG. HORSLEY:
We're cool.

LEG. ROMAINE:
We had all those problems with the Poet Laureate.

LEG. HORSLEY:
Oh, I remember it well.

LEG. ROMAINE:
I wanted to abolish the position.

LEG. HORSLEY:
Go slowly into the night.
LEG. SCHNEIDERMAN:
Parting is such sweet sorrow.

P.O. LINDSAY:
We sent her an e-mail, never more. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

(*The following testimony was taken & transcribed by Diana Flesher - Court Reporter*)

P.O. LINDSAY:
1379, To reappoint Patricia Snyder as a member of the Suffolk County Citizens Advisory Board for the Arts (Romaine).

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1404, Authorizing Cultural Arts 2011 Funding Agreements (Co. Exec.) Who wants to make that motion? Legislator Cooper?

D.P.O. VILORIA-FISHER:
Don't you, Bill?

P.O. LINDSAY:
No, no, no.

LEG. COOPER:
Motion.

D.P.O. VILORIA-FISHER:
I'll second the motion.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. The inside joke is these folks came at committee to make their funding agreements. And if they're lobbyists, they should go to school and retrain themselves or something because they really annoy people. Okay, we have a motion and a second. All in favor? Opposed? Abstentions?
LEG. MONTANO:
Opposed.

P.O. LINDSAY:
Opposed by Legislator Montano.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
IR 1410, reappointing member to the Suffolk County Community College Board of Trustees Theresa Sanders (Gregory)

LEG. GREGORY:
Motion.

P.O. LINDSAY:
Motion by Legislator Gregory. Do I have a second? Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1411, Reappointing member to the Suffolk County Community College Board of Trustees Dafny J. Irizarry (Montano) Motion by Legislator Montano, second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1325, Extend deadline for the Equestrian Task Force (Eddington) Motion by Legislator Eddington. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1338, amending Resolution No. 913-2010, amending the 2010 Capital Budget and Program and appropriating funds in connection with improvements to Goldsmith Inlet, Town of Southold (CP 8207) (Romaine)

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine, second by Legislator Viloria-Fisher. And Legislator Montano wants an explanation.

LEG. MONTANO:
What's the amendment?
LEG. ROMAINE:
The amendment is that instead of Cornell Cooperative Extension doing this, we're giving the money to the Town of Southold to run the program for us.

P.O. LINDSAY:
We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1368, To appoint member of County Planning Commission Jennifer A. Casey (Cooper).

LEG. D'AMARO:
Motion.

P.O. LINDSAY:
Motion by Legislator D’Amaro, second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
IR 1291, To appoint member to the Food Policy Council of Suffolk County Paule Pachter (Viloria-Fisher) Motion by Legislator Viloria-Fisher, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1292, To appoint member to the Food Policy Council of Suffolk County John King (Viloria-Fisher).

D.P.O. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
I'll second. Okay, second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY.
1319, Directing the issuance of a request for proposals to increase services and revenue at the John J. Foley Skilled Nursing Facility (Browning)

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning, second by Legislator Kennedy. Any discussion? All in favor? Opposed? Abstentions?
MR. LAUBE:
Eighteen.

LEG. ROMAINE:
Please mark me as recusal.

MR. LAUBE:
I will. Seventeen.

P.O. LINDSAY:
You called the vote, right?

MR. LAUBE:
Yes, I did.

P.O. LINDSAY:
IR 1346, Authorizing the Department of Social Services to accept a donation of $1,100 in Wal-Mart gift cards for the homeless (Co. Exec.)

D.P.O. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher, second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1357, requesting legislative approval of a contract award for Community Guardianship Services in the Department of Social Services (Co. Exec.)

LEG. COOPER:
Motion.

P.O. LINDSAY:
Motion by Legislator Cooper. Do I have a second? Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1396, Authorizing the transfer of a continuous air monitoring trailer and laboratory instrumentation to the New York State Department of Environmental Conservation (Co. Exec).

D.P.O. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher, second by Legislator Browning. All in favor? Opposed? Abstentions?
MR. LAUBE:  
Eighteen.

P.O. LINDSAY:  
IR 1409, Appropriating funds for the Forensic Sciences Medical and Legal Investigative Consolidated Laboratory (CP 1109) (Co. Exec.)

LEG. SCHNEIDERMAN:  
Motion.

P.O. LINDSAY:  
Motion by Legislator Schneiderman.

LEG. BROWNING:  
I'll second that.

P.O. LINDSAY:  

MR. LAUBE:  
Eighteen.

P.O. LINDSAY:  
On the accompanying bond 1409A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $200,000 bonds to finance a part of the cost of improvements to the Forensic Sciences Medical-Legal Investigative consolidated laboratory) (CP 1109.314). Same motion, same second. Roll call.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. SCHNEIDERMAN:  
Yes.

LEG. BROWNING:  
Yes.

LEG. ROMAINE:  
Yes.

LEG. MURATORE:  
Yes.

LEG. ANKER:  
Yes.

LEG. EDDINGTON:  
Yes.

LEG. MONTANO:  
Yes.

LEG. CILMI:  
Yes.
LEG. BARRAGA:  
Yes.

LEG. KENNEDY:  
Yes.

LEG. NOWICK:  
Yes.

LEG. HORSLEY:  
Yes.

LEG. GREGORY:  
Yes.

LEG. STERN:  
Yes.

LEG. D'AMARO:  
Yes.

LEG. COOPER:  
Yes.

D.P.O. VILORIA-FISHER:  
Yes.

P.O. LINDSAY:  
Yes.

MR. LAUBE:  
Eighteen.

P.O. LINDSAY:  
Okay. **IR 1381, Authorizing Budget Director to execute and amend contracts with not-for-profit agencies (Kennedy)**

LEG. KENNEDY:  
I'll make a motion to table, Mr. Chair.

P.O. LINDSAY:  
Motion to table.

LEG. ROMAINE:  
Second.

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

MR. LAUBE:  
Eighteen.
P.O. LINDSAY:
IR 1350, Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Babylon for Affordable Housing purposes (SCTM Nos. 0100-124.00-05.00-003.000 and 0100-124.00-05.00-004.000) (Co. Exec.)

LEG. GREGORY:
Motion.

P.O. LINDSAY:
Motion by Legislator Gregory, second by Legislator D’Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1359, transferring and appropriating Living Wage Contingency Funds to the Federation of Organizations for the NYS Mentally Disabled, Inc., Respite Fee Subsidy (Co. Exec.)

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. COOPER:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1388, Adopting salary plans for employees who are excluded from Bargaining Units (Co. Exec)

LEG. D’AMARO:
Presiding Officer, please note my recusal on the record. Thank you.

P.O. LINDSAY:

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1391, Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Babylon for Affordable Housing purposes (SCTM Nos. 0100-170.00-02.00-130.000 and 0100-170.00-02.00-131.000) (Co. Exec.) Motion by Legislator D’Amaro second by Legislator Gregory. All in favor? Opposed? Abstentions?
MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1392, Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Babylon for Affordable Housing purposes (SCTM No. 0100-169.00-01.00-051.000) (Co. Exec) Motion by Legislator Gregory, second by Legislator D’Amaro. All in favor?  Opposed?  Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1275, Authorizing changes in Investment Management Policy for the Suffolk County Vanderbilt Museum Endowment Trust Fund (Lindsay).

LEG. COOPER:
Motion.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1281, Approving a license agreement for R. Michael Patricio to reside at Cedar Beach County Park, Southold. (Co. Exec.)

LEG. ROMAINE:
Motion.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1282, Approving a license agreement for Jessie Comba to reside at Scully Estate County Park, Islip (Co. Exec.)

LEG. CILMI:
Motion.

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

MR. LAUBE:
Eighteen.
P.O. LINDSAY:
1286, Authorizing use of Blydenburgh County Park by the Care Center for its Annual Walkathon Fundraiser (Co. Exec.) Motion by Legislator Kennedy. Is that true?

LEG. KENNEDY:
Yes. You picked right up on that.

P.O. LINDSAY:
I thought you said that. Second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
IR 1385, Authorizing use of Cathedral Pines County Park by the League for Animal Protection of Huntington for its “Ride Laps for L.A.P.” fundraiser. (Co. Exec.)

LEG. COOPER:
Motion.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1386, Authorizing use of Meschutt County Park by the Suffolk Bicycle Riders Association for its Bicycle Rally Fundraiser (Co. Exec.). Motion by Legislator Schneiderman, second by Legislator Viloria-Fisher. We’re almost home. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1387, Authorizing use of Gardiner County Park by Almost Home Animal Rescue & Adoption for its Dog Walkathon Fundraiser (Co. Exec.) Motion by Legislator Muratore, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1407, Appointing Peter S. Gunther as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 14) (Cooper)

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Cooper, second by Legislator D’Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.
P.O. LINDSAY:
1277, Adopting Local Law No. -2011, A Local Law to protect animals in Suffolk County from abuse (Cooper).

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Cooper, second by Legislator D’Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1352, Accepting and appropriating Federal funding in the amount of $9,879 from the United States Department of Justice, U.S. Marshals Service, for the Suffolk County Police Department’s participation in operation SCORE II with 81.53% support (Co. Exec.) Motion by Legislator Eddington.

LEG. BROWNING:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1363, Approving an increase in the fleet of the Suffolk County Sheriff’s Office funded through the use of Asset Forfeiture Funds.(Co. Exec.) Motion by Legislator Eddington, second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1402, Accepting and appropriating funds totaling $200,000 via the Town of Brookhaven and a private donor for the Enhancement of the Shotspotter® Gunshot Location System in North Bellport. (Eddington) Motion by Legislator Eddington, second by Legislator Browning. All in favor? Opposed? Abstentions?

LEG. BROWNING:
I’m co-sponsor, right?

MR. LAUBE:
Eighteen. Yes.

P.O. LINDSAY:
1320, Amending the 2011 Capital Budget and Program and appropriating funds in connection with shoreline protection at Hashamomuck Cove (CP 5330) (Romaine).
LEG. ROMAINE:
So move.

P.O. LINDSAY:
Motion by Legislator Romaine.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Second by Legislator Kennedy. Question.

LEG. MONTANO:
Explanation on the amendment.

LEG. ROMAINE:
Explanation is that we had committed $100,000 to a larger study that the Army Corps is doing. It's our share. The state's committed their share. We decided what we would do with our share, instead of giving it to the larger study, the Corps asked us to take a look at doing a smaller study where the road is going to breach. County Road 48 is going to breach. It's only one of two east/west roads on the North Fork. That's how close the Sound is to eroding this road. So we're putting the $100,000 towards that. This has the support of the Public Works Department.

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

MR. LAUBE:
Eighteen. Seventeen. (Leg. Eddington not present)

P.O. LINDSAY:
On the accompanying bond 1320A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $100,000 bonds to finance the cost of the planning for proposed shoreline protection improvements at Hashamomuck Cove (CP 5330.110) (Romaine).

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. ROMAINE:
Yes.

LEG. KENNEDY:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. ANKER:
Yes.
LEG. EDDINGTON:
(Not present)

LEG. MONTANO:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. D’AMARO:
Yes.

LEG. COOPER:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1343, Authorizing Judy’s Run for Stroke Awareness to illuminate the H. Lee Dennison Executive Office Building (Kennedy) Motion by Legislator Kennedy, second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1365, Calling for a Public Hearing for the purpose of considering the planning of the increase and improvement of facilities for Sewer District No. 3 - Southwest (Outfall – Final Effluent Pumping Station) (CP 8108) (Co. Exec.) Do I have a motion?

LEG. HORSLEY:
Motion.
P.O. LINDSAY:
Motion by Legislator Horsley.

LEG. CILMI:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1366, Calling for a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 – Southwest (Infiltration/Inflow Study/Sewer Rehabilitation) (CP 8181). (Co. Exec.) Same motion, same second. How’s that? Same vote.

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1408, 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 State Highway Law (Co. Exec.) Motion by Legislator Schneiderman. Do I have a second? Second by Legislator Romaine. And this is the deal where we're giving the Long Wharf to the Town -- to the Village. And we no longer have to do any maintenance on it.

LEG. SCHNEIDERMAN:
That's right.

P.O. LINDSAY:
As a result we're going to save money.

LEG. SCHNEIDERMAN:
Overall I think we will save money, yes. And it puts the Village in control of what, I think, is an important piece of -- the Village of Sag Harbor, yeah.

P.O. LINDSAY:
I'm sure you're concerned about the Village. I don't really care about the Village.

LEG. SCHNEIDERMAN:
I understand. Actually this is somewhat of a mixed bag for me because I would like to see the County own it and maintain it. And we were not able to get the money in place last year to paint it. I think the County is looking to unload things like this that maybe cost the County money. And the Village is willing to take it. I think the prudent thing at this point is to give it to the Village which this bill in essence does.

P.O. LINDSAY:
Legislator Montano and then Barraga.
LEG. MONTANO:
Yeah. Just answer this. Because the bill says authorizing the conveyance of County owned right-of-way. Do we own the property or do we have a right-of-way? I'm not sure I understand that.

LEG. SCHNEIDERMAN:
I guess it's technically a County road. Right now it's used as a road and some street parking along it. The Village -- under a lease we have with the Village, they've been maintaining that road surface. But we've been maintaining the bulk-heading that goes around it. About ten or so years ago we spent about a million dollars on that bulk-heading. Maybe 15 years ago. So, there's some costs associated with it. Right now the steel needs to be repainted. But it's an old roadway -- road right-of-way. I think the railroad at one point owned it years ago.

LEG. MONTANO:
But we own it now.

LEG. SCHNEIDERMAN:
We own it now.

LEG. MONTANO:
And we have rights-of-way. That's what we're yielding.

LEG. SCHNEIDERMAN:
That's my understanding. I think we own, I don't know, maybe one of the lawyers could answer that better. I thought we owned the fee to it.

LEG. MONTANO:
George, can you give me an explanation?

MR. NOLAN:
The resolutions says that the County of Suffolk is the fee owner of a certain right-of-way commonly referred to as County Road 81 Long Wharf. That's how it's described in the resolution. We're giving away pursuant to Highway Law so it's, you know, a right-of-way, a roadway.

P.O. LINDSAY:
Legislator Barraga.

LEG. BARRAGA:
So for a million dollars we spent about six years ago, we are basically selling this to Sag Harbor for what, a dollar?

LEG. SCHNEIDERMAN:
I think we're forgiving the money. So it's for nothing.

LEG. BARRAGA:
For nothing. The County's generating absolutely nothing on this. We maintained it over the years, we invested in it, now we're just handing it over to Sag Harbor.

LEG. SCHNEIDERMAN:
The County wasn't about to spend $600,000 painting it at the end of last year. It was in the Capital Program. I tried to authorize the money. I failed in doing so. So it's not a no-cost to the County. The County has significant future expenses here in maintaining it.
LEG. BARRAGA:
But all the expenses that they incurred so far have all been County expenses associated with this.

LEG. SCHNEIDERMAN:
Except for the road surface. The road surface has been paid for by the Highway Departments within the Village. Just the bulk-heading we have been maintaining.

LEG. BARRAGA:
And the cost factors associated with that a number of years ago was a million dollars?

LEG. SCHNEIDERMAN:
Well, DPW believes that it's roughly in the neighborhood of $100,000 a year to maintain this facility.

LEG. BARRAGA:
What's happening on top of the wharf?

LEG. SCHNEIDERMAN:
The revenues that the Village is collecting is not a 100. It's less than a 100,000. It depends on the year, but I don't think it's ever reached that point. It's fluctuated. I think the highest they've ever received is around 90,000. But there are costs associated with collecting those fees from dockage.

LEG. BARRAGA:
Yeah. On the surface of the wharf -- is Sag Harbor generating revenue from retail establishments or something that's up on the wharf?

LEG. SCHNEIDERMAN:
Not from the retailers. Retailers are actually off of this land that we're -- that we own.

LEG. BARRAGA:
What's on the land right now?

LEG. SCHNEIDERMAN:
Just parking. It's the road. It loops around and there's head-in parking all along it. There's some parallel parking as well.

LEG. BARRAGA:
Was there ever any discussions in terms of Sag Harbor giving the County some degree of money associated with this?

LEG. SCHNEIDERMAN:
We haven't talked about revenue sharing. I know there are fees associated with having to have somebody out there to collect that money, but, you know, that's another route the County can go. The County can say we want the revenues but we'd also probably have to collect those revenues. In this case the Village would be taking over the maintenance of the facility which right now costs more than the revenues that --

LEG. BARRAGA:
It just seems --

LEG. SCHNEIDERMAN:
-- are being generated.
LEG. BARRAGA:  
You know, the County's made a major investment over the years maintaining this. I find it, you know, interesting that we just turn around and give it away, especially in fiscal times we face. You would think that some sort of negotiation would have taken place, that if Sag Harbor wants this, they would have paid us something for it other than a dollar.

LEG. SCHNEIDERMAN:  
The Village hasn't led this call. It's really the County Executive who first looked at this and talked about selling it to the highest bidder. We started a process talking with the Village. And if the Village is willing to take it -- I certainly would not support any privatization of this facility. It's very iconic to the Village of Sag Harbor. So, again, it's -- right now it's losing money for the County. And I know we have other facilities like marinas that may be losing money for the County. This to me makes sense to let go at least and not -- no longer incur those expenses. It makes sense for the Village to manage it. But the Village has not asked for this. But they are not unwilling to take it.

LEG. BARRAGA:  
When the County Executive was willing to sell it, was there any interest by the private sector of somebody coming forward indicating that they were willing to purchase it?

LEG. SCHNEIDERMAN:  
I think there would quickly be litigation to stop that. There's some questions whether we could even sell this to a private person. That would be a very difficult task to take.

LEG. BARRAGA:  
So he only had a proposal to sell it; in essence it never went forward?

LEG. SCHNEIDERMAN:  
Right. He just talked about it. But the Village, you know, they met on it, they discussed it extensively. And with reluctance they're willing to take it. And I think the right thing to do at this point is to give it to the Village. And I say that with somewhat reluctance myself because I would love to see the County maintain it, but I don't think that's going to happen.

D.P.O. VILORIA-FISHER:  
Legislator D’Amaro.

LEG. D’AMARO:  
Yeah, just very quickly, I agree with Legislator Barraga and some of the other speakers that -- this is an incredibly valuable asset. And, yeah, it's expensive to maintain, and you know, money's very tight right now. But I think it's shortsighted to give this away for a dollar. I think there should be some further negotiation, maybe some kind of revenue-sharing to be worked out. Or at a minimum the Village should be compensating the County for this parcel. It's got some value. It can generate revenue. There are other things that can be explored here. You know, we're not giving this away for affordable workforce housing. This is just a giveaway. So I think we need to reconsider that.

D.P.O. VILORIA-FISHER:  
Legislator Anker.

LEG. ANKER:  
I also agree, that I think we need to, perhaps, look into this to find some revenue. Sag Harbor is an absolutely beautiful Village. And this particular wharf is stunning. A lot of parking; it's mainly for parking. Do boats -- do large boats use it?
LEG. SCHNEIDERMAN:
There are some boats that do tie up. Again, the revenues are not coming in at a level that equates to the maintenance cost of this. I will say if for some reason this Legislature decides not to give this to Sag Harbor, then we need to spend money maintaining this. And you can't have it both ways. So we're not going to maintain this as a County asset and we're also not going to sell it or give it to the Village. You can't have it both ways. It's one or the other. And I'm telling you that the maintenance cost exceed the revenues.

LEG. ANKER:
Is there anything like this in Suffolk County that seems to work?
I mean that's similar to this situation.

LEG. SCHNEIDERMAN:
I mean we maintain bridges. We maintain marinas, golf courses. We own lots of things. It's always a question of what businesses and what structures we should own and maintain. This -- years ago, I think -- when the Village -- a longtime ago when the Towns used to run the County, it seemed to make sense for the County to own and manage it. But I don't think with today's fiscal picture it makes any sense for us to have it. I think the Village is actually a better entity to own and maintain it. Times have changed.

D.P.O. VILORIA-FISHER:
Legislator Cilmi.

LEG. CILMI:
Thank you. Question through the Chair to the sponsor. Legislator Schneiderman, does the Village of Sag Harbor have any paved parking in the Village at all?

LEG. SCHNEIDERMAN:
Not that I'm aware of.

LEG. CILMI:
Is it conceivable that if this parcel is used primarily for parking now, is it conceivable that either the Village or the County, if we were to keep it, could install municipal paved parking meters or something like that; on those lots to generate some revenue?

LEG. SCHNEIDERMAN:
I don't know that that would be prohibited, but there would have to be somebody collecting those fees. And it could affect the downtown businesses like the Bay Street Theatre, which is right there, if suddenly there was parking. But I'm not going to say that it's absolutely prohibited. I don't know. Maybe it could be done.

LEG. CILMI:
Yeah, I would just hate to give it away and find that the Village of Sag Harbor installs parking meters and starts to generate revenue out it, starts to negatively impact, maybe, those businesses. And here we just gave the property away.

D.P.O. VILORIA-FISHER:
Legislator D'Amaro.

LEG. D'AMARO:
Yeah, I just want to respond also, you know, I don't think it's a great leap of the imagination to envision generating revenue as Legislator Cilmi suggests; I think people, in fact, have an expectation today of a municipal lot that they pay something. It could be a reduced rate, a subsidized rate; but it's something further that should be spoken about.
And also with respect to the maintenance, Legislator Schneiderman, I agree with you, the County would have to maintain it. But that's even more discussion we should be having with the Village about sharing that cost because, after all, the Village is generating the revenue from the parcel. So I'm not saying that ultimately something can't be worked out where the Village gets title. But I think that to just give this away for a dollar without having those discussions in the County's best interest to raise revenue, I think, is a mistake at this point. I think it's premature. I don't understand why that hasn't been pursued. But perhaps if we table this, it will send a message to go back to the table and see if we can work something out that makes a little more sense to the County.

LEG. SCHNEIDERMAN:
If I can just respond, you know, one is the lease is about to expire. I think it expires in June. So it is time sensitive. But, you know, the revenues that it's bringing in, you know, in 2010, I think, was $80,000 in income. Again, even if you do some kind of revenue-sharing, you still would be losing money, Legislator D'Amaro. Maybe we'd lose a little bit less money, but we would be losing money. By giving it to the Village we stop the bleeding.

So I think it's the right thing to do. You know, maybe there's some ways to generate more money, but I'm not sure it's in the best interest of the Village and the community if you suddenly start putting parking meters or renting it for weddings or whatever, you know, somebody might envision. So I think this is the right thing to do. I would ask you to support it because it is time sensitive and it will save the County money at this point.

D.P.O. VILORIA-FISHER:
Legislator Montano.

LEG. MONTANO:
Yes. Is there anyone from -- Eric, is there anyone from Real Estate here? Is Pam Greene in the house?

MR. KOPP:
No.

LEG. MONTANO:
Okay, Eric. You know, I'm not on Public Works, but we're dealing with a similar issue in the Ways and Means Committee. And what I've been told by Real Estate is that the policy, when we convey property, if it's not for affordable housing purposes, we don't convey it without its fair consideration. So on the one hand we have -- I'm hearing that we have a policy. And now on the other hand in another committee, the County Executive, whose office is the one that expresses the policy that I questioned, is doing the opposite. Can you explain to me the dichotomy in terms of why we're doing it in one case but yet we have a policy that prevents it in another case?

MR. KOPP:
I think in the case of Long Wharf, and this has been an issue that's kicked around for decades around here in terms of the maintenance cost annually to the County and the potential return to us on that investment, that we're in agreement with Legislator Schneiderman, that this is a point in time when the public interest is best served with the transfer for one dollar to the local municipality; and they then would absorb the annual operating costs which would become burdensome to the County.

LEG. MONTANO:
Well, is this an exception to that policy that you expressed -- or not you, but the administration expressed in the Way and Means Committee?
MR. KOPP:
I don't know the answer to that because I'm not thoroughly familiar with the rules that govern the real estate transactions.

LEG. MONTANO:
That's why I asked if Pam Greene was here. She's the one --

MR. KOPP:
And I said no in response to that question.

LEG. MONTANO:
All right. You know, Legislator Schneiderman, would you suffer a tabling on this?

LEG. SCHNEIDERMAN:
Again, it's time sensitive. I'd rather see an up or down vote.

LEG. MONTANO:
Okay.

D.P.O. VILORIA-FISHER:
Legislator Anker.

LEG. ANKER:
Again, I respect Legislator Schneiderman's effort in trying to, you know, keep in the dictates with the Village of Sag Harbor. But, you know, again when I was there, it's an absolutely beautiful wharf. And I believe there was a huge yacht -- what do you call it, connected to it. I'm just thinking that alone in itself -- I think it's one of the largest wharfs in Sag Harbor where only the really large boats could dock.

And again my -- I would also like to perhaps table this just for one more round so we can investigate that type of revenue, if there is revenue possible. And, again, I understand the parking, you know, you'd have to order the parking meters, you'd have to maintain parking now. But perhaps there's something that we can work with the Town of Sag Harbor to get additional funding. So, again, I would, if possible, table it and look into those ideas.

LEG. SCHNEIDERMAN:
The lease is going to run out so that's why it's time sensitive.

LEG. MONTANO:
Just because the lease expires, doesn't mean they can't continue to operate. They'll operate on a month to month. I don't think that the expiration of the lease is going to change the status quo. I mean it generally works that way, so, you know.

LEG. SCHNEIDERMAN:
Anybody know the answer to that?

MR. KOPP:
Based on the discussion at committee, I did not anticipate that we would be having this many questions at this level. We would have brought along some experts in the various departments to address your concerns.

LEG. MONTANO:
Well, always expect the unexpected.
MR. KOPP:
But you can never predict what's going to happen here.

LEG. MONTANO:
Exactly. I would -- you know, I would like to hear from Real Estate to be quite honest with you. Because this is Public Works that says that they signed off on it, but, you know, again, I know in Ways and Means we're having a very similar debate and we're getting a totally different explanation. And we either have policies or we don't. And if we do, they should be consistent as we just, you know, debated earlier. So I don't think that a tabling would necessarily -- and I could say clearly that in my best opinion, a tabling would not change the status quo simply because the lease expires; not like they got another tenant.

LEG. SCHNEIDERMAN:
I'll say this: This is not my bill. I've been called the sponsor. This is the County Executive's bill. I do think it's the right thing to do.

LEG. MONTANO:
Then he would have put it in timely.

LEG. SCHNEIDERMAN:
My feeling, again, is that if this body is not willing to give it to the Village, then we have to start maintaining it. If you want to look at additional revenues, you can. My guess is at the end of the day the revenues will not equal what the cost of maintaining this is.

LEG. MONTANO:
All right. We have a motion to table. I guess I'll second it.

P.O. LINDSAY:
Okay. Anybody else? Okay. We have a motion to table and a motion to approve. Tabling comes first. Roll call.

MR. LAUBE:
Can I get the motion for table again?

LEG. BARRAGA:
Myself.

P.O. LINDSAY:
Barraga and Montano.

MR. LAUBE:
Thank you so much.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. BARRAGA:
Yes.

LEG. MONTANO:
Yes.

LEG. ROMAINE:
No.
LEG. SCHNEIDERMAN:
No.

LEG. BROWNING:
No.

LEG. MURATORE:
No.

LEG. ANKER:
Yes.

LEG. EDDINGTON:
Yes.

LEG. CILMI:
Yes.

LEG. KENNEDY:
No.

LEG. NOWICK:
To table, yes.

LEG. HORSLEY:
No.

LEG. GREGORY:
Yes.

LEG. STERN:
To table, no.

LEG. D'AMARO:
Yes to table.

LEG. COOPER:
No to table.

D.P.O. VILORIA-FISHER:
Yes to table.

P.O. LINDSAY:
I got to table to keep it alive. Otherwise it fails. Yes.

MR. LAUBE:
Ten.

P.O. LINDSAY:
Okay. 1133, Adopting Local Law No. -2011, A Charter Law to strengthen County Legislature oversight of departments, offices and agencies (Romaine) Legislator Romaine?

LEG. ROMAINE:
Motion.
P.O. LINDSAY:
Motion by Legislator Romaine. Do I have a second?

LEG. MURATORE:
Second.

P.O. LINDSAY:

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1380, Approving the appointment of a relative of an Acting Supreme Court Judge in the Suffolk County Treasurer’s Office Emily E. Hudson (Lindsay).

LEG. MONTANO:
Motion.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1393, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Babylon (SCTM No. 0100-057.00-02.00-049.000).

LEG. MONTANO:
Motion.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Let’s see what we got in the manila folder. We got one procedural motion that’s floating around, (PM 15) to allocate the CSI money. It’s motion number fifteen. I’ll make a motion.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.
P.O. LINDSAY:
Okay, red folder. Okay, CN's. We got one CN approving -- it's 1326, approving the amendment of the license and franchise of Davis Park Ferry Company. Motion to approve by Legislator Eddington, second by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Late starters. Okay. I'll make a motion to waive the rules and lay on the table the following late starters: 1458 to Budget & Finance; 1459 to Budget & Finance; 1460 to Budget & Finance; 1461 to Health and Human Services; 1462 to Budget & Finance; 1463 to Budget & Finance; 1464 to Ways and Means; 1465 to Labor, Housing and Consumer Protection and set a public hearing for June 7, 2:30 in Hauppauge; 1466 to Ways and Means and set a public hearing for June 7, 2:30 in Hauppauge; 1467 to Economic Development, Education and Energy; 1468 to Ways and Means and set a public hearing for June 7, 2:30 PM in Hauppauge; 1469 to Public Works; 1470 to Health and Human Services; 1471 to Public Works; 1472 to Health and Human Services; 1473 to Public Works; 1474 to Health and Human Services; 1475 to Health and Human Services; 1476 to Health and Human Services. Do I have a second to that motion? Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
I will entertain a motion to adjourn. It's 20 to six. Motion by Legislator Montano, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
We stand adjourned.

THE MEETING CONCLUDED AT 5:39 PM

{ } DENOTES SPELLED PHONETICALLY