[THE MEETING WAS CALLED TO ORDER AT 9:34 A.M.]

P.O. LINDSAY:
Okay. Mr. Clerk, Madam Clerk, are we ready to take the roll?

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

(Roll called by Mr. Laube - Clerk)

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
(Not Present)

LEG. BROWNING:
Here.

LEG. BEEDENBENDER:
Here.

LEG. LOSQUADRO:
(Not Present)

LEG. EDDINGTON:
Here.

LEG. MONTANO:
(Not Present)

LEG. ALDEN:
(Not Present)

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. NOWICK:
Yes, here.

LEG. HORSLEY:
Here.

LEG. GREGORY:
Here.

LEG. STERN:
Here.
LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

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

P.O. LINDSAY:
Here.

MR. LAUBE:
Fifteen. (Vote amended to 14)

P.O. LINDSAY:
Okay. I'd like Legislator Romaine to come forward for the purposes of introducing our visiting Clergy.

LEG. ROMAINE:
Thank you, Presiding Officer. With us today is Father Tom and I'm just going to read a little bit. He's been a priest, Father Tom has been ordained 28 years ago, but he has also served in Saint Peter the Apostle in Islip Terrace, St. Joseph in Kings Park, St. Louis DeMonfort in Sound Beach. In 2002, the Bishop has appointed Father Tom to take over St. Agnes in Greenport, and he's done a magnificent job with the church. The church is being renovated as we speak, and it will celebrate it's 125th anniversary.

One of the things that I am so appreciative of Father Tom and St. Agnes is their opening arms to the community, all members of the Community, English and non-English speaking, and their participation in Maureen's Haven where they open the parish hall, provide meals and housing for the homeless, and participate in that, and I just think it's wonderful. Father, thank you for agreeing and I'll turn this over to you for your blessing.

FATHER TOM:
Let us pray. Blessed are you, Lord, God of Mercy, who through your Son gave us a marvelous example of charity and the great commandment of love for one another. Send down your blessings upon these, your servants, who so generously devote themselves to helping others when they are called on in times of need. Let them faithfully serve you in their service to their neighbor. Assist them with your spirit of counsel and fortitude. May they be useful to your people over whom they preside. May they encourage due respect for virtue, executing the laws with justice and mercy, and seek to restrain crime, vise and immortality. Likewise, send your blessings upon the people of Suffolk County. May we be blessed with knowledge. May we be preserved in union and know that peace which you only can give. We pray to you who are our Lord in God forever and ever. Amen.

P.O. LINDSAY:
Could you remain standing? And Legislator Romaine's going to lead us in our Pledge.

LEG. ROMAINE:
Thank you, Presiding Officer.

(Salutation)

P.O. LINDSAY:
And if you could remain standing for a moment of silence for Marine Lance Corporal James Argentine, 22, of Farmingdale, who was killed on August 6th by a roadside bomb in Afghanistan.
(Moment of Silence)

P. O. LINDSAY:
Let us further remember all those men and women who put themselves in harms way every day to protect our country. Be seated.

We have a few proclamations and then we have a report from our Charter Commission. First of all, I should thank our host, the College is here, Ernie Mattace is here, Chairman of the Board of Directors, and I know Dave was here earlier running around, for again the use of this facility while our auditorium is being renovated. This might be our last meeting here. They tell me that, with the beginning of the new year, the new auditorium, the renovation of our auditorium will be done. I’m going over to check it out later on. We’ll see. Legislator Stern, for the purpose of a proclamation.

LEG. STERN:
Good morning, everyone. Good morning, Mr. Presiding Officer, and to my colleagues. This morning I’d like to make a special presentation to a very, very special young man. Andrew Baransky is deserving of all of our recognition and praise this morning for his remarkable efforts and dedication in organizing the first ever “Sail for a Cure”, which is a fund-raising regatta to benefit the Diabetes Research Institute.

Andrew, through his efforts, put on a great event, a regatta, in an effort to raise important funds. There was a luncheon, there was a celebration, and it was very special to him that he had organized this event, of course, to raise important funds for an important cause, but even more importantly it was done in honor of a good friend. And through his efforts, he was able to raise $7,000 for the Diabetes Research Institute.

So, please, join me in congratulating Andrew, and, most importantly, saying thank you, thank you to Andrew and his family for his continued good works for our community. He truly is an example for all of our young people to follow. So congratulations.

(Applause)

LEG. STERN: Thank you.

P. O. LINDSAY: Next, Legislator Cooper for the purposes of a proclamation.

LEG. COOPER:
Thank you, Mr. Presiding Officer. At about 3 p.m. on July 26th, Police Officer Joseph Donnaruma and Sergeant Gregory Muller of the Lloyd Harbor Police Department, were dispatched separately to a possible drowning call. The victim was reported to be struggling in the waters near Puppy Cove. Officer Donnaruma arrived first and interviewed Joan Cohen, who was clearly shaken. Mrs. Cohen reported that she and her husband had been kayaking and had been caught up in the pull of the spillway. They were shot into the Mill Pond and both were ejected from their kayak into the water. Mrs. Cohen explained that although she was able to swim to shore, her husband did not know how to swim and was in danger of drowning. Officer Donnaruma approached the shoreline to assess the situation and heard Mr. Cohen calling for help.

At this time, Sergeant Muller arrived and observed Mr. Cohen struggling to keep his head above water. He concurred with Officer Donnaruma that they needed to effect a rescue immediately. Officer Donnaruma dove into the water, swam out to Mr. Cohen, and was able to bring him back to shore using a lifeguard hold. Sergeant Muller stayed on shore comforting a very frightened Mrs. Cohen. Mr. Cohen was shaken and in shock, but he refused medical attention. And after the
incident, when things calmed down, Sergeant Muller drove the extremely grateful couple home. Mr. Cohen’s improperly secured life vest and his inability to swim made it very likely that he would have drowned. However, thanks to the quick assessment, calm thinking, and brave actions of Officer Joseph Donnaruma and Sergeant Gregory Muller, he is alive and well today.

I’d like to thank both of you for your dedication and brave service. And on behalf of the Suffolk County Legislature, please accept these proclamations in honor of all that you have done and continue to do for the residents of Lloyd Harbor and Suffolk County.

(Appplause)

P.O. LINDSAY:
Okay. That's all the proclamations we have for today. I'd like to call former Legislator and former Presiding Officer Sondra Bachety to the podium. Sondra, for the last year-and-a-half, has served as the Chairman of our Charter Revision Committee and they've finished their work and have issued a report. And I just want to, on behalf of the Legislature, thank you for your efforts, as well as all the men and women that served with you on the Charter Commission. It's a task that has to be done every ten years and I know it's kind of tedious at times, but we appreciate your efforts.

MS. BACHETY:
Thank you very much, Presiding Officer Lindsay, Members of the Legislature. I know you've received copies of the report and I'm just here this morning to officially end the work of the Commission. I would like to thank all the members of the Commission myself. They worked very hard on a very obscure document that very few people paid much attention to. We did have a Public Hearing, both in the east and the west end of Suffolk County, and we did come up with 12 recommendations that we hope that members of the Legislature will consider.

It was an extremely interesting experience for me to hear different department heads and people who came down to talk about their -- what they expected from the government. So, Presiding Officer Lindsay, I want to thank you so much for all the help that you and your staff gave us, particularly Mike Pitcher and Bill Shilling, who have been invaluable in getting this finished.

If anyone has any questions, I'd be happy to try to answer it. And I know that Bill has extra copies of the report here for you. But, again, on behalf of all the members of the Commission, I thank you very much for the opportunity to help to serve the people of Suffolk County again. Thank you. Any questions, I'd be happy.

P.O. LINDSAY:
Sondra, I just -- one comment --

MS. BACHETY:
Yes.

P.O. LINDSAY:
-- is I appreciate your work. And all of the recommendations will be introduced in Legislative form today as late-starters; that I don't know whether they'll pass, but they will be before this body to debate and to examine. And I felt very strongly that for all the work that you folks did, that you deserve that your recommendations come to the body in the form of resolutions.

MS. BACHETY:
Thank you very much. I think it will be unusual if any of the recommendations pass, I don't know the last time that happened, but there are a couple you might like, so I hope so. Thank you again.

P.O. LINDSAY:
Thank you very much.
MS. BACHETY:
Thank you.

(Appause)

P.O. LINDSAY:
Okay. We have public portion. Each speaker has three minutes. First Richard Amper, followed by Patricia Colombraro.

MR. AMPER:
My name is Richard Amper. I'm Executive Director of the Long Island Pine Barrens Society. I couldn't bring myself to come here and thank you for not stealing the money from the Drinking Water Protection Program, but I must pay this Legislature an enormous compliment and it's very uncharacteristic. Please, try to appreciate it, because it may be a long time before it comes back. But the way this Legislature addressed the problems with the Drinking Water Protection Program, our concerns about them, the whole business about whether or not we ought to meddle with referenda every time the economy goes bad or the sales tax go down is really quite commendable. It was just remarkable the way the committees, both Energy and Budget, really thoughtfully reviewed this. I don't think it should ever be considered. I think when do you stuff by referenda and you're projecting it out to 2030, that we ought to let -- give it a chance, we shouldn't be doing that.

But I want to tell you that the comments that occurred in those committees and amongst you folks who were in contact, either with me or with other members of the environmental community, showed just how thoughtfully, I think, that you're responding to this economic crisis. This is a real big challenge, and you really need to be commended for that. I don't think we should have done it this way, I think we shouldn't have thought of that. I do think that that program is a "sacred cow". It's been a major source of pride, I think, to everybody over the years. But I want to tell you that you have done a very, very good job thinking through this and it was a real pleasure working with you in every sense of this, this time.

I want to ask another favor, then, as long as everybody seems to appreciate the importance of this. I will come back and I will talk during the public hearings about the two measures that still deal with referenda. But what I want to enlist your help on, as long as we seem now to be focused on the importance of drinking water protection, open space preservation, both economically and environmentally, is the slow rate of acquisitions that are going on at this point. And I did explain to two committees separately, but all of you were not on those committees. This is not the fault of the Legislature. It's the Real Estate Division, it's the County Executive's Office. We are buying land at half the rate we need in order to obtain the goal that was arrived at by everybody back in 2006. Remember we wanted to preserve 25,000 acres of open space and 10,000 acres of farmland before final build-out.

Final build-out is not going to be in 2015. The recession has its silver lining in one respect in that it will take a little bit longer, and we probably have five more years to get there. But if we think of 2009 as gone and we think of 2020 as build-out, that's ten years to preserve 30,000. We got five, we have 30,000 acres still to get. That's 3,000 acres a year; the County should do half of it. That would be 1500 -- 1500 acres a year, and, in fact, we're doing half of that. We once did 2700 acres. During the last two administrations we did roughly 1500, but we need to get back to 1500 acres. So I'm just going to ask the Legislature, several years ago you people all got together and figured out here is what we might do to expedite the process. I'm asking if the Legislature and the County Executive and some of the environmental groups can get together and see can we get that moving again, because you've backed this program; now let's just get the land bought. So thank you again very much. I appreciate it.

D.P.O. VILORIA-FISHER:
Our next speaker is Patricia Colombraro.
MS. COLOMBARO:
Good morning, Legislators, Ladies and Gentlemen. My name is Patricia Colombaro and I am speaking on the request for the waiving of the fees for the show mobile. I am a member of the Nesconset Volunteer Fire Department, and I have been a member as a firefighter and EMT for the last 28 years. I also head the Fire Prevention Program, am a former officer and also am Vice President of the Suffolk County Fire Safety Educators. Folks, what I'd like to just discuss today is just the situation in terms of who Brian Heinlein is, and he is the actual father of the son that -- Joshua, who we are addressing today for the benefit concert that's going to be held on August 22nd.

Brian Heinlein has been a dedicated member of the volunteer fire service for the past 27 going to 28 years. He has been a member of the Bohemia Fire Department for seven years and has been with the Nesconset Fire Department as a dedicated firefighter and a first responder with Nesconset Fire Department. He has been such an active force in our fire service that August -- I'm sorry, in April, our installation dinner, he was actually proclaimed as Firefighter of the Year for the Year 2008. Four days later, his only son was in a critical car accident. He sustained critical head trauma. Presently, he works two jobs so that the family can afford to live. His wife is 24/7 at the hospital with his son, sleeping on an air mattress for the last really five-and-a-half months. He is in the third facility at this present time. He's been gone -- he's gone from Stony Brook to St. Charles, over to now St. Johnslands, and has been basically coming out of a coma very slowly. The prognosis is unknown right now. It is long-term recovery and he's told that he will not have full recovery.

What we are doing at Nesconset Fire Department is fully donation-driven. All proceeds are going directly to Joshua Heinlein for his medical treatment and for medical costs. And, yes, although Brian does have insurance, his insurance is running out because this is long-term care and the family desperately needs the money.

We stand before you here as your volunteers from all of your different divisions. We go out 24/7 on calls. We stand before you really supporting our brother fireman, but we stand before you as your volunteer fire service. We also stand before you respectfully requesting that you waive the fees for the show mobile so that we can give the full proceeds to Joshua Heinlein for his medical treatment, and so that we don't have to take some of this money basically out of the proceeds. It would be impossible for us to have the concert any other way. And I do thank you on for your time.

P.O. LINDSAY:
Ronald Barz.

MR. BARZ:
Good morning, Presiding Officer Lindsay, Ladies and Gentlemen. My name is Chief Ron Barz, Hauppauge Fire Department. I am past President of Suffolk County Fire Chiefs. I also sit on the Directors Board of Fire Fighter Cancer Support Network for the New York area. I'm talking with reference to Brian Heinlein. Patty had contacted me last week with my contacts within the County with the different fire services trying to find a show mobile for them. I resourced everybody I know possibly to go through. Everybody will not release their vehicle into Smithtown. Smithtown does have a vehicle, but it is permanently stationed in Hoyt Farm. It would not be advantageous to use that facility. I'm asking this council to support Legislator Kennedy's 1716 bill on a resolution to waive the fee for this. I would appreciate this very much. The tragedy within this family also is that Brian and his wife are presently going through cancer right now. I am a cancer survivor. We are working with them to carry them through this. So I'd appreciate this council's -- if they would waive this fee on this basis. Thank you very much, gentlemen.

P.O. LINDSAY:
Charles Puleo.

MR. CHARLES PULEO:
Good morning, Mr. Legislature, and fellow Legislators. My name is Charles Puleo. I'm past Chief,
past Commissioner of Nesconset Fire Department. I've been a 46-year member, and I'm here today to speak out in behalf of Brian Heinlein and his family. When there's been a time in this County -- I've probably been to every location in this County fighting fires for 46 years, and I'm still active today in the fire service, including we've been out to the wildfires. We're here in support for Brian and his family because Brian has been a very active fireman, as has been said. He was Fireman of the Year and his son is in grave condition and he needs the help. And we're having this fundraiser and we're really in need of having this show mobile. I would really appreciate your consideration in waiving the fees so we may get this plan on the surface and get it going. Thank you.

P.O. LINDSAY:
Vincent Puleo.

MR. VINCENT PULEO:
Good morning, Presiding Officer Lindsay and members of the Legislature. My name is Vincent Puleo. I'm the Town Clerk of Smithtown, past Chief of the Nesconset Fire Department, 37 years, and the present Commissioner, past President of Chiefs Council Fire Districts. I'm in -- I'm here this morning in support of Brian Heinlein, a brother fireman who unfortunately has, you know, bad luck and really we're here, you know, we volunteer our time 24/7 like as has been said. And Patty, who has spearheaded this to help, you know, raise some money for the family, because, you know, like has been said, the insurance, this doesn't cover everything that needs to be covered. We don't like to see him lose his house. He's really hurting. And the waiving of the fees is just a small portion of, you know, of the fund-raising. We'd like to give him everything that we can, and we're not going to stop here. You know, we'll do whatever we can, because brother firemen help brother firemen. So I would urge you to please consider the waiving of the fees so that we could give Brian everything that this fundraiser will produce. And thank you very much for your consideration.

P.O. LINDSAY:
Edward Swenson.

MR. SWENSON:
Good morning. I'm Ed Swenson, Fire Chief of Nesconset Fire Department, present Commissioner of Nesconset Fire District. There isn't much more I can say that hasn't already been said. I do believe one thing, though. The fire service in Suffolk County ask very little of anybody, so we're here this morning to ask for the show mobile and the waiving of the fees so that we can provide all the proceeds to Brian Heinlein's family, and that's about it in a nutshell. So I'd like your consideration in that matter and I hope that we come out ahead. Thank you very much.

P.O. LINDSAY:
Brian Heinlein.

MR. HEINLEIN:
Good morning, Ladies and Gentlemen. I'm Brian Heinlein, why everybody is here. Pretty much Patty said it all. I'm working two jobs and trying to make a living and I'm just hurting right now, being totally honest with you. I just need help. That's about all say. I asked everybody I know and I'm pretty much down to my bones. Thank you very much.

P.O. LINDSAY:
Albert Anderson, Jr.

MR. ALBERT ANDERSON:
Sorry to waste your time. Excuse me. I'm Albert Anderson, Ex-Chief of Nesconset Fire Department. There's not much more anybody can say. And instead of wasting everybody else's time that's up here, thank you.

P.O. LINDSAY:
William Friedman.
MR. FRIEDMAN:
Good morning, Legislators. I'm here to speak to you about Introductory Resolution 1347 once again. This is a resolution that's being proposed as a restriction from people under the age of 19 to buy electric cigarettes, however, there is other language contained in this bill that would prohibit the use of them in public. This is very unfair. There is no scientific evidence to support this. Smoking is the number one preventable cause of death in the United States. To create obstacles and create negative stigmas attached to the most effective smoking cessation we have ever seen is just wrong. All of you who vote in favor of Introductory Resolution 1347 in its current form will go to bed with blood on your hands tonight. Thank you.

P.O. LINDSAY:
Len Abrams.

MR. ABRAMS:
Good morning. I'm here to support the proposal for a feasibility study to include North Babylon and Deer Park into the Southwest Sewer District. I'm an owner of Somerset Village Garden Apartments, which is a 271 unit complex in North Babylon. About 30 years ago, when Southwest was being constructed, it stopped 500 feet short of my complex. So half of North Babylon is in the district, and the other half is out, and Deer Park is also out. I hope we can -- we can go along with this feasibility study so when funding becomes available we're ready to roll. I have a sewage treatment plant on my complex now. This is not our business. I feel it's the business of the County and the Town, being that Southwest is so close. So, again, I support this and I hope we can get into the 21st Century. Thank you.

P.O. LINDSAY:
I guess Gregory Anderson. But before you come up, all right, let me just -- you know, maybe all you guys could go home. We don't normally waive the fees for anybody, and the reason why is because there is worthwhile charities in every district here, and we wouldn't be renting it at all. All right? We'd be giving it away constantly and it costs us a lot of money. I just had a discussion with Legislator Kennedy. What I'm going to do is I still have some grant money left. I'm going to give you $500 of my grant money to cover the cost of it. So the Fire Department will get the money to reimburse for the show mobile. All right? Do you still want to talk, Mr. Anderson?

MR. GREGORY ANDERSON:
No, that's fine.

P.O. LINDSAY:
Okay. Noel Gish.

MR. GISH:
Presiding Officer Lindsay and Members of the Legislature, good morning. My name is Noel Gish and I'm President of the Board of Trustees for the Suffolk County Vanderbilt Museum and Planetarium. I speak in favor of the passage of I.R. 1614.

No one likes taxes, that's a given. However, we always have to weigh the tax against what would be the greater public good. In the case of the hotel/motel tax, it would help support the Suffolk County Vanderbilt Museum and Planetarium during this critical transition period for the institution. I.R. 1614 will help keep the museum and planetarium open to the public and keep our education programs operating. It will also allow us time for a major capital project to replace our almost 40-year-old planetarium star projector, which we hope to have online by the fall of 2010. I ask for your help and urge the passing of I.R. 1614. Thank you all very much.

P.O. LINDSAY:
Thank you, Noel. John Rather.
MR. RATHER:
Good morning. Thank you very much for letting me address you about Resolution 1273. I'm not here as a fireman, or a policeman, or a County employee. About all I can tell you is that for 30 more years, more than 30 years, I've been a patron at Indian Island County Park, and I'm very familiar with that park. Every now and then things happen in that park that seem to me to be regrettable, as recently when a large area was cleared suddenly in anticipation of a project that was as yet unfunded and may or may not occur. I looked into it a little bit and I found out that it was something that Environment and Energy was working on. It's a project that had been around for two or three years, and to my amazement, I also discovered the County Board of Trustees, the Park Trustees. I had never heard about it, I had no idea what it was about, had not passed any sort of a judgment about it. So that leads me to the Resolution 1273 before you, and I'm going to read my statement. I'm sorry to take my three minutes, but I think I'm going to need it.

A bill sponsored by Legislator Browning that would amend the County Charter to empower the County Legislature to overrule by a simple majority actions by the County Board of Park Trustees is on your agenda for today. I understand it may be tabled. I wrote this prior to learning that. This is an amended version of Browning's original bill, which would have made the Board of Park Trustees an advisory board only. The Parks Commission voted -- I'm sorry, the Parks Committee voted earlier this month to bring this before you, before the full Legislature for a vote. Under the Charter as now written the Park Trustees must approve a wide range of matters pertaining to parks, including fees, acquisitions and projects in the parks, with the caveat that in the first instance they must actually be advised about and vote on these matters. Often they're not. For instance, the Trustees have not been advised about this very major wetlands restoration project that the County's Energy and Environment Department hopes to undertake at Indian Island, even though this project has been around since I believe 2006.

The Browning bill, even in its amended form, would significantly weaken the Trustees and bring crucial decisions about parks more directly into the political arena. Public hearings have been held on the original version of the Browning bill and they are now closed. The County Legislative Counsel, George Nolan, said previously that the amended version did not require an additional hearing because it had -- was not significantly different from the original. This would make the amended resolution, 1273, prime for a vote today. A Mr. Gatta told me prior to this meeting that he has now reassessed that opinion and thinks that there should be a Public Hearing on the Browning bill. Although it's said to be a clarification, it's actually an amendment of the County Charter. It's a fairly serious step. The County Charter may be an obscure document and certainly very few people came to the public hearings about the amendments, but it's the constitution of Suffolk County. In fact, the changes in the bill are substantial and require a Public Hearing, so I hope you're going to have that.

Simultaneously, the Charter Revision Commission, after two years of extremely lightly attended hearings and deliberations, recommended 12 Charter revisions, and I have their report here, I read it. It's basically a transcript of their meetings. There's no underpinning, there are very few reasons given as to why they came up with some of these recommendations, yet the very first among them is the one I will tell you about that relates to parks. The first among these recommendations in the Commission's words would remove veto power over land acquisitions --

P.O. LINDSAY:
Mr. Rather, you're out of time.

MR. RATHER:
Am I?

P.O. LINDSAY:
Yes.

MR. RATHER:
I'll just stop there with the hope that I -- I hope you will table this resolution.

**P.O. LINDSAY:**
It's scheduled to be tabled. It's scheduled to be tabled for a new Public Hearing.

**MR. RATHER:**
That you will consider thoroughly whether it's advisable to take these powers away from the Park Trustees. Thank you.

**P.O. LINDSAY:**
Tod Hutchinson.

**MR. HUTCHINSON:**
Tod is the same.

**P.O. LINDSAY:**

**MR. SAMUELSON:**
Good morning. Jeremy Samuelson, Group for the East End. As you know, in 2007 voters reauthorized a quarter percent funding for what is called commonly the Drinking Water Protection or Open Space Preservation Fund. In reality, less than half of this money generated goes to cover open space protection. Property taxes and sewer rate stabilization, which received the vast majority of this money, or at least a majority of this money, are vital components of this legislation and -- as it's enacted. However, rejiggering the percentages in the short-term, whatever form that takes, can only upset the balance the voters wisely established in 2007, and a balance between short-term and long-term needs of the residents of Suffolk County.

Before you today still on the agenda you have two Introductory Resolutions, 1651 and 1722. As you know, there's been a flurry of activity in recent weeks dealing with proposed amendments to the Quarter Percent Funding and, you know, trying to plug essentially a budget hole of about $18 million with funds that would come out of the Quarter Percent. Obviously, we're opposed to that. And I'm happy to see that the majority of the bills that were laid on the table were questioned thoroughly in committee and vetted and deemed to be substandard, and, therefore, did not move forward. However, you still have the two bills that remain.

Specifically, in 1561, the transfer of development rights, when this program was created, were set aside and identified to address the pressing need, the very pressing need, of affordable housing in Suffolk County. My understanding of the current piece of legislation is that we would effectively reduce the effectiveness of our ability to deal with the affordable housing crisis by essentially elevating all other types of construction to be eligible for the transfer of development rights. We would effectively be handicapping ourselves in attempting to deal with the affordable housing crisis in Suffolk County.

In closing, I'll keep this very brief, I think this body, the committees and certainly the County Executive's Office, do deserve a great deal of thanks for identifying and avoiding the slippery slopes that could have been created if the bills that have already been withdrawn at this point had been allowed to go forward. However, as I mentioned already, there are still two bills that remain on the agenda for Public Hearing later in the day. I would ask you to look at those bills with the same critical eye which caused you to cast aside the bills that previously came before you and didn't make it through committee. They suffer all of the same weaknesses and they present all of the same dangers.

Again, my last point, I would just ask you to bear in mind that even in this time of pressing need to ensure that we have balanced budgets, more than 50% of this fund already goes to tax rate stabilization. Thank you.
P.O. LINDSAY:
James Oliver. No James Oliver?

AUDIENCE MEMBER:
He's coming right up.

P.O. LINDSAY:
Okay. Matt Russell is following James Oliver.

AUDIENCE MEMBER:
They're both together, they're walking right up.

P.O. LINDSAY:
Michael Kuhn. Is Michael Kuhn in the room?

MR. MICHAEL KUHN:
Good morning, Ladies and Gentlemen of the Legislature. I’m sure you’re sick of hearing my voice and seeing my face as I am with having to provide it. However, here I am again. Now, if I'm able to, by a show of hands, please tell me who here is familiar with the dangers presented by DHMO? Am I able to do that? Anybody? There's nobody familiar? All right. It's an odorless, colorless chemical compound also known as hydronium hydroxide, or simply hydric acid. It is the basis for a highly reactive hydroxyl radical, a species known to mutate DNA, denature proteins, disrupt cell membranes and chemically alter critical neurotransmitters. The atomic components of DHMO are found in a number of caustic, explosive and poisonous compounds such as sulfuric acid, nitroglycerine, and ethyl alcohol. It is a major component of acid rain, shown to be a contributor of El Nino and the greenhouse effect. It may cause severe burns, accelerates corrosion and rusting of many metals, may cause electrical failures, and has been found in the excised tumors of terminal cancer patients.

Despite the danger, DHMO is often used as an industrial solvent and coolant, including as a constituent of antifreeze. Sounds somewhat familiar. It is also used in nuclear power plants, in the production of Styrofoam, in many forms of cruel animal research, in the distribution of pesticides, in genetically engineering crops and animals, in various torture techniques and even in clandestine products such as an additive to junk-foods and other food products. Yet every American in the country is exposed to inordinately high quantities of this on a daily basis. If you fear for the safety of electric cigarettes, I beg you to examine this deadly chemical and act upon it. Now, if possible, who here believes that something like this should be banned? If you believe that the electronic cigarettes should be banned? Am I able to get a --

P.O. LINDSAY:
The purpose of the public portion is for you to give a statement, not to ask questions.

MR. MICHAEL KUHN:
Fair enough. Sorry, I was unaware. I don't have a problem. Now that we have that for the record, allow me to tell you a more common name for it, water. That, ladies and gentlemen, is referred to as a "Zohnerism", i.e., a true fact --

P.O. LINDSAY:
Michael, you're out of time, so just wrap up.

MR. MICHAEL KUHN:
Yes, this is it. Used to lead a scientifically and mathematically ignorant public. That, too, is what the FDA report is. Their findings show one thing, yet they try to use their leverage to present an entirely separate conclusion. Thank you.
P.O. LINDSAY:
Is James Oliver in the room now? Please come forward.

MR. OLIVER:
Hello. My name is James Oliver. I am with Beach Bum Tanning. We have 25 salons in New York State. We have six salons -- well, three, going to be six, salons in Suffolk, and we have 13 salons in Nassau County. I’ve been in this industry for about 13 years, and I would like to talk about the economic impact, you know, personally, as well as throughout our company that this, that the tanning bill would affect.

You know, we have -- we have personally guaranteed leases, we have my entire life wrapped up in this. You know, we wouldn’t -- I wouldn’t be in a business that I felt hurt people. The main issue with exposure to UV light is overexposure, and we promote moderate and controlled exposure, which is perfectly natural. We are as concerned about public health as anybody. We are regulated by the Federal government. We are regulated by the State government. There are already laws in place controlling us and regulating us and monitoring us that we completely abide by. We follow all laws. We have sign-in sheets. We keep track of people’s tanning history.

We, in case of, you know, people who are under 18, which accounts for about maybe, you know, a small percentage of our business, maybe 2% of the business. A parent comes in and my main concern with a law that completely bans that is it says my business is, one, bad for you, and it sends a really bad public relations message throughout all age groups. So my business would be affected not only at that age group, but throughout -- throughout all age groups, and it would severely affect my ability to do business and to make a living. And without the -- without properly understanding the factors that are involved in why this is even an issue, I'd like you to please just consider and listen to all sides and really understand how it's going to impact, you know, me, people that work for me, all the stores, the landlords, the economy of everybody that lives around this, our vendors, and just how much we contribute to the community in just local economies.

So I appreciate you really giving some thought to this and listening to everybody that comes up and really doing all homework around this issue before rushing to judgment and creating this as an issue. Thank you.

P.O. LINDSAY:
Thank you, Mr. Oliver. Matt Russell.

MR. RUSSELL:
Hello. My name is Matt Russell. I'm the CEO of the International Smart Tan Network, which is an educational association with over 6,000 indoor tanning salon members in the U.S. and Canada. Personally, I've spent the last 17 years of my life following the confusing and complex reported relationship between UV light and skin cancer. Here are just a few of the studies and medical opinions that support the fact that UV light has, in fact, no causal relationship to UV. Number one, there are over 50 years of studies from a multitude of doctors and researchers that support indoor workers are at a greater risk than outdoor workers and melanoma occurs most commonly on parts of the body that do not receive regular sun exposure.

In fact, Dr. Bernard Ackerman, who won the Master Dermatologist award for 2004 from the American Academy of Dermatology, says there is no compelling evidence that suntan parlors have induced a single melanoma. And you'll find that and more, of course, in his book, The Sun and the Epidemic of Melanoma: Myth on Myth. He's written two books on this subject. Also, Dr. Sam Shuster, Emeritus Professor of Dermatology at the University of New Castle, states, "There is no evidence that UV is the principal cause of malignant melanomas". He goes on to say, "Children have to learn how much sun they can take without burning, and their parents need to ensure they get gradual UV exposure in order to achieve a protective tan".

In a May 2008, Dermatology Times article, Dr. James Spencer, a faculty member at the Mount Sinai
Hospital, answered this question: Does early or intense sun exposure play a role in the progression of melanoma? With which he responded, "We don't have direct experimental evidence."

There still is no study anywhere in existence worldwide showing that tanning in a non-burning fashion is a significant risk factor for any permanent skin damage. Indeed, no study has ever been designed to test that very question.

The IARC report that has been presented to us a few weeks ago is no exception to this. Proponents of teenage prohibitions have misrepresented what this report actually says. They have alleged that the report shows that teenagers who used tanning salons had a 75% increased melanoma incidence. But they failed to acknowledge confounding information that proves such a conclusion is completely false. First, it should be noted that the IARC-WHO did not perform a new study, but rather conducted selective meta-analysis of a few selected previous epidemiologic studies. So this is basically a review back in 2006 of older studies. This was not new information.

Most importantly, though, in reaching their conclusion they failed to acknowledge there is no significant association whatsoever between indoor tanning and melanoma if you remove skin type 1’s, those that have the highest propensity, genetic propensity for melanoma, from this report. And there's a study on that as well and I have that with me.

Finally, I want to point out that thousands of parents accompany their teenage children to indoor tanning facilities prior to sunny vacations or prior to summertime to help them prevent sunburn. The decision to do so should rest with the parent or guardian, not with the government. And having a tan and combination of proper use of sunscreen --

**P.O. LINDSAY:**
Mr. Russell, you're out of time. Could you wrap up, please?

**MR. RUSSELL:**
I'm sorry. Okay. I would like to point out that 83% of teenagers who tan indoors prior to taking sunny vacations report that their indoor tan helped them prevent sunburn, and 72% of teenagers who currently tan indoors say they would simply tan more aggressively outdoors or purchase home tanning units. Both of these would induce more sunburns, more damage. Thank you.

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

**MR. HENRY KUHN:**
Good morning, Legislators. I’m Henry Kuhn. I think we've met before. And after months of research -- I'm speaking on I.R. 1347. No surprise there. After months of research and attempting to educate the Legislature on the safety and efficacy of the e-cigarette, I hope our efforts have not fallen on deaf ears.

One would like to believe that a bill that affects the entire population of Suffolk County, either directly or indirectly, would be voted on its merits, not preconceived notions. We’ve heard from proponents of the bill that the products contain potentially carcinogenic ingredients. And although this may be true, so does drinking water. Unfortunately, the proponents conveniently ignore the scientific facts that the few samples that were reported in were in amounts that would never allow the potential to come to fruition.

The proponents of the bill have also presented a medical position based on the Suffolk County Health Commissioner, who admittedly stated it wasn't necessary for him to read newly reported research; that he had already made up his mind. This coming from Dr. Chaudhry, and although a well respected internist and osteopath, he is not a pulmonary or chest expert in medicine. I believe we all could agree that if someone was suffering from terminal cancer, we might refer to the expertise of a noted oncologist over a noted podiatrist.
Okay, so smoking related illnesses are in the realm of pulmonary specialists. We provided the Legislature with testimony from a noted pulmonary chest and smoking cessation specialist who elegantly made a case for the safety and efficacy of the e-cigarette. Finally, proponents have introduced a statement from a lawsuit by a Smoking Everywhere lawyer. Unfortunately, it was a two line bite saying the e-cigarette should be regulated. Since we are not afforded his full testimony, I can't comment on his context, but I do know that lawyers are not doctors, and I know a few here are lawyers, so I'm sure they can appreciate in a lawsuit specific things are said to forward specific agendas.

I sell Smoking Everywhere products. They’re one of the largest cigarette companies, and one who sued the FDA for $23 million over illegal seizure of their product. And although I can only surmise, I suspect it would be to their advantage to push for regulation, if for no other reason than they have the resources to conform to these regulations. Proponents have also argued that the product may cause angst and might be difficult to enforce. Again, we've provided evidence of this claim as unfounded.

In closing, we don’t know how the FDA will ultimately rule on this product, but I think representatives Browning and Gregory showed incredible moral fortitude, fairness, and intellectual honesty at the last committee hearing by stating the information available to date did not allow them in good conscience to rubber-stamp a bill, a stand unfortunately too rare in politics today. I hope that all here today will take -- will have the courage to follow their lead and vote based on the evidence presented and not expediency. I thank you for your time.

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

(Applause)

George Campbell.

MR. CAMPBELL:
Good morning, Ladies and Gentlemen. My name is George Campbell. I'm from Rollin Dairy in Farmingdale, Long Island. I'm here to respectfully ask that you reconsider your proposal to change the code dates on the pasteurized milk down to nine days. As it is right now, Long Island housewives do get the freshest possible milk. A couple of reasons. One, they're very discriminating in their purchases. I've got a wife and four daughters, and I know for a fact, today being the 18th, none of them will buy a gallon of milk dated the 13th or the 14th. Automatically, the milk company loses four to five days on that date.

Second reason; fierce competition between the stores and supermarkets. They themselves demand the fresh product from the dairy companies. Third reason is the dairy companies have got a hell of a job right now in competing with some of these warehouses which sell -- I'm sorry, which sell to retailers that transport their milk in unrefrigerated vehicles, whereas we've got to maintain temperature controlled, refrigerated vehicles and compete in that market. They have no delivery costs, whereas we do. To do this will certainly put more strain and expenses on the companies, resulting, of course, in loss of jobs.

So, to maintain the job structure we have on Long Island, which is diminishing, we want to bring it up, I want to ask you gentlemen and ladies if you can reconsider that proposal and let it stand the way it is right now and leave it to the marketplace to determine that freshness. As I said, the housewives themselves are very discriminating. Anyone here who does shopping in supermarkets realize nobody would buy a gallon of milk on the 18th dated the 14th. One other reason is milk produced on Saturday night, let's say 11 or 12 o'clock, dated the 15th, goes to the supermarket on the 17th. Again, we lose two days there. So between the four days that the housewife wouldn't buy the milk before the expiration date, plus the two days on the weekend, you've lost six days, and this
happens on a weekly basis. So to reduce that down to nine days we will definitely have a big problem in the industry, which, of course, will result in a loss of jobs with no fresher product to the housewife. Thank you so much.

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

P.O. LINDSAY:
Jacquie Inkells.

MS. INKELLS:
Good morning, Ladies and Gentlemen. I'm representing Beach Bum Tanning, and I just wanted to share an experience about me being an underaged tanner. I suffered from atopic dermatitis since I was a young child, also known as eczema, and it covered my body. And at the age of 14, when I was legally allowed to tan, I showed up at a tanning salon with my parent at their discretion, and also at the dermatologist's discretion, to try and treat my eczema. Here, standing now at 20, I have pretty much cured it. I don't tan in excess, I tan in moderation. It was always in moderation to do. And I know a lot of children who suffer from eczema and who do come to my tanning salon in the facility and they use this under their parents' consent and it is treating them and it is helping them with their skin condition. And dermatologists have recommended UV exposure because it produces Vitamin D and it also gives you an extra protein, which people who have eczema lack, and the protein actually prevents you from having another outbreak. Thank you.

(Applause)

P.O. LINDSAY:
Thank you. Mark Irby.

MR. IRBY:
Good morning, Ladies and Gentlemen. Some of you have seen me already. I'm here to speak on I.R. 1347, the banning of e-cig sales to individuals under 19 and the use in public. As a user of these products, I would have to say that we agree on part of this proposed legislation. The second part, as far as use in public, I just want to point out that being that this is coming to a vote today, to not vote based on preconceived notions or fears, or, you know, not to offend, but there may be some people in this room that are smokers, nonsmokers, friends of smokers, or former smokers. Understand that the personal vaporizer and the e-cig is a new animal. Okay?

Now, I don't know how many of you have done actually a little bit of homework on the subject. All right. The fear is the secondhand vapor. Okay? One fact I will point out, that we all know, is that tobacco, burnt tobacco, burns off dangerous secondhand smoke. There are 4,000 plus chemicals in a tobacco cigarette. Cigarette. Historically, tobacco wasn't something that was so bad, but the formation of the cigarette as we now know it with all the chemicals that are in it has formed this secondhand dangerous smoke known to cause all types of diseases, this, that and the other thing. The vapor produced from an electronic cigarette, although can be perceived as smoke and smoking, which, you know, it causes the fear of and the perception of smoking, is profoundly different in the way that it is formed. Okay. That and the fact that there are "X" amount of chemicals in tobacco cigarette; I can count on one hand the amount of chemicals in an e-cig, one hand. So if you do the math, if you do the math, how much worse can this be? All right? But we're not here to discuss that today. We're here to discuss the use, the second part of this legislation, which is the use in public. Given the facts that we have been presented so far to date, this cannot be voted on in favor of in its current form, because the use in public, okay, there's not enough evidence yet of, first of all, health, okay, and also the social -- the way this will socially be accepted.

P.O. LINDSAY:
Mr. Irby, you're of time.
MR. IRBY:
Wow, that's three minutes?

P.O. LINDSAY:
That's three minutes.

MR. IRBY:
Well, all right. Well, let me just finish up by saying this. Don't vote today based on preconceptions or your feelings, family, anything like that, because it is a personal subject to a lot of people. And I would just ask you to vote based on the facts presented as of now. Thank you.

(Applause)

P.O. LINDSAY:
Mary Ann Johnston.

MS. JOHNSTON:
Good morning, Legislators. I'm Mary Ann Johnston. I'm President of the Affiliated Brookhaven Civic Organizations. And I also am here to thank this Legislator, Legislators, for the very, very careful consideration they gave to the comments we made at committee last week. These are certainly tough and difficult times, and hard decisions will have to be made. But it seems to me always a bad idea to take from the future to save for today. Borrowing from Peter to pay Paul never works. Taking money from any kind of drinking water or open space preservation funds is a break with the covenant with the people, and the people have a right to expect to get what they vote for.

Beyond that, I am very concerned about using the transfer of development rights for just about any kind of construction. That was never designed as a work relief program. If anyone -- any one of you want to design a specific work relief program, you are certainly free to do so and fund it at will. But you are not free to take and modify those existing rules where people allowed a transfer of development rights to go to necessary workforce housing to be used for any other purpose. And certainly as I said to the committee last week, the terms under which it could be used are vague at best. So I thank you for the hard work you did last week, and I will see you this afternoon on 1651 and 1722. Thank you.

P.O. LINDSAY:
Linda Freilich.

MS. FREILICH:
Good afternoon, Legislators. I'm Linda Freilich. I'm with the Sierra Club. I'm the Coastal Waterways Chair. I read in the newspaper that you wanted to hear from environmental groups, so I came. We are volunteers and it's hard for us to get out to as many meetings as we would like, but this is very important. We thank you for the hard work you've done to support the drinking water. The Drinking Water Protection Program should not be altered in any way.

We oppose 1651 and 1722 and we also feel that you are not free to use the funds for workforce housing. We feel that drinking water is our foundation, it holds us up. We're all clean here every day. And we just thank you for everything that you're doing to keep our drinking water safe, clean and in great supply.

P.O. LINDSAY:
Debra Aloncius.

MS. ALONCIUS:
Good morning, Presiding Officer Lindsay, and members of the Suffolk County Legislature. I'm just
speaking briefly on I.R. 1614, and would like to thank the Legislature on behalf of the working men and women of AME, your workforce, for supporting the hotel/motel tax increase. The money that can bring back is sorely needed, sorely needed to shore up the Vanderbilt Museum, and to assist you in plugging that hole that you're going to have next year. We know it's a difficult task. We are extremely grateful that you are implementing some of the things that AME had listed in that March letter to the Legislature. It's very important that we look at any venue, any avenue, any way we can possibly do to raise a lot of money real fast. Thank you. Have a good day.

P.O. LINDSAY:
Thank you, Debra. Tommy Regoukos. I'm sorry if I botched your name.

MR. REGOUKOS:
Good morning. My name is Tommy Regoukos and I am a Suffolk County resident. I'm also a small business owner. I currently have three Beach Bum Tannings on Long Island in Suffolk and we're planning on actually opening up three more. Once I heard about this proposal, it hit me in two different ways. Number one was ever since I started with the industry, which is about five, six years ago, I've always pushed for the recommendations of parents always signing off and getting approval from parents, even before the law passed in 2006, 2007. We've always pushed the fact that it is an important thing to make sure that you're not getting overexposure. UV exposure is not bad for you, it's overexposure that's bad for you. Since we've been doing that, Channel 12 came into one of our stores, I think it was a year or two ago, and we were one of the only salons on Long Island that actually turned customers away. We've been enforcing it because we believe in it. We've been enforcing it because we know that there are benefits to tanning, there can be ill benefits if it's abused, which is the thing that we're trying to eliminate.

By not allowing somebody to actually have the ability to tan up to a certain age of 18, you're taking, A, the rights away from the parents, you're taking the right away from a kid to actually be able to approach the parent and ask them, whether it's for vanity reasons, whether it's for health reasons, whether it's just to make them actually smile, because people will look and feel better when they're tan. If you can do it in an exposed or if you can do it in a contained environment with limitations as opposed to going to the beach on a regular basis and burning, it just brings -- it just makes more sense.

In 2006, 2007, when they passed the law, we didn't fight it because it made sense not to let kids tan under the age of 14. We were supporting it, it was fine. Now that you guys are trying to take away the rights of the kids under 18 it will affect us a lot differently.

Over the last two weeks I've been talking to a lot of my customers, which happen to be parents, and they all felt the same way, both -- some in Nassau, some in Suffolk, and they all felt the same way, that they should be given the right whether they want their child to tan or not. It's their right, ultimately. That's pretty much it. Thank you.

(Appause)

P.O. LINDSAY:
Thank you. Josh Gregory.

MR. GREGORY:
Good morning. I'm going to speak very, very briefly on I.R. 1347, the Local Law on electronic cigarettes. The banning of selling the product to minors under 19 is wonderful, that's -- everyone's agreed on that. It is the use in public spaces that everyone is having a little controversy over. And this is a product that can, in a helpful and beneficial way, affect millions of people. And the concern is the fog that it produces, I imagine, and the secondhand smoke, which is the same compounds that are in fog machines for theatrical performances and whatnot. So I just think that it's not as harmful. If you haven't educated yourselves on the ingredients and what's in it, please do so before
you vote.

Also, in your agenda under the committee vote, it states in your own agenda that five voted for yes and none voted for no. However, that's inaccurate, because there were two votes against this legislation. So just double-check all the inaccuracies and everything across the board. And, if you can, really, just make an educated vote on this instead of just what you think you should vote on. That's all I'm going to say today. Thank you very much.

(Applause)

P.O. LINDSAY:
Gary Cuccia. Cuccia.

MR. CUCCIA:
Good morning, Ladies and Gentlemen. My name is Gary Cuccia. I'm the owner of the Beach Tanning studios in Moriches, New York. I'm here to talk about the anti-tan ban under 18. Currently, the only message to be spoken in the press about sun exposure is abstinence. By telling anyone to abstain from any activity is not educating them. I think we need to make something very clear. The outdoor sun and tanning beds are one in the same. The only exception is in a tanning salon we can control exposure time, unlike the outdoor sun at our local beaches. We should all marvel in the fact that technology has brought us to a way where we can control exposure time and that the professional salons of Suffolk County are here to educate and teach proper sun behaviors. The truth is tanning salons provide the only form of public education. Our owners and employees of salons understand the science behind tanning. We set forth a plan of exposure to avoid burning and every day we help our clients understand the balance between moderation and overexposure.

Our salons could be a tool for public education by way of Suffolk County government. The current parental consent laws for the minors under 18 is working. You guys did it already. Parents are happy that a protocol is in place and allowing them to oversee their child's activities. Often parents thank me for providing a smart and controlled way to allow their children to have sun exposure. Many parents tell me that they're upset when their children come home burnt and blistered from Suffolk County beaches. Parents are happy that there's a way for their child to tan smartly in a salon. The outdoor sun is an uncontrolled environment. There is no signs at our County beaches warning about sun danger. There's no public officer handing out citations for those who are not wearing sunscreen or under the age -- you know, underage beach-goers. Maybe this should be the next bill for legislation. I respect this Legislature's concern for children, and I think the laws are already in place. You guys already did it, it's working. Thank you.

(Applause)

P.O. LINDSAY:
Nicole Holland.

MS. HOLLAND:
Good morning, Ladies and Gentlemen. My name is Nicole Holland. I've worked in the tanning industry for about six years now, and I'm just here to explain to you guys a little bit about how our salons run.

Since the Colette's Bill was passed approximately two years ago, we've strictly enforced the waivers and the parental consent rule. Under the age of 18 we have a parent actually sign two different types of waivers to allow their children to tan, and anyone under the age of 16 is not allowed to tan without a parent present at any time. We do not under any circumstance allow them to tan without these guidelines.

We also help to encourage our younger clientele about the benefits of indoor tanning. I've noticed over the past three or four years it's become a little more prevalent that parents bring their children
in for health reasons, especially during the months of February to July when they know their children will be going on spring break vacations or family vacations or spending time out in the sun. They bring them in specifically to build up a base tan so that they don't burn while they're on vacation. I've also noticed over the past year that a lot of parents have brought their kids in to treat conditions such as cystic acne, psoriasis and eczema. I have a couple of clients in particular that have said that it's the only proven method to help suppress their psoriasis outbreaks. I feel that if we pass this ban we're actually going to help provoke more health issues that could be detrimental to our adolescents.

Vitamin D is one of the proven health benefits of UVB exposure and Vitamin D deficiency is becoming a national epidemic. Over the past two years a study was conducted through the American Heart Association that shows that Vitamin D helps to promote metabolic health and also helps to reduce blood pressure, especially in teenagers and an age group of 18 to 30. The National Health Council and the Department of Public Health at Cornell University also helped prove a study that one in seven American teenagers is Vitamin D deficient. Vitamin D deficiency can lead to obesity, rickets disease, skeletal deformities, and bone problems and osteoporosis later on in life. I feel like if this law gets passed we are exposing our children and the adolescents in Suffolk County to these potential health problems.

I encourage you to do further research on Vitamin D and the benefits of it, and hopefully see why passing this bill could potentially be a risk for American teenagers. Thank you for your time.

(Applause)


MS. WILLIAMS: Hi. My name is Jennifer Williams, and I'm here to speak on behalf of the Domestic Violence Registry Bill. I haven't seen my son in five Christmases, five Easters, five Mothers Days, and I have been very victimized by the misuse of orders of protection. I'm also wearing a GPS device on my ankle so I can be tracked, even though I have absolutely no guilt whatsoever in stalking my ex. Now, if this registry bill is passed, people like myself will be on it, and it will destroy all of my opportunities for the rest of my life to be hired into a decent position working for a nice corporation.

I'm very nervous here today because I've never spoken in front of the Legislature before. Okay? I've suffered a lot of, a lot of abuse, and it's a miracle that I have any sanity whatsoever. But I would like to ask the Legislature to please place some conditions that allow victims of the system like myself to be protected and to have a chance, a second chance at success and opportunities in life that we were entitled to to be begin with. And, really, that's all I have for today.

P.O. LINDSAY: Thank you, Miss Williams.

(Applause)

Jerry Kremer.

MR. KREMER: Good morning, members of the panel. And thank you for a few minutes on 1714. I represent the National Indoor Tanning Association, who's asked that I outline some of my concerns. First of all, I'd like to commend Legislator Fisher for your continuing fight for the health of your constituents. I think it is because of your efforts this County passed the first law dealing with people under the age of 14, and in 2005 the State Legislature chose to pass a new law, which had many of the things that the Suffolk County law had, which you introduced. But the current State Law is the law and this is what it does: It says people over the age of 18, which would include me, has to provide
identification from a government agency and sign a statement that they've read the warnings from
the Health Department. Nobody between 14 and 18 had -- anybody coming in has to have a
parental consent form signed in the presence of a parent, and without that it can't take place.
Nobody under the age of 14, thanks to Mrs. Fisher, may patronize a tanning salon.

The last provision, and I want to point out to you, makes the State Law the only law allowed, and it
supersedes all local laws imposing any new restrictions on tanning laws. In short, the idea was
instead of having 12 counties out of 62 have a tanning law, we wanted a statewide tanning law and
Suffolk County was the genesis for what happened. There are Federal regulations that are pages
and pages long that restrict maximum exposure time, special timers, protective eyewear of various
types of sunlamps, and there is a notice posted on all of these instruments. "Danger, Ultraviolet
Radiation. Follow instructions. Avoid overexposure. As with natural sunlight, overexposure may
cause premature aging of the skin and skin cancer. Wear protective eyewear. Failure may result in
burns or long-term injury to the eyes" and on and on and on of various types of signs that have to
be on the equipment.

As I said before, the Legislature in Albany, thanks to your, if you will, intervention, has taken action.
It's preempted local governments from doing anything for the simple reason is that they want to
have a Statewide, uniform law. So I would say thank you for what you've done, and I would urge
you not to adopt this amendment. It contravenes State Law, and candidly, I'd hate to see this
overturned in the courts when on the face of it it's now a State Law. I commend you for what
you've done in the past; you've done enough. Thank you.

P.O. LINDSAY:
Thank you, Mr. Kremer. Regina Seltzer. Regina is followed by Spike Babaian.

MS. SELTZER:
Good morning. My name is Regina Seltzer. I'm an attorney and former Legislator. I would just like
to say that I'm in favor of local -- of the law 1714. I think it's an excellent idea. I'm a perfect
example of why kids should be given some kind of help and made sure that they're not overexposed
to the sun.

I'm here also in opposition to 1651 and 1722. I personally think there's a lot of questions about
whether it's an even legal proposal, and I'll be talking about it later. Thank you.

P.O. LINDSAY:
Spike Babaian, followed by Eliot Bloom.

MS. BABAIAN:
I'm sure everybody is sick of seeing me, but I'm back again. I have presented a couple of times, I
have provided studies, I have provided documentation, I have provided a lot of information for you
on personal vaporizers, also known as electronic cigarettes. I have the nice ladies helping me hand
out some things to you guys. One of them is a single page sheet, let's call this a cliff note.
Everybody knows what a cliff note is? Okay. I've provided you with at least 30 pages each of
studies and documentation which none of you have read or I shouldn't say none, very few of you
have read. So what I did is I made a cliff note sheet. It's one page so that you could all read it
before you vote. Okay? Cliff notes. I do that for my students; they love it.

What's being passed out to you is a single page that is the cliff notes as well as a liter of water.
You'll notice that the bottle is still sealed because I don't believe in wasting, so you can drink it, it's
not poisoned. But if I were to refill it, let's say I were to refill it with the tap water in the bathroom
here at this school. That single bottle of water that's sitting in front of you would give you more
carcinogens then using an electronic cigarette for an entire day, okay? I'm trying to make sure that
you understand what the -- what the information that I've provided you has shown, and I see
Legislator Alden, I believe, drinking a cup of water over there that I'm guessing is probably from the
tap. Don't poison yourself. There's carcinogens in your water.
P.O. LINDSAY:  
Spike, it isn't water; it's vodka.

MS. BABAIAIN:  
Oh, that's better.  Can I have some?  I'm going to need some after this.  So what I'm trying to get across to you is that there are acceptable levels of carcinogens in everything.  The EPA and the Suffolk County Water Authority said that you are allowed to have this level of carcinogens in that bottle of one liter of water.  And I'm telling you that we get less than that using our electronic cigarette everyday.  Each day.  Okay?  So, please, take a look at the FDA study that I've provided to each of you at least once or twice now.  Keep all of that in mind when you vote.  As one of our speakers so eloquently said, if you don't consider this information before you vote on it, you will go to bed with blood on your hands.  There are millions and millions of people dying every year from smoking cigarettes and this can be prevented by them stopping smoking.  This has been the most effective smoking cessation device, even though they're not calling it a smoking cessation device.  It has stopped a lot of people from quitting -- stopped a lot of people from smoking.

So let's try and save some lives.  Let's seriously consider the fact all of the information on this sheet, there's references, citations.  There's a list right here at the top that gives you the page on the internet.  You all have a computer in front of you, you can go look it up, that shows you all the studies.

I would also just really quick like to give props to the tanning people for bringing so many hot girls.  Thank you.

(Applause)

P.O. LINDSAY:  
Eliot Bloom, followed by Colette Coyne.

LEG. ALDEN:  
Mr. Presiding Officer, let the record reflect that's for medicinal purposes only.

MR. BLOOM:  
Good morning.  My name is Eliot Bloom.  I'm the attorney for Henry Kuhn, who is a proprietor of e-cigarette kiosks in malls in Suffolk County.  I am speaking with respect to Local Law 1347, and I'll be brief.  As you've heard, everybody that's spoken supports the basis of Local Law 1347, which prohibits the sale of e-cigarettes to people under age 19.  There's no problem with that, but we respectfully submit to you and to you, Mr. Cooper, that the law goes too far, because your law would equate e-cigarettes to tobacco cigarettes.  And that is what the result would be if you pass this law.  And to do that would mean that you are basing your vote on arbitrary standards because there are absolutely no scientific studies that conclude that you can equate e-cigarettes to tobacco cigarettes, because e-cigarettes don't emit any secondhand smoke.

So I respectfully submit to you that while the intent of this law is a good one, the result would be that you would vote arbitrarily and through guesswork.  Maybe your ban would be a positive one, or maybe it would be a negative one, but that's not the way to pass local laws.  So, please, consider everything that Spike gave you, that you've heard to date, and please really consider what you're going to do.  And if you believe that this bill is a good one, perhaps it can be amended and modified so it can succeed in fulfilling it's purpose.  Thank you.

(Applause)

P.O. LINDSAY:  
Colette Coyne, followed by Tim Nolan.
MS. COYNE:  
Good morning. I'm here to speak to the issue before us regarding the tanning bill and the recent study by the World Health Organization that confirmed their suspect research in 2006 that indicated that UV rays, in fact, cause skin cancer, increase one's risk. The recent study has told us that individuals under 30 years old who use a tanning bed increase their risk for melanoma skin cancer by 75%. This is a deadly behavior, just as the use of alcohol is, just as tobacco use.

Regarding the Vitamin D issue, yes, we do need Vitamin D. We can get it safely, 10 to 15 minutes a day, just exposure on our face and hands, or we can get it through our nutrition. We can use vitamin pills. Why expose ourself to skin cancer?

It is wonderful to hear about people here who are saying how they have adhered to the current law, but I have been active for the last couple of years in teaching young students in peer education the dangers of UV rays, not only from the tanning beds, but also from the sun, and I can't tell you how many have said to me we know so many people who use tanning beds. They don't enforce the law. Parents unfortunately lack education. Because of my work, I'm constantly hearing stories of young women who have melanoma and attribute it to use of tanning beds early in life. So I really would hope that you would stick to your guns. Pass this resolution.

I know that there has been a resolution introduced in the State. It has not passed yet, but we're hoping that Suffolk County will lead the way, just as they did in the past. I would like to see no one under 18 use a tanning bed.

I'm not, you know -- I'm sorry about the small business owner, but it is the life of young people I'm concerned about. Someone dies every hour from melanoma skin cancer. This is an unpublicized and underfunded disease, and we as a community have a lot more to do. This is only the beginning. Please, pass this resolution.

(Applause)

P.O. LINDSAY:  
Tim Nolan, followed by Claudine Orlian. Tim, before you take the microphone I need a motion to extend the public portion.

LEG. LOSQUADRO:  
Motion.

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

MR. LAUBE:  
Seventeen.

P.O. LINDSAY:  
Public portion is extended. Go ahead, Tim.

MR. NOLAN:  
Thank you. Good morning. My name is Tim Nolan. I'm the owner of --

LEG. LOSQUADRO:  
Speak closer to the microphone, sir.

P.O. LINDSAY:
Tim, you got to talk right into there. There you go.

**MR. NOLAN:**
Good morning. My name is Tim Nolan. I'm the owner of a Palm Beach Tanning Salon which is in Commack, and I'm here to speak against I.R. 1714. And I pose one question to you this morning, and that is if you were to pass the ban that's proposed, are you prepared to pass a similar ban with respect to swimming pools, with respect to tennis courts, beaches, anyplace where people would spend extended time in the open sunlight?

I think one of my competitors, Tommy, who was up here earlier, put it the best. The misconception is that UV is bad for us. UV overexposure is bad. Moderate exposure is quite different. And I think we are the only people out there that are attempting to educate on that issue, and attempting to provide moderate exposure. I'm not going to go through what we do in our salon, but there are a lot of controls in place, including a fingerprint to identify that the person tanning is actually the person standing at the counter and the limitations of the number of times they can tan in a week. Not to mention the legislation, that I agree is good legislation, that this body passed to control those between the ages of 14 and 18 and under the circumstances they can tan.

What the World Health Organization just concluded is that the UV light spectrums used in a tanning bed are identical to those in the sun, and that's not earth shattering. I mean, we've been screaming that for a long time. The difference is when you're outside you have no idea how much you're getting and you won't. And, you know, I play golf and tennis, I know that, you know. I put 30 block on and two hours into a round it's all washed off. That's a problem.

The studies relating to cancer and UV light definitely link back to people that have had burns early in life. What we're attempting to do is prevent that. Passing a ban of this sort could, in fact, have the opposite effect. Instead of having people in a controlled, moderate exposure environment, they're going to go get their tan, they're just not going to do it in a tanning salon. They're going to do it on a beach, they are going to do it on a boat, they are going to do it at a public swimming pool.

I think this is well-intended legislation, I just think it's going to miss the mark. I would hope you would consider that in reviewing the bill. Thank you.

(Applause)

**P.O. LINDSAY:**
We have Claudine followed by Melissa Tufarella.

**MS. ORLIAN:**
Hi. My name is Claudine Orlian and I work at Beach Bum Tanning. I'm a resident of Suffolk County, as well as being a tanner my entire life. I come to you today not as an employee of Beach Bum Tanning, but as a mother to be. I am expecting my first child in February. When you become a mom you automatically -- your maternal instincts, they automatically kick in and you want to do everything you possibly can to ensure that the food you're eating is organic, you watch everything you do because the unborn child you want to protect.

I have been using tanning salons my entire life and it has never hurt me. It is the only natural way to receive Vitamin D, not by taking supplements. Sunlight, whether it's tanning beds or outside, is the only natural way to get Vitamin D. I do not feel comfortable having my child take a risk of being burnt in a backyard, on vacation or at the beach. I would never do anything to harm my child and do not wish to be taken that right away from me as a parent. A lot of these sunscreens, sunscreens have chemicals in them. There's a lot of different chemicals that are on the market today. There's a lot of drugs that are out there today. There's a lot of rules and regulations about unborn children and children today, and all I'm saying to you is that this is something I truly do believe in with my heart and soul and would never do anything to harm a child. Thank you.
Melissa, followed by Gary Dervetski.

Good afternoon, Legislators. My name is Melissa Tufarella. I currently work for Beach Bum Tanning for the course of about nine years now. I'd like to say that I am a parent of a 16 year old child with quite a few health issues, from ovarian cysts to a most recent study, which was a brain tumor. It was growing pretty quickly. Headaches -- the child couldn't even get out of bed to attend school or any other kind of functions for that matter. Her actual doctor was in agreement with tanning, UVB exposure, two to three times a week. Before we did this we noticed her Vitamin D levels were extremely low, thus causing headaches, constant trips to the emergency rooms with ovarian cysts that would erupt, and just pain on an everyday basis.

For the past three months I would say, which a month and a half of that we were tanning three times a week in more of a UVB exposed bed, six to seven minutes. And miraculously I would have to say that her problem with the ovarian cysts have subsided and her brain tumor, which was growing quite rapidly, has stopped, and it's been a month and a half of no growth whatsoever. In addition to that, her headaches are very minimal to none whatsoever.

So I'm asking that each of you please take into consideration before making this decision that while they say that it's bad, it's all a matter of hearsay. I see with my own experience and with what my daughter went through, and to see a child at 16 years old who was not able to do anything and is now able to do that, and I believe it's from Vitamin D exposure. I have also disagree with that woman who claimed supplements will help with Vitamin D. I have to say you ingest it and it comes out through your waste. The same thing applies to medications that you take and Vitamin D via supplements. So I'm asking that you guys please take into consideration and do not pass this law for people under the age of 18. Thank you.

Gary Dervetski. If I'm mispronouncing your name, forgive me.

Thanks. It was a great effort. It's nine letters, six consonants, three syllables. Gary Dervetski.

Please talk into the mike.

Absolutely. Thank you for your time today. I'd like to begin by applauding everyone for being here and for your concern regarding the children of your community. Over 300 years ago, 1706, Isaac Newton and his Treatise on Light, titled Optics, set the standard for the future of responsible science in one sentence. He said, "I feign no hypothesis."

The cosmetic industry is a $35 billion a year behemoth that has singled out the tanning business for victimization to continue to increase their global profits. The internet is a beautiful thing. Every one of us, every single one of us here, is only three clicks away from any information that you would ever want to know about this business, or the effects that it has on anyone that tans. With three clicks, you will have done more than anybody that has stepped up to speak in opposition to teen tanning, and that is to shed light on the pseudo science of the IARC and the World Health Organization studies.

What must be understood is that we in the tanning business appreciate everyone's concern
regarding melanoma. It is important to understand that the days of letting anyone tan for 20 to 30 minutes whenever they wanted ended in the 1980's. Instead, what is come has been an era of responsibility. We are no longer called sales associates. In fact, we are now called consultants and coaches. We know what's at stake every single time that someone comes into our salons to receive UV light therapy. We know that if we put them in too long and overexpose them, not only will we damage them, but it would create a bad experience that, in turn, will lead to us not moving forward, and that is in the referrals and an inability to grow our business.

There are no studies that show that tanning in a non-burning fashion cause cancer. And understand, there are already regulatory guidelines set in place that govern our business. The FDA requires us to have a sticker on every single bed that has tan time guidelines based upon five skin types that have been set up. We are not allowed to tan individuals with skin type one, that's those with light hair, eyes and skin. Those that are most genetically susceptible to melanoma. In fact, on the panel today I think I see only two people that I would put in for the full-time, because they've had enough exposure to sunlight. It looks like their skin is thick enough to be able to withstand that much UV light. In fact, for the majority of you that are here, I would only give you two to three minutes and one person in particular, I don't think you're allowed to tan at all.

**LEG. ALDEN:**
He's talking to Brian.

*(Laughter)*

**P.O. LINDSAY:**
Gary, your time is up. Could you wrap up, please?

**MR. DERVETSKI:**
Absolutely. So understand that we are required to make an individual assessment for every single guest based upon tan type and skin type, and at the end of the day, our job is to responsibly fulfill that mission. And in doing so, enable people to actually minimize their risk of skin cancer by being able to do that which they enjoy out in the sun freely with minimized risk because they have a base tan that they have achieved gradually with our help and consultation.

So I please ask you all to give consideration to enable us to continue to do what we are doing now, which is to allow people to tan with the required consent of their parents. Thank you very much.

*(Applause)*

**P.O. LINDSAY:**
Thank you. That concludes my -- the cards. Is there anyone else in the audience that would like to address us under the Public Portion? Seeing none, I'll accept a motion to close the public portion by Legislator Barraga, second by Legislator Cooper. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen.

**P.O. LINDSAY:**
Yes, Legislator Eddington.

**LEG. EDDINGTON:**
Yeah. I just wanted to publicly thank you, Presiding Officer, because I don't want it to pass through, that you came up with an immediate compromise for the Suffolk County show mobile, and I think that's an example of leadership, fairness and integrity. And I want to commend you, because you're modeling the behavior that we're asking through all of Suffolk County. And as a sidenote, that stimulated the PBA to donate matching funds, so that you've done a tremendous thing today and I want to thank you personally.
P.O. LINDSAY:
Thank you very much.

(Applause)

Before we go into the agenda, talk about compromise, we have Jeff Tempera with us, who is the head of our Labor Relations Unit. As you remember at the last meeting, I asked Jeff Frayler from the PBA to come, as well as Jeff Tempera, to give us an update on the negotiations in respect to the lag payroll with the PBA. Jeff Tempera was on vacation and I hope you had a good vacation, and I appreciate your being here with us today to give us an update.

MR. TEMPERA:
Thanks. Good morning. Again, I appreciate the understanding that I was out of the office. Vacation, I guess, is an interesting term these days with technology and when you're at home and accessible, there's been all sorts of conversations going on. Bill, I did happen to see you heading into Margaritaville on Friday night in Sayville, so I did leave you alone; we didn't get into it.

But in terms of the update with the PBA, we continue to meet. We have a meeting scheduled for Friday afternoon. I did speak to -- with Jeff Frayler while I was off, but it's a -- it's a difficult negotiation. You did all receive copies of a letter I sent to Jeff with a proposal trying to address the PBA needs that they've expressed with regards to protecting their jobs. You know, you've all heard it publicly. They're okay with civilianization, they're okay with the PERB matter proceeding, and we'll all be bound by that decision. It comes down to their position that they want the County to give up their rights under the law where work of a sworn nature may have been performed by other sworn officers within the County, and that's the sticking point.

As you saw from my letter, there were about, I think, 30 commands within the Police Department. That's language we had received from the PBA. We addressed that language back to them, and I think we have in dispute now maybe eight commands.

The problem is from the County's standpoint, there's no incentive, disincentive, whatever word you want to use, to the PBA to come to an agreement. You know, their contract is before an interest arbitrator. We should have an award within the next couple of months, so the arbitrator's going to award what the arbitrator's going to award. When we went through this process back in 1991, the Legislature acted and the Office of Labor Relations was able to go in and negotiate agreements with all the unions. There was a push from the Legislature to make sure all the unions reached an agreement, and if they didn't, the same savings were achieved. This time around, the Legislature did move with regards to everyone but the PBA, and we were able to get agreements with every union but the PBA.

You have before you I think it's Resolution 1296, which is hopefully an attempt to provide that push and incentive to settle. But whether that passes or not, I hope it does pass, it's going to make my job a little bit easier, we will continue to meet. I just don't know if the incentive is there from the PBA to resolve this. They've made it very clear that it's their way or no way.

I know Mr. Frayler came up before you and said that, "Look I've got the agreement here, it's all signed." Well, I've got my agreement; it's all signed. His language was his language, my language is my language. That's not negotiations. I'm not going to get into the specifics as to what we do. That's not -- I don't negotiate publicly. But I will tell you we continue to meet. The County has compromised time and time again. You've seen it in the last information that I sent out to you. The PBA has held steadfast to their position from day one. I'm available if you have any questions whatsoever.

P.O. LINDSAY:
Jeff, when's the last time you met face-to-face?
MR. TEMPERA:
I'll see if I have it in my book. I spoke to Jeff on the phone while I was on vacation, and we talked about a couple of things. The last face-to-face I believe was July 10th, and where we left off on July 10th was we requested the PBA and the PBA attorney to provide to the County specifics as to the jobs and the duties of those jobs so we could define where the dispute was. And I think you saw from my letter, since I didn't receive anything by the 31st, that's when I responded back and defined the dispute down to those eight commands. Basically it's a legal issue, it's a Taylor Law issue, as to what we can and what we can't contract out, for lack of a better term, to other sworn officers within the County. And since it's a legal interpretation, the attempt has always been to get the lawyers to define those areas in dispute. Since I never -- I never received that, I defined the areas by coming up with what we believed the eight areas where the County had some rights with regards to assigning that work to other sworn personnel within the County.

P.O. LINDSAY:
This is just one person's opinion on this panel. This isn't going to get done unless you sit face-to-face across from each other. And July 10th to August 18th isn't acceptable, not just to you, but Jeff Frayler isn't here, but Noel is in the audience. We need you to sit down face-to-face and come up with an agreement. This body wants an agreement and I can't stress that enough. The resolution before us calls for the laying off of seven police officers, and I -- and I'm going to talk to the body, and if I'm saying anything out of line, feel -- jump in and -- our problem is our police force is probably, manpower wise, is at maybe a ten year low, somewhere around that. And I think in the month of July, if I'm not mistaken, we had seven murders in this County. So there's a reluctance here for us to lay off Police Officers. We want an agreement, there's no doubt about it. We want an agreement like everybody else in this County that's taken a lag payroll, except the PBA, including ourselves. Including ourselves. We want the PBA to agree to a lag payroll. And we want an honest and fair agreement. Please get back to the table and sit down and come up with something.

MR. TEMPERA:
Absolutely. And again, I told you we have a 1:00 meeting scheduled for Friday, but, understand, in every other bargaining unit that we negotiated with, whether it was the Detectives, where they may have lost 24 positions, or the SOA, where they may have had demotions, or AME where you passed layoffs, Probation, Deputies, Detective Investigators. There was that incentive for the union to come to the table and compromise. The County has compromised throughout this process in presenting language and presenting positions, and I haven't seen that on that the other side.

P.O. LINDSAY:
Legislator Eddington wanted to ask you a question, if you don't mind.

MR. TEMPERA:
Sure.

LEG. EDDINGTON:
Yeah. When we were here, I don't even remember, I guess two months ago, we asked that ongoing negotiations continue like on a daily basis, and I think we commented on the two Jeffs, you kind of agreed. And now we hear that it's been five weeks. And it almost seems like if we had said you and Jeff Frayler, go nowhere until this is resolved, I mean, that would have been kind of like a threat, like you can't go on vacation until you resolve that. That seems to be how we function often in the County, and yet that hasn't happened. And I'm going to personally ask you guys to meet face-to-face every day, and I know you have to -- but I don't see -- how this is going to be resolved. Phone calls is not the same as face-to-face contact.

The other part of this question, I guess question, is that there's eight commands in question, and I could be wrong, but I need your clarification. If you won't give a guarantee to change those commands, then I'm assuming there's plans for those commands. Now, we've asked in the Public Safety Committee what is the plan in the Police Department, and we keep hearing there is no plan,
and then two days later a unit is cut or dismantled. So I guess I need clarification. Is there a plan for those eight commands? Because if there isn't, then why don't we just agree?

**MR. TEMPERA:**
Well again, and let me just clarify for you. The eight commands is the County compromising on the PBA language. We haven't said hard and fast take did or leave it. The PBA has said hard and fast, no. But we started with 30, we're down to eight. We're willing to compromise, we're willing to move further, but it's tough to negotiate against yourself when you keep saying yeah, we can make some movement, we can do this, we can do that, and you keep getting no, this is all we will agree to. All or nothing.

If there's a plan, I'm unaware of a plan. I am aware that we have some questions that we believe we have legal rights that we're not willing to give up. If there are management provisions that we can make that will allow the County to save money and to better run the County and keep the public safety, we want that option to keep doing that. And that's not a remark against the PBA or against the Police Officers. I I think they do a great job, but sometimes you have to make changes in the economic climate that we're in today. But I don't have any idea that this is hard and fast, that these are the eight commands. These are the eight commands that we believe we have a right to move on.

Meeting with the PBA every day from now to an agreement, I have no problem in sitting here and telling you I'll go down to Jeff's office and I'll meet with him every day. But what happens is you sit there and you talk about okay, can you move; well, we're not moving. Well, we've made movement. And I'm not trying to get into specifics and throw stones here, but it takes two sides to tango. It takes two sides to make movement and we keep moving. And there has to be the incentive on the other side, and we left the ball in their court. We could have met the next day. We could have met July 11th, 12th or whatever. We left it in the hands of the attorney to come back and define the issues in dispute. And I had my attorney ready to come down and meet, and I'll meet without him. I've met many times without my attorney to try and get something done.

**LEG. EDDINGTON:**
And I appreciate it. I guess what -- I guess to use your analogy of dancing, to tango, that you have to be in the same room to dance so that maybe something will break, even if you have coffee every single day, maybe one day somebody will wake up and say, "Okay, let's move forward". That's all I'm hoping for.

**MR. TEMPERA:**
Okay, and I have no problem with that.

**LEG. EDDINGTON:**
Thank you.

**MR. TEMPERA:**
I would tell you I commit from the County. We're prepared to move forward.

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

**P.O. LINDSAY:**
Legislator Nowick. Yeah, I'll recognize you, Noel. It's just some of the Legislators wanted to talk to Jeff. Legislator Nowick.

**LEG. NOWICK:**
Hi, Jeff.

**MR. TEMPERA:**
Good morning.

**LEG. NOWICK:**
Jeff, how long have the negotiations been going on now?

**MR. TEMPERA:**
I don't have an exact date, but whenever this process first started with all the unions.

**LEG. NOWICK:**
Approximate. Do you know when the first meeting was?

**MR. TEMPERA:**
I want to say it was in February, March. You know, it was way back when, when we started with all the unions. We talked about the $30 million that we needed from all of the unions.

**LEG. NOWICK:**
Well, I -- but particularly with the PBA.

**MR. TEMPERA:**
Same time. We started with everybody at the same time.

**LEG. NOWICK:**
I'm jumping at straws here, or reaching for straws here, and I don't even know if this is a possibility. But here's what I'm seeing. I'm seeing lots and lots of talk, lots and lots of negotiations between yourself and the PBA. Both have your points, both have good points, but nothing is getting done. The clock is ticking. As the Presiding Officer mentioned, everybody else in the County has taken a lag pay. However, the PBA does have some good concerns, justified concerns. I don't see even if you met every day, this is just a woman's tuition, I'm not thinking anything's going to change. I think you have one set of rules or the -- whether it's you or the Executive have one criteria, I think the PBA has another criteria. I think we're going nowhere and we're really going nowhere fast because it's almost the end of August.

Is it possible, and it may be not, but I know even in a divorce proceeding where everybody is fighting, eventually a judge or a mediator or an arbitrator comes in. Given that the clock is ticking like it is and given that the County is in such financial distress, would it -- do you see a possibility of both sides agreeing on some type of a mediator/arbitrator, and I'm not talking about anybody in the Legislature or anybody in the Executive's Office. I'm talking about a party that has nothing to do with -- with what's going on. Do you see that as a possibility between both sides?

**MR. TEMPERA:**
Absolutely it's a possibility.

**LEG. NOWICK:**
How would we go about it and how soon?

**MR. TEMPERA:**
Both sides would have to agree. And I think what you were referring to when you said you didn't want somebody from the County's Exec's Office, from the Legislature, I had already offered, quite frankly, up the Presiding Officer to try to get him involved, but --

**LEG. NOWICK:**
Yeah, but that's kind of an unfair position to put anybody in.

*(The following was taken & transcribed by Alison Mahoney - Court Reporter)*
**LEG. NOWICK:**
Would you be willing -- you're meeting on Friday at two o'clock. Would you be willing to ask Jeff Frayler, if nothing happens on Friday -- and I don't think it's going to, but I could be wrong -- would you be willing to ask him on Friday, let's bring in an arbitrator that has nothing to do with any of this? Would you be willing to do that and come back to -- maybe come back to the Presiding Officer and tell us what your -- through the Presiding Officer, what the answers were?

**MR. TEMPERA:**
And again, I'll use the term mediator. I have no problem bringing in a third party mediator to try and bring the parties together and I have no problem in proposing that to Jeff Frayler on Friday. And we've got Noel behind me, I don't know if Noel can speak for Jeff, but I certainly can speak for the County that we have no objections to have them --

**LEG. NOWICK:**
Can I ask Noel, Presiding Officer?

**MR. TEMPERA:**
Having somebody come in to help us out.

**P.O. LINDSAY:**
Go ahead.

**LEG. NOWICK:**
Noel, would you mind if I asked you if that was a possibility?

**MR. DIGEROLAMO:**
I could tell you that the PBA actually brought that up in one of our discussions back in May, so that was our idea several months ago.

**LEG. NOWICK:**
Well, I think that's excellent. How about if it doesn't work out on Friday, we go ahead with that idea and get this going?

**MR. DIGEROLAMO:**
If I may take a moment, since I'm up here already?

**MR. TEMPERA:**
By the way, just for clarification, and I hate the he said/she said. I don't ever recall the PBA saying they would agree to a mediator, but if they did, I think that's great and --

**P.O. LINDSAY:**
We don't care.

**MR. TEMPERA:**
Well, even --

**P.O. LINDSAY:**
We don't care who said it.

**LEG. NOWICK:**
Well, it's okay, it's on the record now. We agree

**MR. TEMPERA:**
You know what? Either do I. And I think that's half the battle, now let's see if we can get somebody that we both can agree on that will bring us together. That's fine.

**P.O. LINDSAY:**
I don't know, maybe a Henry Kissinger or somebody like that.

(Laughter From Audience)

**LEG. KENNEDY:**
Thank you, Mr. Chair. And I -- if you're agreeing to meet with somebody who's going to moderate and who's going to bring some consensus, then I don't even have to go into the list of questions that I did, but just a comment for you. Every one of us around this horseshoe struggles, particularly when we have to wrestle with reading these Newsday articles about which unit is going to drop next. I am the last person in the world who should probably try to assess whether or not an Aviation Unit is critical or whether it should be with the Suffolk County Police Department, or whatever other peace officer entity the Executive elected to decide, but I never decided that that's something that the Executive should do.

Right now, from my perspective, I'm concerned about public safety like everybody else. I'm fairly convinced that the Suffolk County Police Department is doing a pretty good job with the ever dwindling resources it has. So from a policy perspective, I'm suggesting that I think it's incumbent for the Exec to work this resolution out.

Yes, we're in a plummeting budget environment, and I know the Exec is trying to deal with the monetary end. But from the public policy end, and I'm speaking only for myself, the Sheriffs do a good job with what they're charged with. The Police Department does an excellent job with what it's charged with, and I believe it should continue to do that job under all the commands it's doing now. That's the piece that I'd offer. Thank you.

**MR. TEMPERA:**
Understood. And again, don't misunderstand the list that I put out there. There is no plans at this point, with regard that I'm aware of, to say we're going to take these eight commands and we're going to give them off to the Park Police or Deputy Sheriffs. It's just the County believes we have certain rights under the law and we're looking to retain those rights. Are we willing to compromise? I told you before, I'll tell you again, absolutely.

**P.O. LINDSAY:**
Okay. What I'm going to -- when you weren't at the last meeting, Jeff Frayler, you know, reported to us and Mr. Zwirn answered for the County, so I'm going to give the PBA a chance to just make a statement or clarify things or whatever. Noel, if you would come --

**MR. TEMPERA:**
Absolutely. Thank you.

**P.O. LINDSAY:**
-- forward. Thank you, Jeff, for showing up. I appreciate that.

**MR. TEMPERA:**
Thank you.
MR. DGEROLAMO:
Well, I can tell you that Mr. Tempera was called by us several times on his vacation and he did respond and he did answer. But vacations happen to end up back-to-back right now and that's why I'm here and Jeff Frayler is not. What I want to do, though, is just clarify a couple of things that were said.

You know, when you talk about negotiating in good faith and needing incentives, and Mr. Tempera just said that there's no intention to give any of the jobs away. However, I think Legislator Alden had a conversation with Mr. Zwirn at the last Legislative hearing -- meeting where he admitted that they were looking at some of those commands and looking to do things with it. In fact, I'm sure those -- I believe those minutes are already out where he did say that they were looking to do something with those commands. So obviously something is going on and we don't know what their plans are. And the PBA's position has been from the beginning and continues to be that we are not going to make an agreement to give $7 million of our members' salary as a concession to the County when they openly admit that they're looking to further diminish our role in public safety in this County; he said it, Mr. Zwirn said the words here. And if they didn't intend on doing it, then they would sign the agreement.

We don't need to discuss the actual details of that job or what it is or what it isn't. Whether we're tied up to those jobs by law or not frankly are irrelevant. That's what we're looking for as our concession back from the County. They didn't get these concessions from every other unit without giving something in return. Let's not forget the SOA, they received promotions and a guaranteed separation, which guaranteed their separation pay worth millions of dollars; nobody talks about that. The Detectives Association, 24 positions, guaranteed index in their contract for two contracts; nobody discussed that. The Deputy Sheriffs, guaranteed promotions to Investigators and a waiver of the one-year requirement for arbitration, a process that Mr. Levy despises, he doesn't like arbitration, but yet they gave them a waiver on the one-year statute so that they could go into arbitration sooner. So, you know, there's a lot of things going on here and all we're looking for are our jobs; that's all we're asking for. We want to make sure that our positions that our members currently hold, and they do every day, are maintained.

And we've made it very clear, Mr. Tempera is absolutely right, we've made it very clear; if you have a legal right to civilianize, go ahead. My position is this, we do aviation. If you want to say, "We no longer provide aviation services to the residents of Suffolk County," that's your right, but you're not going to say, "We no longer provide aviation services by the Police Department, now the Park Police are going to buy helicopters and do it." That's what we have a problem with. We have a problem with subcontracting out our jobs to other bargaining units, plain and simple. You want to talk about negotiating in good faith? Since we've started these negotiations, what have we seen? Motorcycles disbanded, wholistic training. You know, where is the good faith that we're talking about?

A little history, remember. When this first started earlier this year, I stood before all of you and I said, "The PBA is more than willing to do our share"; do you remember those words? "We'll do our share." I was not on any layoff list, none of my members were, from the very beginning, and I met and said, "We're more than happy to do our share." But as time progressed and all of the other bargaining units were given deals for their concessions, well, it would be a disservice to my members to just give you $7 million and give away their jobs in addition to it. I can't do that. Jeff Frayler cannot do that. That's not our position to do anything along those lines.

We're more than willing to do the mediation, we offered it, we discussed it, it just never materialized; I'm not passing blame, for whatever reason it didn't materialize. But we're not going to enter into an agreement that doesn't protect our members.

P.O. LINDSAY:
Okay. Legislator Nowick just has one follow-up question.

LEG. NOWICK:
Just a follow-up. If this does come to pass, and as we spoke a little while earlier, if Friday doesn't work and maybe we've agreed -- and you can both come up here. Maybe we've agreed that mediation/arbitration and you have agreed -- here's my second fear. Jeff just said well, then we have to agree on a mediator. I'm hoping that that's not going to take another four months. So what's -- what would be -- and I don't know who knows this answer, I don't think it's a good idea to start negotiating about a mediator. Is there a simpler way to do that without?

**MR. DIGEROLAMO:**
Well, I can guarantee you that Jeff and myself would probably name different people right now, you know, but that's something we would --

**LEG. NOWICK:**
You know where I'm going with this. I'm afraid that's going to take 14 years.

**MR. DIGEROLAMO:**
I understand what you are saying. That's something that we would discuss on Friday. I'm sure we would be able to come up with a reasonable solution to that. Arbitrators and mediators are just that, you know, they're arbitrators. They're fair and impartial and I'm sure we would be able to come to an agreement with that.

**MR. TEMPERA:**
And, again, let me just say. Is there a process? You know what? We'll agree on a list of five names. This is the process as to how you go through it, five names, ten names, whatever it is. They put five names on, we put five on, whatever the process is. There's a process to pick a mediator through Suffolk PERB and the New York State PERB. If both sides agree that we want to get there, there is a process to whether strike names or whatever to get to a mediator who can bring the parties together.

**LEG. NOWICK:**
I think that would be good and I think both of you are ready at this point to have this behind us. But could you also, through the Presiding Officer, because we would have no way of knowing what went on Friday. Is there a way that we could learn if it was going to go to mediation?

**MR. TEMPERA:**
Absolutely.

**P.O. LINDSAY:**
I have been in touch almost with both gentleman almost on a weekly basis to try and, you know, keep my finger on it because I know of everybody's concern. And, you know, from my labor relations days there's an immediate way to select a mediator that's pretty fair. You take the five names, you put them in a hat, you throw them up in the air, you take a sword, stab one of them, whatever. That's the called Zorro method.

*(Laughter From Audience)*

**LEG. NOWICK:**
Okay.

**MR. TEMPERA:**
So, yes, absolutely that can be done. Again, I don't want to go to the back and forth here. We provided to Budget Review a copy of all the signed agreements that we have reached with the unions. You know, the misstatements by the PBA as to the millions that are in there for the SOA or the money with the Detectives. It's just a mischaracterization of what's in the agreements. They're all available, they're in Budget Review. I would ask Budget Review if you have any questions, they will provide you with the information.
P.O. LINDSAY:
Thank you, both of you gentlemen. Please go back to the table and get us an agreement. Thank you.

MR. TEMPERA:
Thank you.

P.O. LINDSAY:
Okay, going to the agenda. I need a motion on --

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

P.O. LINDSAY:
-- on the Consent Calendar.

LEG. LOSQUADRO:
Motion.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay. If you have the paper agenda, go to page seven, Resolutions Tabled to August 18, 2009:

To enhance -- 1107-09 - To enhance efficiency in the selection and leasing process of County buildings.

LEG. Romaine:
Motion to table. I was called by people from Economic Development and they are still working in Real Estate with the Comptroller's Office on coming up with a solution. If there's no solution in hand by the next meeting, this resolution will go forward.

P.O. LINDSAY:
Okay. Thank you very much, Legislator Romaine. Do I have a second to the tabling resolution?

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

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1296-09 - Enhancing Administrative Budget Deficit Control for Fiscal years 2009-2010 to include Police District Fund 115 in the Budget Mitigation Plan (County Executive). Do I have a motion on this? Motion to approve?

LEG. BROWNING:
To table.

P.O. LINDSAY:
To table. Seconded by who? I can't see. Yell out.

LEG. COOPER:
I'll second.

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

MR. LAUBE:
Eighteen.

LEG. BARRAGA:
Mr. Presiding Officer, on the tabling?

P.O. LINDSAY:
Yes.

LEG. BARRAGA:
I take a look at this particular resolution and I recall that several weeks ago we also tabled this resolution with the hopes that both sides would be meeting, yet I deal with the reality, the fact, that no meeting has taken place in the last 38 days. So tabling this resolution several weeks ago, and there was a great deal of rhetoric when we did it, much of which you heard again today from different members in the hopes that both sides would be meeting. This is an extremely serious issue, but they haven't met in 38 days, one side's on vacation, the other side's on vacation. There's been more dialogue on this issue in this chamber than between both parties.

I think you have to ratchet it up. I will vote against this tabling. And if someone makes a motion to approve it, I will vote to approve it. It's time to put the pressure on these people to get a resolution. We need them to lag their payroll and we need it quickly, because this economy in this County continues to go down the tubes, and we need that seven and a half million dollars. If everybody else can do it, the PBA can do it.

P.O. LINDSAY:
Did you call the vote?

MR. LAUBE:
I'm calling it, changing it to seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:
Okay.

HR 17-2009 - Home Rule requesting the State of New York to amend the Local Finance Law to authorize Suffolk County to amortize the separation pay of County employees for a period of ten years (Senate Bill S.6040/Assembly Bill A9050) (County Executive.)

D.P.O. VILORIA-FISHER:
Motion to table.

LEG. COOPER:
Second.

P.O. LINDSAY:
I'm going to make a motion to table subject to call, being that it's --
LEG. ALDEN:
Second.

P.O. LINDSAY:
You know, the State government is no longer in session and didn't do it, I think it's not timely anymore.

LEG. STERN:
Second.

LEG. VILORIA-FISHER:
I'll second that.

P.O. LINDSAY:
Okay, we have a second to tabling subject to call. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
HR 18-2009 - Requesting the State of New York to amend the Local Finance Law to amortize separation of pay for County employees for a period of ten years (County Executive). It's a different set of bills. How about same motion, same second, same vote?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Introductory Resolutions for August 18, 2009, Page Eight:

1591-09 - Authorizing the County Comptroller and County Treasurer to close certain Capital Projects and transfer funds (County Executive).

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Cooper.

LEG. NOWICK:
Second.

P.O. LINDSAY:
Do I have a second?

LEG. NOWICK:
Second.

P.O. LINDSAY:
Second by Legislator Nowick.

LEG. ALDEN:
Just on the motion?

P.O. LINDSAY:
On the motion, Legislator Alden.
LEG. ALDEN:
Just for the record, are any of these ongoing Capital Projects?

P.O. LINDSAY:
The Chair of the Budget Committee, this was in Budget; do you want to answer that? Was there dialogue about that, Legislator Gregory?

LEG. GREGORY:
Yes. All the projects on this list have been cleared by the various departments and they’re no longer moving forward.

P.O. LINDSAY:
Thank you.

LEG. ALDEN:
But --

P.O. LINDSAY:
Go ahead.

LEG. ALDEN:
Cleared by the various departments just means that the County Executive has approved the closing of these Capital Projects. Did anybody look at the list of Capital Projects that have been closed?

P.O. LINDSAY:
I think Ms. Vizzini wanted to weigh in on this.

MS. VIZZINI:
Yeah, there was discussion in Budget & Finance and the members were given the opportunity to reach out to the Health Commissioner, I think some of you did, with specific questions. These are component pieces of projects that have not had any activity in five years. Therefore, they fall under our legislation whereby whatever remains in that line would be closed out.

LEG. ALDEN:
And how much is the aggregate?

MS. VIZZINI:
It adds up to 8.2 million, but that is not to be construed to be either cash, because it has -- it would have to be broken down in terms of whether they were bonded or not. If they were bonded and there is monies available, it would be used to pay the debt service. If it was simply an authorization and nothing was spent, it would be the whole thing that we would just do a never mind.

LEG. ALDEN:
Okay. At one time, going back five years ago, we had a pay-as-you-go type of policy in Suffolk County. So are any of these falling into that category where there might be cash?

MS. VIZZINI:
Very unlikely since these are Capital Projects. And although some might have been pay-as-you-go transfer to the Capital, there are very few of them.

LEG. ALDEN:
So the net result here is just paying down debt, if we have appropriations?

MS. VIZZINI:
It reduces authorized unissued --
LEG. ALDEN:
That's a good thing.

MS. VIZZINI:
-- if we didn't move forward. If we did, in fact, bond, it goes to pay the debt service.

LEG. ALDEN:
Okay.

MS. VIZZINI:
If it stalled and we didn't do much of anything, again, it reduces the authorized unissued or whatever piece we no longer spent.

LEG. ALDEN:
And in the event it's a small amount of cash, that would go to pay down debt service?

MS. VIZZINI:
Absolutely.

LEG. ALDEN:
Good. Okay.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Yes. I don't have the list in front of me, but when I did, what I was struck by was there were a number of projects in which zero amount was spent. There were a number of projects where less than 80% of the amount listed was spent. At some point, in the last five years or so, members of this Legislature were authorized, were asked to authorize the vote on these projects, and in some cases to bond them out. Okay? My question is what happened? In other words, we vote to authorize expenditures, we authorize the bond. These projects are not done, we have no say in whether they get done or not, and at the end of the process we just put our stamp of approval on what the Executive does. In essence, what happens here is this Legislative body is left in the dark about Capital Projects and the progress on which Capital Projects move ahead. And if anyone has the doubt on whether we're informed or not, go over and look at the Legislature in Riverhead. Go look at the pit that we call the Legislature after three years of construction and wonder what happened to that project and why it isn't moving forward and why it has slowed down.

Now, look, I'm sure there's reasonable explanations for that. I'm sure there's reasonable explanations why some of these projects did not move forward. But you know what? I never got any of them. Did you? Did any one of the 18 members get any reasonable explanations why the list, most of the list -- most of the projects on this list, there's very little left, so you assume that the project was done. But some there was absolutely zero spent and some there was less than 10%, sometimes less than 20% spent. Okay, what happened? How much of the project got done, what didn't get done, why didn't it move forward; all of those are questions that demand oversight.

I would ask, possibly, the Budget Review Office to give us a listing of what happened to every project in which there was 20% or less spent. Because we were asked to authorize this, someone asked us for the money, we did it. What happened? I don't want to vote for this project until Budget Review, and I think it would be appropriate, I'm not asking for all of the list, but there's maybe about 20 or 30 of those on that list where less than 20% of the money that we appropriated or set aside or bonded was spent; I'd like to know what happened and why. So I'm going to make a
motion to table this till -- for one session to allow Budget Review to develop a report. And I think it would be fair to say if 20% or less of the money was spent we should know why; very simple. So I'm going to make that motion right now, I think that takes precedence, if I can get a second.

LEG. ALDEN:
What's your motion?

LEG. ROMAINE:
And that's for one cycle.

P.O. LINDSAY:
Motion to table.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Who was the second? Legislator Kennedy, okay. And just to -- on your first -- I'm going over to our auditorium at 1:15, if any of my colleagues would like to join me, just to check the progress of the auditorium.

LEG. ROMAINE:
I'd be delighted to.

P.O. LINDSAY:
Okay, meet me there at 1:15. Okay, we have -- you want to speak, Legislator Kennedy?

LEG. KENNEDY:
Just briefly on the second, Mr. Chair. I had asked for and got some additional interpretation from both the Health Department and BRO on the digital mammography unit, in particular for the Shirley Health Center. I recall when we discussed this, it must be 24 months or more ago that we talked about the fact that we wanted to see the upgraded technology put into place, specifically because of our concern that there would be adequate screening and detection and not a reliance on an older technology, and I received a whole variety of explanations about anything but moving forward with putting it into place. So I personally am not comfortable with the fact that the Health Department did not move forward with this, I've had conversation to that effect. I'll vote to table or I'll oppose the passage. Thank you.

P.O. LINDSAY:
Mr. Kovesdy, did you want to shed some light on this subject?

MR. KOVESDY:
Good morning. I just wanted to say that at the last two Budget & Finance Committee, any Legislator who had a question on any specific project, we took the information and we got back to him; in the case of Mr. Romaine with the health Department, we got back in writing. So I don't think it's a fair characterization that the Executive Office has ignored it. Anybody who has any particular questions on any of the projects, if they let us know we will either have Public Works get back to you or we will get back to you, as we did with Mr. Gregory's committee; anybody who asked a specific question, we got back to them with an answer.

This is money that the County is saving; we'd like to save all money we possibly can this year in light of the budget. And this is a list, the list has been out for a month, if anybody had any specific questions, all they had to do was get back to us and we would have gotten them an answer.

P.O. LINDSAY:
Okay. Legislator Montano and then Alden.

**LEG. MONTANO:**
Hi, Allen. Quick question. I have the list, the backup list in front of me. Is there a sheet that explains or gives an explanation of why the money is not expended that corresponds to this, or do we have to do it by request? In other words, they have a summary of why each project is not being -- is not going to be approved or go through.

**MR. KOVESDY:**
We could get you that information, just tell me which ones you'd like.

**LEG. MONTANO:**
No. What I'm asking is is there a list that you have as opposed to getting -- you know, picking out. Is there already a list somewhere that explains why each project is being eliminated from the Capital Budget?

**MR. KOVESDY:**
Yes, we have back up for it, I don't have it with me.

**LEG. MONTANO:**
Is it in summary form? I'm not looking for a hundred pages.

**MR. KOVESDY:**
I will say that Mr. Chuisano will be here this afternoon, he could give you a better answer to a specific project.

**LEG. MONTANO:**
Okay, thanks. I appreciate it.

**P.O. LINDSAY:**
Legislator Alden.

**LEG. ALDEN:**
Actually, some of the things on here are pretty eye opening. For instance, we're going to do away with money to purchase farmland, so that's pretty funny that we're actually going to go and borrow more money to purchase farmland but we're going to do away with this money to purchase farmland. So it just reminds me of something that would be like a shell game. And I'm looking at some of these other projects where, you know, people came before us and made the argument that it has to be done, like the estuary study, the brown tide remedial type of projects. So some of this stuff is actually -- you know, if you wanted to, you could actually start laughing when you start seeing that we were convinced to do all of these projects, to vote for these projects, and now we're being convinced to go ahead and abandon all these projects and a lot of them are duplicated. You know, because I just envision for the next couple of sessions people coming before us telling us about farmland, we have to buy more farmland; well, we could have, but we're going to do away with $700,000 worth of money here that would already be authorized to do something with farmland. We've got to do something with the brown tide; we absolutely have to do something with the brown tide; yeah, what we're doing is we're doing away with the money that we already approved to do something about brown tide; and those are just two things that jumped at me really quickly. But there's a whole bunch of things in here that I'm not so sure if we went and looked at these and then went back and looked at our voting record and see what we actually voted for and that we're doing away with, we're doing away with some stuff from the original Greenways Program from the Interpretive Center.

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

**LEG. ALDEN:**
And now we're going to go and we're going to bond to go and finish the Interpretive Center. I'm just -- you know, I'm amazed. I wouldn't vote to actually, without a further disclosure and further study of this, I couldn't vote to do this.

(The following was transcribed by Kim Castiglione, Legislative Secretary)

MR. KOVESDY:
Legislator Alden, we do this like -- we do this bill every single year; it's commonplace here. What I'm trying to say is that if you have -- many of the Legislators have specific questions. We'll be more than happy to get you the answers to specific questions, but this bill is no different than --

LEG. ALDEN:
No, that's good, because I like that because you are making the argument to table it right now until people have a little bit more chance to take a real good look at the different projects, and maybe go back and refresh our recollection of the arguments that were made, why it had to be done in the immediacy it had to be done, and in the amounts it had to be done. So, I like your plate, yes, and I will go along with tabling it.

P.O. LINDSAY:
Okay. Legislator Romaine.

LEG. ROMAINE:
Very quickly. I have already had my opportunity, but I simply would say that we should exercise some oversight over the expenditures we're asked to make. If we're asking to close these out, I think it's reasonable if only 20 or 25% of the money has been spent and, you know, 80, 75% of the money is remaining to ask, "Okay, what happened to the project that we were asked to authorize?"
I will be introducing and laying on the table at the next Legislative meeting a resolution that will require the Budget Office of the County Executive to provide a detailed explanation of Capital Projects and the balances that are left, so that when we do this close-out resolution next year we will do it with more fuller knowledge than we have now.

The system in place where we have to choose and pick from a long laundry list to ask, "Well, what happened to this project" or "How come, you know, this money remains unexpended" or whatever it's, you know, it's something that we should not have to do. If we're asking to close this project out, this laundry list of projects, and some of them are so legitimate because there's, you know, less than $5 left in an account or less than a couple of thousand dollars, then you can understand that. But others remain unexpended. Does that mean that things that we authorized the Executive in his will decided not to do and then we're asked to close it out a few years later without any oversight? I mean, that's a very poor system of fiscal management by this Legislative body if that's the case. So I will be drafting comprehensive legislation so that all future close-out will address that issue. And it's simply -- and believe me, I'm not impugning any motive or attaching anything except that we should have better information. Thank you, Mr. Presiding Officer.

MR. KOVESDY:
Mr. -- I'm sorry.

P.O. LINDSAY:
Could I just ask Ms. Vizzini, the original request is for you, should this bill be tabled for one cycle, do you have a problem in producing a report on where all these projects are or what the status is?

MS. VIZZINI:
We'll do whatever you ask us to do. However, I would like to concur with Legislator Romaine. I have discussed this with Carmine and from what I hear you saying you simply want another column in this spreadsheet, and if it's necessary to amend the Charter to make the Budget Office provide that. These projects are due to be closed-out. They have gone through scrutiny by the
departments. There are logical reasons for each of them. The Budget Office has all this information. They have opted to provide it to you only if you ask for a specific project, but the information is there. So perhaps it is necessary to amend the Charter and require them to give you that information. We can go back and we can research each one and we can confer with them to assure, but it's so much easier if they would do it when they identify the projects.

P.O. LINDSAY:
Allen?

MR. KOVESDY:
I had a suggestion.

P.O. LINDSAY:
Quickly, because I want to take a vote because I'm going to lose a Legislator. So, go ahead.

MR. KOVESDY:
Mr. Chiuisano is on his way. We had contacted him. If you could defer this resolution to later in the day we might be able to answer the specific questions you have.

P.O. LINDSAY:
Okay. Is that all right with everybody, if we just pass over this one until we get some more information?

LEG. ROMAINE:
That would be good, but I think tabling it until we get specific information on all those projects would be better.

P.O. LINDSAY:
Why don't you listen to him and then if you have, you know, you have a tabling motion on the record and a second and we'll deal with it then. With that, I'm going pass over it.

MR. KOVESDY:
Thank you, sir.

P.O. LINDSAY:
I'm going to recognize Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Thank you, Mr. Chair. I just wanted to put on the record that I need to leave the meeting to report for jury duty in Central Islip. I'm due there at one o'clock.

P.O. LINDSAY:
Okay.

LEG. COOPER:
Mr. Chair.

P.O. LINDSAY:
Legislator Cooper.

LEG. COOPER:
I would like to make a motion to take IR 1347 out of order. I think we have all the E-Cigarette folks in the lobby. They're probably vaping out there and they would probably like to be able to go home.

LEG. ALDEN:
What's the name?

**LEG. COOPER:**
I'm sorry?

**P.O. LINDSAY:**
It's page nine, first resolution under *Health & Human Services:*

**IR 1347-09 - Adopting a Local Law No, a Local Law banning the sale to persons under the age of 19 (Cooper).** Are you making a motion, Legislator Cooper?

**LEG. COOPER:**
A motion to take it out of order.

**P.O. LINDSAY:**
I will second that. All in favor to take it out of order? In favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen (Not Present: Legislator Viloria-Fisher).

**P.O. LINDSAY:**
Okay, it's before us.

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

**P.O. LINDSAY:**
Motion to approve by Legislator Cooper.

**LEG. KENNEDY:**
Second.

**P.O. LINDSAY:**
Second by Legislator Kennedy. On the question.

**LEG. COOPER:**
Thank you, Mr. Chair. With your indulgence I'd like to start off by playing about a ten second clip, just about ten seconds -- I just bought a tape recorder for this very purpose -- from an NPR program, National Public Radio program, that aired August 5th. You are going to hear, after a brief introduction by the reporter, you are going to hear Walt Linscott, who is an attorney for Smoking Everywhere, one of the two leading importers of electronic cigarettes. I just wanted you to hear what the E-Cigarette attorney has to say.

"Despite marketing claims on-line, Smoking Everywhere attorney Walt Linscott says the E-Cigarette is a tobacco product and should be regulated as such. 'It is a cigarette and cigarettes, inherent by their design and nature, are not safe.'"

That, again, was an attorney for the E-Cigarette industry admitting that these products are not safe and that they should be regulated like cigarettes.

I'd also like to draw to your attention a letter that I just received yesterday from -- and every one of you have a copy in front of you, from the Executive Director of Action on Smoking and Health, which is American's first anti-smoking organization. They have been involved in the fight against big tobacco for nearly four decades now, and I'm just going to quote one section from that letter. First of all, they say that they very strongly support the resolution before us, and then they go on to say, "We respectfully suggest that Legislators give weight to the conclusions of this impartial scientific
agency," referring to the FDA, "nationally recognized health experts and major national health organizations, and not be confused or distracted by largely unsupported claims by companies with a huge financial stake in a product, industry funded studies not published in reputable journals and anecdotal evidence." Adding to that we have the consumer health warning that was issued by the Food & Drug Administration a couple of weeks ago, I'm not going to repeat their warnings, but again, they spoke about toxic chemicals and carcinogens found in samples of --

**MS. BABAIAN:**
And water.

**LEG. COOPER:**
And finally, we have the letter of support from our own Health Commissioner. So to recap, this resolution will not ban the sale of electronic cigarettes. It will simply put the same restrictions on them as regular cigarettes. The people in the audience that have testified, Spike and the others, will still be free to use these products in the privacy of their own homes and their vehicles and in any open air venues, but they will no longer be able to subject innocent people around them to these vapors. Thank you.

**P.O. LINDSAY:**
Legislator Alden.

**LEG. ALDEN:**
Jon, in that tape that you played, the attorney got cut off; did he say "but", and then go on with a couple of other comments?

**LEG. COOPER:**
No, it's actually -- there's more that preceded it and more that followed it. It was about a 15 minute segment. It's on-line if anyone wants to hear it, if you go to MTR.org. But no, he did not -- there was not a but.

**LEG. ALDEN:**
If I was his client I might not be all that happy with him, depending on what the context --

**LEG. COOPER:**
Well, actually one of your colleagues in committee said that he must be their former attorney.

**LEG. ALDEN:**
Yeah, that's -- I mean, that does come to mind. The other thing is --

**LEG. SCHNEIDERMAN:**
There are no "butts" with E-Cigarettes.

(Quotation of comment)

**LEG. COOPER:**
I believe that what is -- I think that this is what he was trying to accomplish. Smoking Everywhere and the other major importers of E-cigarettes has filed a lawsuit against the FDA.

**MS. BABAIAN:**
There you go.

**LEG. COOPER:**
The FDA is claiming that these are drug delivery devises, and if they are drug delivery devices, since they have not been approved, they're illegal. They shouldn't be able to be sold anywhere, a complete ban. The industry is afraid of them being labeled a drug delivery device so the industry is actually arguing that no, they're not drug delivery devices, they're the alternative, which is they're cigarettes. And they would rather have restrictions put on their use, have them treated as
cigarettes, than have a complete ban, which would probably be the result if they were considered drug delivery devices. So I think I can't get into his head, but that's probably what was driving this argument.

**LEG. ALDEN:**
Through the Chair. One other quick one. Maybe you can explain and maybe someone else can explain it, but I read a one page explanation, or not an explanation but opinion, from our Health Commissioner. Can you explain to me what he based his judgment on? Was it any firsthand --

*Applause*

**LEG. COOPER:**
You would have to ask the Health Commissioner, I don't know.

*Applause*

**LEG. ALDEN:**
Okay, because -- no, no, don't do that.

**P.O. LINDSAY:**
No, you can't do that. Hold it down.

**LEG. ALDEN:**
Because I was trying to look for, you know, some authority or whether he went and did some kind of test or did some -- whatever, anything, some kind of investigation on it himself.

**LEG. COOPER:**
No, I don't -- I guess I would compare most closely to when the Legislature back in '93 passed the Ephedrin ban, where we passed --

**LEG. ALDEN:**
Here's what I compared it to.

**LEG. COOPER:**
Where again the Health Commissioner came out in support but they didn't perform their own test.

**LEG. ALDEN:**
Here's what I compared it to, Jon. When we looked at the DARE Program and we ended up doing away with the DARE Program, he made some statements and actually gave in writing and compared the DARE Programs lack of achievement on studies that were 15 years old. He didn't really even bring the up-to-date DARE Program analysis into it. So that's just -- if you had some insight that you could give me, I would have appreciated it, but you answered the question.

**LEG. COOPER:**
No, I don't. I could say, though, one thing that I will add is that we will not be, although this would be the first municipality, I believe, in this country, there are five countries so far that have completely banned electronic cigarettes. Canada has banned it completely, Australia, Isreal, Singapore and --

**UNKNOWN AUDIENCE MEMBER:**
No, not true.

**LEG. ALDEN:**
And, Jon, you know what, they probably did some investigation. But so far what I've seen is not conclusive. And even our Federal Government really hasn't gone as far -- and I'm the last guy that wants to see somebody exposed to carcinogens. I mean, I don't know how many other Legislators
we have here that have actually had cancer and had to go through all that, but I don't want to see anyone ever have to go through that. My Dad died from lung cancer, that it metastasized throughout his whole body. If we could save a life by doing something, but I want to have some, you know, a foundation on that. I want to see these science behind it; I want to see the studies so I can be assured that we're doing the right thing. That's the whole point of my inquiry.

**LEG. COOPER:**
Thanks, Cameron.

**P.O. LINDSAY:**
Anybody else? Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**
You know, I haven't seen people smoking E-cigarettes out anywhere I have been, so I don't know how widespread a problem this is. I know there's a rush to ban these things in public place. I know I have people I know and love who smoke cigarettes and I'm trying to actually encourage them to quit smoking. This may be one of the best ways to quit smoking because --

\[Applause\]

One is because you can reduce the amount of nicotine and it gives that sense that smokers seem to love, that oral sensation, but also there's nobody -- the sidestream smoke, you can't possibly compare this to traditional cigarette smoking, which is loaded with carcinogens. It's hard for me in my mind to put this in the same category as cigarette smoking, though when I sat in a room with some of the advocates and they were smoking, there is this mist and it does occlude the air and you do worry that you are breathing nicotine, and I could see somebody in a restaurant being concerned that they're being exposed to something.

There must be some middle ground here, Jon, and one thing that I have been thinking of, I remember when we -- even though I wasn't at this body, when we first prohibited cigarette smoking indoors there was a time period, actually it wasn't even a time period. We allowed smoking in these kind of fully enclosed, fully ventilated areas, and a lot of restaurants actually invested in putting these things in, tens of thousands of dollars, and then we went ahead and banned cigarette smoking altogether. It seems to me just as you have cigar bars now, that I don't see why we couldn't have vapor lounges or maybe take some of these areas that are fully enclosed and make it so that people who did want to engage in smoking vapors could do so.

Now, I know it's not going to make the vapor people happy, but it might be a direction that we can move in to allow -- at least to not force these people to have to stand out either in cigar bar and smoke -- inhale the carcinogenic fumes from a cigar or outside of a building with the other cigarette smokers and have to inhale that. That's not fair to these people either.

I think we do need to recognize as a body that these electronic cigarettes cannot be equated with traditional cigarettes in terms of their health impact --

\[Applause\]

And to do something to -- something to make that -- to codify that difference so that these people -- and it might actually be good for the economy to create vapor lounges as well. So I think that's a direction -- I'll probably introduce a bill to do something like that if I can work with Counsel on it, but I wanted to make my feelings known.

**P.O. LINDSAY:**
Legislator Montano.
LEG. MONTANO:
Mr. Cooper, you were just saying that other jurisdictions have banned E-cigarettes. Did they ban them totally or as you are doing here, under the age of 19.

LEG. COOPER:
My understanding is the five countries that I mentioned, and I think one prohibition went into effect relatively recently, I think that they're complete bans.

LEG. MONTANO:
Okay. And there were some --

UNKNOWN AUDIENCE MEMBER:
No, they're not.

LEG. MONTANO:
I guess some dissension in the audience, at least I picked that up. I see someone's hand up there.

UNKNOWN AUDIENCE MEMBER:
Can we address that?

P.O. LINDSAY:
No, sorry. No.

MS. BABAIAN:
The sales were --

P.O. LINDSAY:
There's no --

LEG. MONTANO:
I don't want to go out of order, but I'm just curious. Could you explain what the reaction is?

LEG. COOPER:
The sales were banned. I guess to differentiate between the use banned and the sale being banned, but even in this country we don't ban the smoking by minors; we ban sale of cigarettes to minors. Again, I believe they would agree in those five countries it's a complete ban on the sale of E-Cigarettes to --

MS. BABAIAN:
Not in the use.

LEG. MONTANO:
I'm just curious, though. If they ban the sale and not the use, how do you get the cigarette?

UNKNOWN AUDIENCE MEMBER:
It's ban on import.

LEG. COOPER:
I think, again, it's the same concept here.

LEG. MONTANO:
Is it like a black market?

LEG. COOPER:
You don't want to punish -- you don't want to target the users, you don't want to target the minors. The health advocates say it is better to target --
UNKNOWN AUDIENCE MEMBER:
(Inaudible)

LEG. MONTANO:
Wait, this is a serious discussion, and I just had some questions.

LEG. D'AMARO:
Excuse me. Mr. Presiding Officer, can I just interrupt for one moment? Excuse me, Legislator Montano. Maybe you are not hearing it there, but I am hearing an awful lot of comments from the audience and I think it is inappropriate and if that could cease --

P.O. LINDSAY:
Yes, I agree.

LEG. D'AMARO:
-- I'd appreciate that.

LEG. MONTANO:
I have to agree. I'm really just trying to get some answers here and I'm not getting them because of the background noise. Just to go back, Legislator Cooper. So these countries or these jurisdictions have banned the sale totally of the E-cigarettes?

LEG. COOPER:
Correct.

LEG. MONTANO:
All right, thank you.

LEG. COOPER:
And one other thing that I wanted to add, whether this will increase the number of votes for the resolution or decrease, there's actually one company that is now supplying E-cigarettes that contain cialis, so it's a way for you to -- contain cialis by vaping so --

(Laughter From Audience)

LEG. COOPER:
It's a way for certain customers to get their dose of cialis by vaping. For those interested, I can give you the website.

(Laughter From Panel & Audience)

LEG. MONTANO:
Jon, just so I'm clear, those jurisdictions that banned the sale and not the use, is there -- if you know, is there a black market that they created, like a black market for E-cigarettes?

LEG. COOPER:
I'm sorry, I don't know.

LEG. MONTANO:
You don't know? I'm just curious, because I don't know how you could do one without the other.

P.O. LINDSAY:
Anybody else? Okay. Roll call. We have a motion to approve and a second, right?

MR. LAUBE:
Correct.
(Roll Called by Mr. Laube - Clerk)

**LEG. COOPER:**
Yes.

**LEG. KENNEDY:**
Yes.

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

**LEG. STERN:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. HORSLEY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. BARRAGA:**
Yes.

**LEG. ALDEN:**
Abstain.

**LEG. MONTANO:**
Yes.

**LEG. EDDINGTON:**
Yes.

**LEG. LOSQUADRO:**
Yes.

**LEG. BEEDENBENDER:**
Yes.

**LEG. BROWNING:**
Abstain.

**LEG. SCHNEIDERMAN:**
Yes.

**LEG. ROMAINE:**
Abstain.

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

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

MR. LAUBE:
Thirteen.

LEG. SCHNEIDERMAN:
Tim, change mine to an abstention.

MR. LAUBE:
Twelve. (Abstentions: Legislators Alden, Browning, Romaine and Schneiderman; Opposed: Presiding Officer Lindsay)

P.O. LINDSAY:
Okay. We have like ten minutes, so let's see how many we can get through here.

IR 1718-09 - To amend Adopted Resolution No. 732-2007, as amended by Resolution No. 586-2008 to extend the deadline for the Suffolk County Budget Reform Commission (Gregory).

LEG. GREGORY:
Motion to approve.

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

LEG. ALDEN:
Second.

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

MR. LAUBE:
Seventeen (Not Present: Legislator Viloria-Fisher).

P.O. LINDSAY:
1725-09 - Apportioning mortgage tax by the County Treasure (County Executive). I'll make a motion. Do I have a second.

LEG. KENNEDY:
Second.

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

MR. LAUBE:
Seventeen (Not Present: Legislator Viloria-Fisher).

P.O. LINDSAY:
1604-09 - Adopting Local Law No. -2009, A Local Law requiring retailers of swimming pools to post signs regarding State pool alarm requirements (Romaine).

LEG. ROMAINE:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Romaine. Do I have a second?
LEG. KENNEDY:  
Second.

P.O. LINDSAY:  
Second by Legislator Kennedy.

LEG. D'AMARO:  
Just on the motion.

P.O. LINDSAY:  
On the motion, Legislator D'Amaro.

LEG. D'AMARO:  
Yes, through the Chair. I just wanted to ask the sponsor, Legislator Romaine, how the bill works and how it would be enforced by the County.

LEG. ROMAINE:  
Currently the bill would require those retailers of swimming pools to post signs regarding the New York State Pool Alarm requirements. The State Law requires alarms on all swimming pools more than 24 inches deep at any one point. The Local Law will be enforced by the Department of Consumer Affairs, and violations of the local law would be punished by fines up to $1,000 for repeat offenders.

LEG. D'AMARO:  
And just one more question, Legislator Romaine. Does the Department of Consumer Affairs currently inspect this type of retail establishment or would we need to hire more inspectors to do this? Have you explored that with the Commissioner or with the department?

LEG. ROMAINE:  
The Commissioner did not raise these questions. I sit on the Consumer Affairs Committee and the Commissioner did not raise any concerns about this bill at that time that I'm aware of.

LEG. D'AMARO:  
Forgive me if I'm misspeaking, but I think the last Consumer Affairs Committee we were at you were raising concerns about staffing.

LEG. ROMAINE:  
Right. I was raising questions about home improvement contractors because, as you may recall from my discussion with the Commissioner, if someone comes in with a complaint against a licensed home improvement contractor there's about six weeks before they can even address the complaint, that is, look at it.

LEG. D'AMARO:  
Right, so you had staffing issues with Consumer Affairs.

LEG. ROMAINE:  
I had staffing issues about that.

LEG. D'AMARO:  
Okay. My only question is, I'm not trying to be adversarial, I just want to know that we have sufficient inspectors or staffing to perform the inspection because faction here because this bill sends out a message that if we're going to require retailers to post these signs, certainly we have to ensure compliance with that law as a public safety measure.

LEG. ROMAINE:
Absolutely. I would assume that the Executive Branch would make whatever requirements are necessary, in terms of staffing, to enforce this law. This is a law, as we know, in Suffolk County each and every year there are children and infants that die in pools. A pool alarm would certainly prevent that type of thing from happening if someone was at home at all, and you would assume with young children that someone would be at home, and an alarm would go off and that would be a good thing if it even saved one life. I think it can save lives. This is a New York State Law. All we're doing -- we're not enforcing the law regarding the pool alarm. We're only enforcing the law, which I think compliance is rather simple, is that the retailers post a sign in the store. Now, most retailers, when this law will be passed, should do that as a matter of right. It's only requiring the posting of a sign.

**LEG. D'AMARO:**
I appreciate that. My only point was that a law like this is only as good as the enforcement behind it, and I guess you feel we have sufficient staffing to enforce this.

**LEG. ROMAINE:**
That, in fact, if New York State enforces the more rigorous requirement that pool alarms be installed when pools are built, yet.

**LEG. D'AMARO:**
Right, but they're not enforcing our resolution.

**LEG. ROMAINE:**
No, they are not enforcing the sign situation. But I can certainly put in legislation to allow New York State, when they inspect for pool alarms, to also check retailers and also have the ability to enforce our law.

**LEG. D'AMARO:**
But that wouldn't be binding. My point is that do we have the sufficient staffing currently to enforce this law.

**LEG. ROMAINE:**
I can't answer for Consumers Affairs, only the Commissioner can. And as I -- you serve on the committee with me, when this law was discussed, the Commissioner raised no such concerns.

**P.O. LINDSAY:**
Legislator Kennedy. Are you done, Legislator D'Amaro?

**LEG. D'AMARO:**
I am. Thank you, Mr. Presiding Officer.

**P.O. LINDSAY:**
Quickly, please, because I really want to get through some of these resolutions.

**LEG. KENNEDY:**
Fine. I was just going to add to the dialogue that we questioned the Chairman at Consumer Affairs at length and he didn't indicate at this point that there were constraints within their department. Notwithstanding a heavy load, he did not, you know, raise any concern about the ability to go ahead and have his agents or people go ahead and go back the enforce. So, we should take him on his word.

**P.O. LINDSAY:**
Okay. I'm going to move this. I just want to say for the record I'm going to vote for this bill; I don't think we have enough staff at Consumer Affairs. I don't think we have enough staff to do what their core mission is now, and I think that's a shame because the Consumer Affairs Department is
something that does an awful lot of good work and actually earns money for this County, it doesn't cost us money, and we need to get some of them vacant positions filled. Okay, we have a motion and a second to approve. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not present: Legislator Viloria-Fisher).

LEG. GREGORY:
Cosponsor.

P.O. LINDSAY:
Okay. I'm going to try and go through. We have got a bunch of reappointments here, so let's see if we can go through these quickly.

1664-09 - Approving the reappointment of Patrick M. Pichichero, Jr. As a member of the Suffolk County Home Improvement Contractors Licensing Board (County Executive).

LEG. KENNEDY:
Motion.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Motion by Legislator Kennedy, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Viloria-Fisher).

P.O. LINDSAY:
1665-09 - Approving the reappointment of Richard L. Crescenzo as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment, Bacteria Additives and Maintenance Board. (County Executive). How about same motion, same second, same vote?

LEG. KENNEDY:
Fine.

MR. LAUBE:
Seventeen (Not Present: Legislator Viloria-Fisher).

P.O. LINDSAY:
1666-09 - Approving the reappointment of Robert N. Falk as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment, Bacteria Additives and Maintenance Board (County Executive). Same motion, same second, same vote.

MR. LAUBE:
Seventeen (Not Present: Legislator Viloria-Fisher).

P.O. LINDSAY:
1667-09 - Approving the reappointment of C. W. (Judge) Coleman as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment, Bacteria Additives and Maintenance Board (County Executive). Same motion, same second, same vote.
MR. LAUBE:
Seventeen (Not Present: Legislator Viloria-Fisher).

P.O. LINDSAY:
1668-09 - Approving the reappointment of Joseph H. Baier as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment, Bacteria Additives and Maintenance Board (County Executive). Same motion, same second, same vote.

MR. LAUBE:
Seventeen (Not Present: Legislator Viloria-Fisher).

P.O. LINDSAY:
1669-09 - Approving the reappointment of Russell J. Calemmo as a member of the Suffolk County Electrical Licensing Board (County Executive/Schneiderman). Same motion, same second, same vote.

LEG. SCHNEIDERMAN:
I would like to make the motion, if I could. It’s for my district.

P.O. LINDSAY:
Okay. Motion by Legislator Schneiderman, second by Legislator Kennedy. How is that, okay? Legislator Stern, did you -- no. Okay, is that all right, you second it?

LEG. KENNEDY:
Sure.

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

MR. LAUBE:
Seventeen (Not Present: Legislator Viloria-Fisher).

LEG. SCHNEIDERMAN:
Clerk, I would like to cosponsor.

P.O. LINDSAY:
1670-09 - Approving the reappointment of Donald J. Fiore as a member of the Suffolk County Electrical Licensing Board (County Executive). Motion by Legislator Kennedy, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Viloria-Fisher).

P.O. LINDSAY:
Okay. I have one minute and two minutes depending on which clock I look at.

LEG. KENNEDY:
Keep going.

P.O. LINDSAY:
1648-09 - Accepting and appropriating an amendment to the College Budget for a grant award from the State University of New York for an Educational Opportunity Program 87% reimbursed by State Funds at Suffolk County Community College (County Executive).
LEG. GREGORY:  
Motion.

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

MR. LAUBE:  
Seventeen (Not Present:  Legislator Viloria-Fisher).

P.O. LINDSAY:  
1684-09 - To reappoint Margarita Espada-Santos as a member of the Suffolk County Citizens Advisory Board for the Arts (Montano).

LEG. MONTANO:  
Motion.

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

MR. LAUBE:  
Seventeen (Not Present:  Legislator Viloria-Fisher).

P.O. LINDSAY:  
1679-09 - To reappoint member of County Planning Commission (Constantine E. Kontokosta)(County Executive/Romaine)

LEG. ROMAINE:  
Motion.

LEG. LOSQUADRO:  
Motion.

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

MR. LAUBE:  
Seventeen (Not Present:  Legislator Viloria-Fisher).

LEG. ROMAINE:  
Please list me as cosponsor.

MR. LAUBE:  
Got it.

P.O. LINDSAY:  
1680-09 - To reappoint member of County Planning Commission (Thomas J. McAdam) (County Executive/Romaine).

LEG. ROMAINE:  
Same motion.
P.O. LINDSAY:
Same motion, same second, same vote, all right?

LEG. LOSQUADRO:
Yep.

MR. LAUBE:
Seventeen (Not Present: Legislator Viloria-Fisher).

LEG. ROMAINE:
Cosponsor.

P.O. LINDSAY:
1685-09 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Eastport Property Development LLC property - Town of Brookhaven - (SCTM Nos. 0200-593.00-01.00-009.000 p/o and 0200-593.00-01.00-010.000)(County Executive).

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine.

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

LEG. GREGORY:
Opposed.

MR. LAUBE:

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

MR. LAUBE:
Will do.

LEG. SCHNEIDERMAN:
And myself, too.

P.O. LINDSAY:
At this point I am going to adjourn for our lunch break. I’ll see you back here at 2:30.

(The meeting was recessed at 12:32 PM and reconvened at 2:32 PM)

P.O. LINDSAY:
Okay, two thirty. We're going to start the Public Hearings. If the aides in the hallway could bring me the cards, please? Here they come.

Okay, first up is (Public Hearing) IR 1273-09 - A Charter Law to clarify powers and duties of the Board of Trustees in Parks & Recreation. And let me see if I have any cards. I do not see any cards on 1273. Is there anyone in the audience that would like to address us on 1273? Seeing none, all in favor?
MR. LAUBE:  
Do you want do roll call before we start?

P.O. LINDSAY:  
Oh, you want to do a roll call. All right. I'm sorry. Mr. Clerk, call the roll, please.

(Roll Called by Mr. Laube - Clerk)

LEG. ROMAINE:  
(Not present).

LEG. SCHNEIDERMAN:  
Here.

LEG. BROWNING:  
Here.

LEG. BEEDENBENDER:  
Here.

LEG. LOSQUADRO:  
Present.

LEG. EDDINGTON:  
Here.

LEG. MONTANO:  
(Not present).

LEG. ALDEN:  
Here.

LEG. BARRAGA:  
Here.

LEG. KENNEDY:  
(Not present).

LEG. NOWICK:  
Here.

LEG. HORSLEY:  
Here.

LEG. GREGORY:  
Here.

LEG. STERN:  
Here.

LEG. D'AMARO:  
Here.

LEG. COOPER:  
Here.
D.P.O. VILORIA-FISHER:
Present.

P.O. LINDSAY:
Here.

MR. LAUBE:
Fifteen (Not Present: Legislators Romaine, Montano & Kennedy).

P.O. LINDSAY:
Okay, back to where I was. As you can see, I'm anxious to get through this process. Legislator Browning, what is your pleasure?

LEG. BROWNING:
I'm not on the page yet. Okay, sorry about that. I'll make a motion to table, but I believe we have to redo the public hearing.

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

LEG. BROWNING:
Sorry, recess.

P.O. LINDSAY:
I'm just being told by the Counsel's Office that there is a revised schedule --

LEG. BROWNING:
Yes, there is a revised version.

P.O. LINDSAY:
I don't have the revised schedule.

LEG. BROWNING:
We did revise it, and we have to do --

P.O. LINDSAY:
No, no, not the bill. A revised schedule of public hearings.

LEG. BROWNING:
Right.

MR. LAUBE:
Correct. We handed them out before the meeting, we had a switch.

P.O. LINDSAY:
Somebody should have addressed the agenda, then. You can't leave that in there.

MR. LAUBE:
It says revised across the top.

P.O. LINDSAY:
Nobody told me.

MR. LAUBE:
Sorry about that.
P.O. LINDSAY:
Okay. 1273 isn't before us, I don't know why, and I don't want to know why.

LEG. BROWNING:
We have to do another public hearing.

P.O. LINDSAY:
All right, *(Public Hearing) 1290-09 - Adopting Local Law No. 2009, A Local Law to enact a grading policy for food establishments (Losquadro).* And I don't have any cards on this subject. Is there anyone in the audience that would like to speak on 1290? Seeing none, Legislator Losquadro?

LEG. LOSQUADRO:
Motion to recess.

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

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

P.O. LINDSAY:
*(Public Hearing) 1314-09 - Adopting Local Law No. -2009, A Local Law to authorize a County Registry for Domestic Violence Offenders (Gregory).* I have one card, Greg Fisher. Mr. Fisher, are you in the audience? Mr. Fisher? One last time, is Greg Fisher in the audience? Is he out in the hallway? No. Okay. Legislator Gregory, what's your pleasure with this?

LEG. GREGORY:
I would like to recess. I make a motion to recess.

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

MR. LAUBE:
Sixteen (Not Present: Legislator)

P.O. LINDSAY:
*(Public Hearing) 1415-09 - Adopting Local Law No. 2009, A Local Law banning the sale of drop-side cribs in Suffolk County (Horsley).* I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Horsley?

LEG. HORSLEY:
Motion to recess.

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

MR. LAUBE:
Sixteen (Not Present:

P.O. LINDSAY:
*(Public Hearing) IR 1577-09 - Calling for a public hearing for the purpose of considering proposed increases and improvements of facilities for Sewer District No. 9 – College Park*
(CP 8163) (County Executive). I don't have any cards on this subject. Is there anyone in the audience that would like to speak to us on this subject? Seeing none, I'll make a motion to --

LEG. ALDEN: I'll make a motion to close.

P.O. LINDSAY: Motion to close. You want to close? Close it? Okay, I'll second that. All in favor? Opposed? Abstentions?

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

P.O. LINDSAY: (Public Hearing) 1614-09 - Adopting Local Law No. -2009, A Local Law to reauthorize the Hotel/Motel Tax (Presiding Officer Lindsay). I have several cards. Jim Zaborski. Jim, you have five minutes.

MR. ZABORSKI: Thank you, Legislator Lindsay. I would like to thank the Legislature for the opportunity to speak. I'm here today to voice my opposition to the proposed increase in tax in the hotel tax at this time.

I am the President of Dune Management Company. My company operates ten resort properties between East Hampton and Montauk. We have found in this current economic environment, as many businesses have found, that it is difficult to maintain our prices, our rates, in the fashion we have in the past and we are -- with declining revenues. We have a short season. We have to -- which we need to cover the cost of our operations, the employment of our personnel. We employ about 150 people during peak season and we're concerned about the wisdom of the imposition of this tax at this time.

We had spoken to members of the Legislature earlier on and voiced this concern. Much of the revenue that is generated by this proposed increase is going to offset other costs in operations, in County operations that seem to be struggling elsewhere and suffering because of their -- for whatever reason. It seems inappropriate to take a viable entity, a viable business enterprise as the tourism industry is on Long Island, and extract the vigor and vitality from it to support facilities that are faltering and have not been able to make a go of it on their own.

We're also concerned, or I'm also concerned, that perhaps the concept of raising this tax may actually have a negative impact on the general sales tax. Recognizing that the hotel industry and tourism industry has a large multiplier effect as the money that is -- for each dollar that is spent in a hotel room generates through economy, if the calculations that have come to this conclusion are off it's quite possible that instead of the County netting additional revenues, that it may end up losing revenues from the general revenue fund.

Again, I think that there are many issues that are of concern relative to this legislation and I hope that the Legislators will take it under serious consideration before moving forward with it today. Thank you.

LEG. BEEDENBENDER: Mr. Chairman, if I may?

P.O. LINDSAY:
Legislator Beedenbender.

**LEG. BEEDENBENDER:**
Mr. Zaborski, thank you for coming. I have the letter that you e-mailed me, I think it was yesterday, in front of me. I got an e-mail from yourself and several other people that I'm hoping you can help explain. It refers to co-op and condominium owners and I haven't -- none of the County lawyers have been able to explain to me how our bill impacts a co-op owner or a condo owner with the hotel/motel tax. If you could provide some clarification, I really would appreciate it.

**MR. ZABORSKI:**
Sure, I would be happy to. Our facilities are operated -- their form of ownership is in co-ops and condominiums, so that there are multiple owners that have an interest in each of the respective units within the group. We manage some 400 resort residential co-ops and condominiums, so you have 400 families that are relying on the income that is generated from the operation of these facilities to cover their operating costs, to cover the maintenance they have to pay and, you know, some of these folks have owned them for years. They might use them to cover the cost in their retirement years to help with their cost of living.

**LEG. BEEDENBENDER:**
The law classifies that as a hotel and --

**MR. ZABORSKI:**
They have been --

**LEG. BEEDENBENDER:**
And I'm sorry to interrupt. The reason I ask is because when we were discussing this previously, this fact is not something that had been presented before me, or at least understood. I'm just trying to get a better grasp on exactly what we're talking about.

**MR. ZABORSKI:**
It's just a different form of ownership of a resort entity, you know, where you are approved for transient rentals by the County -- by County and the Town of East Hampton and they have been operating this way for over 25 years, so.

**LEG. ROMAINE:**
Mr. Presiding Officer? I believe if you rent out something for more than two weeks to different people it is considered a taxable item. I have someone that owns cottages in East Marion, they don't rent it out, and they still have to fill out the Hotel/Motel Tax paperwork. It's just one of those things that is a burden.

Let me ask you a question. Are you familiar in 1988 the United States Congress decided to tax a number of things, like luxury goods, luxury cars, aircraft and yachts, in the hopes of taking in more money. A few years later they later repealed that because not only did they not take in more money, but they actually lost money because people working in those fields were laid off, less was sold, and actually the Federal Treasurer took in less. I think you are making the analogy that this tax could be the make or break for some of the hotel/motel owners that in the end the County actually might take in less taxes than it's taking in now by imposing these new taxes.

**MR. ZABORSKI:**
Yeah, that's exactly the point I was trying to make. I appreciate you clarifying that for me.

**LEG. ROMAINE:**
Thank you.

**MR. ZABORSKI:**
Any other questions?
P.O. LINDSAY:
Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Thank you, Mr. Chair. And thank you for sending that e-mail. I was also confused when I read it and had some questions. I just want to make sure, although your answer began to clarify it for me, I'm still not quite certain how it works.

If I owned a co-op and wanted to rent it for a week to someone, I would have to register that as a vacation -- I'm confused as to how the mechanism works or is it only when there is a management company that's involved that the tax kicks in? I'm very unclear.

MR. ZABORSKI:
I think individuals renting on their own are not necessarily taxable. That end of it I'm not clear on because I don't get involved in that aspect of the business. But in order for us to make the condominiums available to the public on a transient basis we are obliged to pay the hotel tax, which we do on a regular basis. And that's the law. My understanding as far as the exemption from -- and even in our situation if somebody were to rent for 90 or more days they would know -- they would not be -- they would not be subject to either sales tax or the hotel tax.

D.P.O. VILORIA-FISHER:
What about the case of people who own homes and rent them out? So I guess it would be the same situation if they rented -- if they had a house in the Hamptons and rented it for a week they would have to pay the tax, but not for the whole summer?

MR. ZABORSKI:
No, they're not subject to the tax at all, no.

D.P.O. VILORIA-FISHER:
They are not taxed at all.

MR. ZABORSKI:
No.

D.P.O. VILORIA-FISHER:
Okay, thank you.

P.O. LINDSAY:
Thank you very much. Ken Walles.

LEG. MONTANO:
I had some questions, but not for him.

P.O. LINDSAY:
We have 30 cards.

LEG. MONTANO:
Don't worry about it.

P.O. LINDSAY:
Ken Walles.

MR. WALLES:
Good afternoon. It's a pleasure to be here. I'm one of those motel owners out on the east end. I would just like to express, you know, it's my feeling that it is with great disappointment and amazement that our Legislators at this time would consider raising the Hotel/Motel Tax during one of
the most trying economic times in the history of the United States for businesses large and small. I think it’s unconscionable to think that this would not have an effect on the well-being of Long Island’s hospitality industry, but will result in an actual additional downturn of the already faltering economy with no realistic end in sight.

I have served in the hotel industry nationally for approximately 35 years now, and whether in good times or bad times, any room tax combined with the State taxes prove to be a deterrent to be considered. I have worked with the likes of Hilton Hotels Corporation, Holiday Inn Corporation, Four Seasons Resorts and prior to my purchase in Montauk, ten years with the Hotel Pennsylvania in Manhattan. We had a devastating effect with the taxes at the time. Anything in the two-digit area was not very marketable. Okay.

The traveling consumer group tours, business and meeting planners review the bottom line effects to their finances and will shop a variety of alternative destinations that are more attractive that can still serve the same purpose for their travel needs and for their clients. And in these tough competitive times, present and future alternative selections will result in lost business for our industry, along with all the supportive businesses and services that follow, including labor, and additionally their purchasing power. Once we’ve entered the two-digit tax burden we’re placed at competitive disadvantage, and although you may feel 3% is minimal when compared to other counties throughout New York State, compare the contribution of real dollars.

Now as a property owner in Montauk, Montauk is a unique destination. We thrive for approximately 16 weeks per year, 16 weeks that relies on the economy, the consumer demand, and more importantly, the weather. Sixteen weeks to secure the revenues needed to see us through a long off-season.

As you may see by the tax receipts probably already seen for 2009 to date, an average drop by about 15 to 20% will be anticipated. That’s in -- that’s not only my own property, but speaking to other property owners throughout Suffolk County. It could be worse. I started off dealing with a 40% drop. Our rates are a bit higher in Montauk, you know, during our peak season, whereby your proposed increase we’ll add approximately a $30 bill to the guests average length of stay. Thirty dollars that may have gone to benefit other parts or services of our local economy.

In addition, the room taxes collected are best utilized for promotional funds as it does through the LICVB. These funds were not meant to be used as a bailout fund for organizations that are possibly mismanaged or just have developed a poor business plan, nor should they support pet projects of individuals entrusted to our government system.

I would love, as a property owner, to receive a half a million dollars and renovate and bring my property up to where it has been -- where it is today. It took me ten years to get it. Furthermore, it is criminal to place additional tax burdens on the American people, along with all other taxes being implemented at this time. We are taxed for whatever we earn, what we save, and what we give away. I think enough is enough.

**P.O. LINDSAY:**
Dave Lee.

**MR. LEE:**
I'm David Lee from beautiful downtown Sag Harbor. I'm one of the founders of the LICVB, acted as the Chairman about 28, 29 years ago. I have been opposed to a room tax for the last 25, 30 years. I'd like to know what you intend to do with the money that is garnered by a 3% tax; how is it going to be spent?

**P.O. LINDSAY:**
It's part of the legislation. A certain amount of it goes back to the Visitors & Convention Bureau and some of -- the rest of it is spent on venues from museums to cultural things to parks, a lot of the
things that attract people to Suffolk County.

MR. LEE:
That was one of the problems and has been one of the problems with utilization of a room tax ever since day one. If the money went to the LICVB it would be spent to enhance tourism; it's not going to be. Evidently it's going to go to museums and parks and any other place you can think of to put some money. This money, if raised by the hotels and motels, should be used by the LICVB and like organizations to promote tourism. And I thank you very much.

P.O. LINDSAY:
Legislator Montano. Sir, if you want a question. Mr. Lee?

LEG. MONTANO:
No. I actually want to question BRO. Is that all right?

P.O. LINDSAY:
Well, we're just taking public testimony now on the bill. We're going to have time to debate the bill.

LEG. MONTANO:
Okay.

MR. LEE:
Can I go now?

P.O. LINDSAY:
Yes. I'm trying to make out, Theodore Conklin.

MR. CONKLIN:
I'm here representing, just to read a letter that we sent to Steve Levy. I hope that, you know, we'll e-mail all of you as well, to reinforce the point. This may sound like a broken record, we're all from the East End, so far at least. "The Sag Harbor Business Association and the Chamber of Commerce of Sag Harbor are opposed to the legislation under consideration by the County Legislature that would raise the sales tax on hotel occupancies 3%. Our observation is that tourism dollars are too important to jeopardize. The tax will penalize our customers who are increasingly price sensitive and whose loyalty is ever harder to keep at this critical time when we East End entrepreneurs, hotel people, retaurateurs, retailers are cutting prices and slashing costs to survive. The market is diminishing and this proposed legislation rather than raise funds will create another reason to stay away from the East End and contribute to additional unemployment and economic stagnation.

Whatever gain the Legislature pretends to expect will, in our opinion, be more than offset by reduced hotel bookings and lack of corollary spending. This blood from a stone approach is a lose/lose for the County. For the East End it does disproportionate harm because it benefits little from Long Island tourism promotional support that often it does not even want. Sincerely hoping our voice will be heard in Hauppauge, signed Robert { } for the Sag Harbor Chamber of Commerce and Theodore Conklin for the Sag Harbor Business Association." Thank you.

P.O. LINDSAY:
Cheryl Castiglione.

MS. CASTIGLIONE:
Hi. I'm Cheryl Castiglione, and I own a Bed and Breakfast in Peconic. I'm representing a few other B&B owners that could not be here today; Sterling House, Acorn Hollow, and Morning Glory.

I kind of echo and agree with the previous gentlemen's statements about the tourism and how I think the tax will hurt. Already everyone is -- accommodations, our sales have been down anywhere
from 40 on down to maybe 15 or 16% during the summertime. And you know if you are running a B&B out east you have to make your money during the season. And already what some of us have to do is offer maybe mid-week rent two rooms -- I mean, two nights and giving the third night free. Well, we're cutting down just to get people out here, but you're not getting the tax on the free nights, or maybe we're cutting our rates from 250 to 200. Then again you are not getting your sales tax on that. I think that if you increase the sales tax it's just going to make things worse. People are always asking for a deal, they're trying to cut back, and I think the tax will just harm any future bookings that anyone might have.

I don't know, the gentlemen were very good before me, all three of them made very good points. I think I'm just going to echo what they said without taking up any more time. Thank you.

P.O. LINDSAY:
Thank you. Berk Swezey.

MR. SWEZEY:
Ladies and gentlemen, thank you for allowing me to speak today. I'm going to tell you who I am, what I do and then I'm going to pass on some information that you should know about.

My name is Berk Swezey, as you know now. I own a small franchise on the east end. I belong to the Montauk Chamber, I belong to the Sag Harbor Chamber, the Southampton Chamber, and the East Hampton Chamber. In the course of my business, I've work -- I own a franchise called Resort Maps, a map like that, and maybe some of you have seen it. About every week I pass out about 8,000 of these in Montauk, for example, and I go to motels, I go to hotels, I go to stores, and I leave them there. And I leave them there because the tourist comes by, and picks up a map and finds out where they should go. I sell the advertising around the map, so that's what I do.

The reason I'm here is because every day I talk to people. I talk to the people that work in the motels and hotels that work for the big ones. I talk to the small owners, I talk to the shopkeepers; they're terrified. For example, I had a conversation last week with a hotel owner, he and his wife own the motel, and he said, "Berk, this has never happened to me before. People call up, I tell them how much my rate is, they hang up. They call back and say, "Can you cut it down by 50%, 100%? Berk, I can't afford to do it." He said, "I have old customers I've had for five, six, seven years call me up, come in here, and they try and get the rates down. He told me that -- he gave me the name of three and four restaurants that their business has been cut in half.

The restaurants in Montauk and all over are hurting. The people that work in the large hotels, the little guy, he and she are hurting bad because they're -- they don't get the time that they usually have to work. They're afraid that they're going to be laid off. So it's the little people I'm talking about. The hotel owners? Sure, they're going to lose money because not many people are going to stay at their hotel, but the small, independent businessperson, he might be out of business.

I've never talked to them about the tax, they're just telling me about the problems they have. If you pass this tax it's going to make the papers. When it makes the papers people all over, Westchester -- because a lot of people from Westchester come down to the East End, all over are going to say, "Why should I go there? I knew I shouldn't go there, I can't afford it." It's going to further hurt these people.

If you are going to pass a tax, wait a couple of years. It's an economic condition; it is not going to change for a little while. So give everyone a break. You will hurt the people that do business in that short 16 week period of time dramatically. So that's -- I'm just passing on what I'm hearing. I'm hearing that people are afraid when this tax hits the papers it's going to get worse for them. Thank you very much.

Applause
P.O. LINDSAY:
Hold on, Mr. Swezey. Legislator Romaine has a question.

LEG. ROMAINE:
Hi, Berk. I know Berk many, many years. How are you doing?

MR. SWEZEY:
Fine, Ed. How are you, sir?

LEG. ROMAINE:
Excellent. Let me just go back. We’re in a recession now. I’m a representative of the County of Suffolk. The County is complaining because the State is imposing a MTA payroll tax on the County. No one likes a tax, particularly in a recession, because they can’t figure out how they’re going to pay for it. This hotel/motel tax is going to be quadrupled; it’s not going up a little bit, it’s going up 400%. Do you think that that will actually be counterproductive and actually affect the County so that they would bring in less taxes over time than more taxes?

MR. SWEZEY:
They will be paying in their minds more taxes, but they’re not going to have the people to collect money from, so they’re going to be paying less taxes. Give it a couple of years, Ladies and Gentlemen, it’s going to hurt people.

LEG. ROMAINE:
Thank you.

MR. SWEZEY:
Thank you very much.

P.O. LINDSAY:
David Macknee.

MR. MACKNEE:
Yeah, I’d like to know, are you guys for real or what? Do you guys know what -- how much pain is out here? How many people are going to lose their businesses? You just keep taxing, you keep taxing and you keep taxing. How many of you gave up some of your money? Nobody, I’ll guarantee you, nobody.

P.O. LINDSAY:
All of us.

LEG. ALDEN:
All of us.

MR. MACKNEE:
Not like we are. We’re going to lose our businesses. Okay? And it’s the fault of the government with these damn taxes. They just -- you are insatiable. You’re insatiable. Give you a 100,000, you want 300,000. And you are going to spend it on the damndest things I ever saw. All right?

Now what’s my business? I’m Dave MacKnee from the Farm Bed and Breakfast. What have I got to do here, okay? What I got to do here is I got to buy my food local from rot camps and from Davis Peach Farm and I have to keep people coming to my bed and breakfast. So what do I have to do, all right? I had to cut the price, all right? So I’m hurting really bad, all right, but you’ve got to do it or I’m done. I think I’m done anyhow, but that’s beside the point.

Now, I get a lot of people because I have 15 referrals, my place is loved. If you look in bedandbreakfast.com you see my referral, okay. And I’m full a lot of the time, but I had to drop my
price so high -- so low that I couldn't even -- it's like I'm just on the edge making a little, not making anything. Okay? And what happens is you guys just want to seem to go ahead and do this again, you know, add more tax. We can't handle it. It's over, guys. You have to understand, we can't go into the cellar and print new money. We have to make money, all right? And if you guys keep taking it, then we're out of business and you know what? We're out of business, you're out of business, because there's not going to be any business around here.

Now, I get a lot of people from New York City coming in, Germans, I get French, and they're all -- they love horses. I have horses. It's a horse farm bed and breakfast and I get a lot of them in. Okay? That's bringing money into Suffolk County, okay? But you guys, no matter what I make, whether how much money I make, you guys are going to add on and add on and add on. And representative Caracciolo, he put something in my head that I never even realized on the MTA thing. That's going to add more on to it. If that's true, it's insane. It's over. So, you guys have a good day and I hope you kick some money in to help me buy a new place someplace else.

Applause

P.O. LINDSAY:
Kerry Navarro.

MR. NAVARRO:
Hi. I operate a motel on the North Fork and I'm speaking for two other properties that weren't able to make it here because they can't leave their business during the day. They are all owner-operators like me.

A little insight to the East End businesses. They talk about 16 weeks. It's really about 90 days of rental when you add it up. It's very, very short season that's dependent on weather, and a lot of people I think in Western Suffolk don't understand that, how dependent we are on weather. The biggest factor that I have seen in the last like 30 years of doing this business is a saturation of the market of rental properties that are not collecting taxes. These are speculation houses that are being rented on Craig's List, that are being rented in the local newspapers and real estate brokers, and no taxes are being collected on these houses. These houses used to be seasonal rentals that were, you know, the summer or the month. Now they're weekends. People will be -- they rent rooms in these houses. So if we're charging $120 a night, they're charging $100 a night and they are renting it by that. So you could raise the tax a hundred percent on the East End, you won't get anything increased but a decrease, because you are now forcing people to do alternative rentals.

I'm on the phone all day long. I have -- I'll give you a perfect example. I had a group of Oriental girls graduating FIT. They were coming out, they were going to take three rooms. They ended up renting a neighbor of mine's house for $1,600 for the week of June; a three bedroom house nowhere near the water. That's ridiculous. They would have been cheaper staying in a motel. They figure they are getting a house. How do you get $1,600? Multiply that by the thousands of houses that are out there. There's millions of dollars of uncollected taxes when these people don't have a question. You ought to check with the State Sales Tax Authority. If those properties are being rented weekly by real estate agents or by the owners themselves they have to be under the jurisdiction of the State Licensing Authority, and that's where the money is being lost.

Our sales are down because I have to compete every day. You get a wedding group. You would normally rent out five, six, seven rooms for a two day stay. Now they rent a whole house, they all pile in the houses. There's no Board of Health inspections, there's no town regulation, no one is picking up their garbage because out in the East End there is no garbage. All this garbage is being dumped at the side of the road at the beaches, and that's where it is because nobody wants to pay the -- whatever it is to have garbage taken out. The owners are absentee. People I get every weekend they come and they say, "We rented this house, there's no sheets in it", there's no this, there's no that. So all kinds of crazy stuff going out there, and I've never seen it so bad. There's always been rental houses, but not when they're renting by the day, by the weekend, or by the
week. We can all sit here and raise all the taxes over here, but that would just put more pressure on those rental houses, and that's the problem in the East End. It's not economy, it's not the weather, it is we are being in competition with free advertising on Craig's List and the real estate brokers that are renting those houses and no tax is being collected.

I think what you really got to do is you got to start registering any house, I'm not talking about a year-round rental or a 90 day rental. None of these are 90 day rentals. These are all one week, two week, three week rentals. And they're not little money. They are 1,500, 2,000, 3,000. Some of these are $5,000, $10,000 a week. So you add up that nine and a half percent on that, it's millions of dollars. That's the answer to your problem, not, you know, beating these people down, you know, that are just having trouble complying with what it is right now.

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

*Applause*

Marina Van.

**MS. VAN:**
Good afternoon and thank you for this opportunity for allowing me to speak. I'm Marina Van, I'm the Executive Director of the East Hampton Chamber of Commerce. I've been in this position since 1993 and this is economically the worst year I have ever seen. People are asking us for bargains; this has never happened before. The season really has always been 12 weeks, but we lost June this year thanks to the rain and the economic problems, so basically this year it's July and August. Now, normally by August 1st all of the hotel rooms would be booked, at least on the weekends; not this year. We still have a lot of room at the inns, right clear to Labor Day on the weekends. They probably will be booked by people that will be bargain hunting. It's a tough year and putting a tax on -- I don't ever want to see you put this high tax on, but putting it on in the next few years is really killing the chicken that lays the eggs. Our hotel people shop, they dine, they spend money in some of the museums that you want to use this tax to help, and there will be no one out there to spend this money.

It's really tough for us. I think I represent probably about 2,000 rooms in conjunction with the Montauk Chamber. My rooms start in Bridgehampton and go out to Montauk, and I have rooms that Montauk Chamber doesn't have, and of course Montauk Chamber has more of the hotels, so they have more rooms. We also have Dune Management and those people depend on us to rent out their rooms on the weekends. And we know Friday comes and people are sitting empty. So this 3% tax is really going to hurt everyone and you really don't want to kill that chicken; you want those eggs. Thank you.

*Applause*

**P.O. LINDSAY:**
Laraine Creegan.

**MS. CREEGAN:**
Good afternoon. My name is Laraine Creegan. Thank you very much for allowing me to speak. I'm the Executive Director for the Montauk Chamber of Commerce. I represent approximately 300 businesses, and of those businesses, 2,400 rooms. I'm here today to oppose the proposed legislation to increase the tax from three-quarters of a percent to 3%. We do not agree that this tax increase will stimulate our vital tourism industry; on the contrary, it really will hurt. The increase will ultimately have a negative effect, because fewer visitors will come to the East End and that will result in total -- less total revenues. For example, the trickle down effect; less restaurant visits, less retail purchases, and of course, less hotel rooms, resulting in less revenues for the County. And you really have to look into that because I think that's really what the bottom line is, it will result in less
money for the County. Most visitors that come to Montauk are primarily from Long Island, and the new verbiage of stay-cation will really apply. They will stay home, and they will not come.

You cannot possibly be aware of all the small to medium businesses that are going out of business due to recession, otherwise you would not consider increasing this tax. What happened to helping the small businesses? All this rhetoric, how important the small business is to the country must have not reached the Legislature of Suffolk County. This country was built on the backs of small businesses. Why does Suffolk County want to jump on the bandwagon and help put them out of business? This increase will ultimately hurt the mom and pop motels that are primarily on the East End.

This resolution suggests that you must increase economic activity and increase jobs; that's a great idea. Let's get a little more creative, though, and find other ways to do that, not the easy way out by increasing the tax. That will only place an additional burden on us as a whole.

In reviewing this resolution it appears to me that much of the money will go to various pet projects of some of the Legislators. I see that only 24% has been earmarked for the promotion and tourism for all of Suffolk County. I believe it was something like 66 and two-thirds previously going to the LICVB. Now, realizing that you are thinking that the 3% will ultimately increase, but I don't think so. I think it's going to decrease and we're going to have a problem. To me it does not -- it's not balanced with the 10% that's going to be designated to one particular project, the Vanderbilt Museum. I don't think that that's a balance between the 24% and 10%.

Today Suffolk County can now boast and advertise and market that we have one of the lowest motel and hotel taxes in the entire State, therefore making us a marketable area to visit. Once this tax takes effect, we can no longer boast that, folks. We're going to be just like anyplace else, and we will lose our competitive edge.

I'd like to close by simply asking that you reconsider not hurting the small businesses in our area. I am not just talking about the motels. This tax increase has far reaching effects for restaurants, retailers, and our already plummeting recreational and commercial fishing industry. As you know, many visitors come to Montauk and other Long Island areas for the pristine beaches and world class fishing. We are a tourist designation. Unfortunately, due to beach erosion, increased taxes, increased gas prices, and tougher fishing regulations, competition of other popular fishing areas in other states, we won't have to worry much about tourism dollars. There won't be many people coming to Long Island to spend time on our glorious beaches and fish in our clean waters. They'll just go elsewhere. Thank you.

Applause

P.O. LINDSAY:
Darline Duffy.

MS. DUFFY:
Good afternoon, Ladies and gentlemen. I agree with everyone has said here, so, you know, I don't want to go over it too much. My family owns the Silver Sands Motel in Greenport. They have been in business, this is our fiftieth year. My husband is terrified. He's not here today, he might come in, I'm not sure, but I'll tell you something. This man is really, really upset. He's been there for 50 years. He was maybe 12 years old when his parents built the place. He has never -- he says to me, "I have never seen anything like this. I have never had openings 4th of July weekend, ever."

One of the things that we've noticed is that our guests who used to -- we always used to rent by the week, mostly by the week. I have guests cottages and we have a motel. We are finding that a lot of our guests are coming now for three days. People who used to come and rent two cottages, you know, the parents and their grown children with the grandchildren, now rent one cottage and everybody tries to jam in. Believe me, the recession is hitting everyone and everyone is trying to
accommodate the best they can. It's -- we're definitely feeling it; there's no question about it. I think -- my projection is we'll be down about 20% this year. That's a lot. I don't think it's going to help us if we have an added tax to that.

One of the things that I wanted to tell you is we are finding -- I will tell you this in the interest of open government and disclosure. I'm one of the tax assessor's in the Town of Southold. People come into my office every single day and beg me to help them with their taxes. Now, you know there's only so much I can do because the Office of Real Property Services pretty much dictates what we do in my office, but people are painfully addressing this. They are just -- I don't know what they are going to do. A lot of the homes in Southold are second homes. Many of them have been put on the market. We have over 400 houses for sale. Many of them are on the rental market now, which impacts the hotel industry because everybody is looking to meet their tax burden, their property tax burden.

The only thing that I did want to share with you, one of my family members is one of the Directors at Mystic Seaport. He was visiting us last week for like three hours, because that's all he could get away, too. He told us that Mystic pretty much is going to close this winter except for the weekends, which they have never done. They have such a downturn in their visitorship. So I just think that that's indicative. You know, they've never had to do that. They're going to be open Saturday and Sunday starting in the fall. He's never seen that before. You know, bad things are coming.

I think maybe you should think about a half a percent across the board in the County. Everybody understands that everyone is impacted by this downturn. Everyone understands that. Maybe everybody has to give a little, but to ask one industry to give so much I think is going to be devastating to us. Thank you.

Applause

LEG. ROMAINE:
Mr. Presiding Officer?

P.O. LINDSAY:
Legislator Romaine?

LEG. ROMAINE:
Darline, it's good to see you again.

MS. DUFFY:
You, too.

LEG. ROMAINE:
You said your husband was terrified. I happen to know him. I have heard from a number of hotel/motel owners, bed and breakfast owners, they are terrified; they have never seen it this bad. And you know what they think? They think that the government is only adding to their problems, not helping them resolve their problems. What impact do you see, since you have the pulse and you have been an elected assessor for many, many years out there, what impulse do you see in the beds and breakfasts, the hotels and motels, mom and pop operations, in Southold if this tax is quadrupled.

MS. DUFFY:
Maybe you remember we had a hotel tax that came from the State when Governor Cuomo was -- I can tell you it directly affected our bookings. I get my customers from Connecticut, you know, the Tri-State area and Long Island, of course New York City. They went other places. They went to the Jersey Shore. I don't even know where they went, but they didn't come here. It really impacted us and we saw an immediate change as soon as that was abolished. We were thrilled when they abolished the State hotel tax, because it really made a huge difference. You wouldn't think a few percent, but you know, it means taking your family out to dinner that night when you are on
vacation. It's -- people hate taxes.

**LEG. ROMAINE:**
I agree and thank you very much. As the old saying is, the power to tax is the power to destroy.

**MS. DUFFY:**
Well, the other thing I wanted to tell you, many of my customers come from Long Island. I had people there yesterday saying they were from Centereach. That's only 50 miles from where we live. They were from Centereach, they come from Huntington, all over Long Island. We all know a lot of Long Islanders, they live in a nice place, too, they don't have to come to my place. A lot of them elect to just stay home. You know, if they stay home, I just don't know what the North Fork will do, and the South Fork. God knows.

**LEG. ROMAINE:**
Thank you. With your forbearance, Mr. Presiding Officer, I would like to ask Ms. Vizzini how much this projected tax --

**P.O. LINDSAY:**
No, this is a public -- let the public speak.

**LEG. ROMAINE:**
Okay.

**P.O. LINDSAY:**
Bill Rowe.

**MR. ROWE:**
Good afternoon. I'm Bill Rowe representing my wife Carol Rowe for Baiting Hollow Bed and Breakfast. I can only speak for our bed and breakfast, but I think most of them would be based on hey, we have an empty nest now, let's fill the bedrooms up and open up a B&B, which was our case. We had an 1831 house that has history and charm, and we have been open for about five years or so now. This year people just didn't come. They didn't come because of the economic situation, and earlier in the year we had thought about raising our prices from last year to this year and we said no, no way, we better not, and we didn't, and the people still did not come. And it's a bomb this year.

I think telling people that they're going to pay above a nine percent tax, which it's a hair under that now, I think it's going to turn them away. Well, I know it's going to turn them away because you are just asking for more money that a lot of people don't have. They don't have it to spend. Like a few people here have said, many of the people are coming from Long Island as well as New York City but -- and to keep their vacations local, but this year it's not happening. So I think your barking up the wrong tree. We just -- there's not enough business to put enough in the coffers to make it worthwhile as far as the B&B's go I believe. So I don't think it's a good idea. Thank you.

*Applause*

**P.O. LINDSAY:**
Wilfred Joseph.

**MR. JOSEPH:**
I'm Wilfred Joseph. I'm the President of the North Fork Bed and Breakfast Association, and we have 16 members and approximately a hundred rooms on the North Fork. I want to talk a little bit about the current situation.

I've heard some people talk about it before and I'm sure you are aware. You read the news and you are affected personally, but revenues are down 20 to 30%. What we found is that this year people are booking late, they're staying shorter and they're asking for deals. We've had in the North Fork a
new -- a new kind of facility called a condominium resort. The condominium resort was built to create a place where people could stay for a week or two weeks, a very nice place on the water and the projected rents were above $300 per night. They couldn't give it away. What they have done is they're renting instead of by the week, they're renting by the night. They're competing with the bed and breakfast and motels; that was not the intent.

We've also got, as somebody mentioned before, homeowners who are renting trying to make their mortgages and of course they're not paying taxes. We've got a number of ways in which people can advertise their property these days. Craig's List was mentioned as one of them, but there are other ways, means of communication. Anybody can put a website up and advertise. I have seen bed and breakfasts or homes calling themselves such, that are not licensed, that are not approved by anyone, that are renting and their rates are half of what we're charging.

So the observations are late bookings, shorter stays, reduction in prices, and the National Association of Bed and Breakfast, the professional association, has indicated that across the country revenues are down. So if revenues are down, then sales taxes are down. If sales taxes are down then the hotel tax is going to be down. Raising it 3% is not going to increase the number of people that come out to the North Fork. What we need is support, what we need is a way to encourage people to come to the North Fork, to the East End of Long Island, not to discourage them.

A number of -- I remembered many years ago, and I don't have the statistics. I know New York City tried raising their hotel taxes some exorbitant amount. It lasted a very short while. The intent was, of course, to raise revenue. So I think that -- I think that if you look at this from the point of view of yeah, we need to raise taxes, everybody understands that, but if, as somebody mentioned, you killed the golden goose, if you kill the chicken that lays the eggs, then there will be no taxes. We'll all suffer, and we're suffering already. You know, bed and breakfasts today, contrary to what many people think, is a real business, on the North Fork at least. Many homes cost upwards of a million dollars. We're only allowed to rent five rooms, so if you do the math you understand that we have a short season. We are not in someplace where we have, you know, 20 weeks, five months. We've got a very short season which is affected by weather. This year has been one of them. Then we're -- the vagaries of those situations. Is that for me?

P.O. LINDSAY:
Yes, just wrap up, Mr. Joseph.

MR. JOSEPH:
Thank you. I appreciate the opportunity to share with you what goes on because I'm not sure that, you know, the bed and breakfasts are not really understood, that it is a significant business for many people. It is for some people retired and we've got the rooms and we rent it. But for many of us this is business, this is what we do for a living and anything that hurts our business will hurt us. So I thank you.

P.O. LINDSAY:
Mr. Joseph, you're out of time, but Legislator Kennedy has a question for you. Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. I'll just make it quick. Sir, you talk about some of the expenses that goes on with bed and breakfasts and certainly a hundred rooms is a sizeable inventory for the industry. My folks have a place out on the North Fork, so I have occasion to be out there sometimes. I don't know how to pose the question, but I guess I'm asking what kind of a margin do you folks operate with even in the normal business time so that we could try to look at what the impact of this tax is going to be?

MR. JOSEPH:
That is a very interesting question. To answer it correctly, I think that most people who operate bed and breakfasts do it because of the life-style and not because on the money they make. If you were
to calculate say a 30% occupancy for a very -- well, if you did it for the whole season at the rates that we charge, you know that the North Fork is expensive. It's expensive real estate, it's expensive food costs, it's expensive gasoline costs, it's expensive labor costs. Very little, very little. And I can't tell you what -- we don't have -- I don't have a number for all our bed and breakfasts, but I'd say that it is in the one to two percent. I mean, we're happy to be able to live in a nice place and have a nice house and entertain our guests. Most of us don't do it to make money; most B&B's where you have two people, one of them has a full-time job because you can't function otherwise.

[THE FOLLOWING WAS TAKEN AND TRANSCRIBED BY LUCIA BRAATEN-COURT REPORTER]

LEG. KENNEDY:
And that's self-sustaining.

MR. JOSEPH:
Very, very, very few of them.

LEG. KENNEDY:
All right. Thank you.

P.O. LINDSAY:
Thank you very much, Mr. Joseph. Leueen Miller.

(*Applause*)

MS. MILLER:
Good afternoon. My name is Leueen Miller. I have a bed and breakfast in Greenport. And I don't want to take up too much of your time. I fully agree with all that's been said by the earlier speakers. I guess my B&B is one of the hundred rooms that were referred to. And I can just reconfirm that this year -- I have a place on the water and -- but this year bookings have been down, they've been late, they've been one-night rather than two nights, and this proposed tax would really be devastating to the bookings that we already have. So I would encourage you to really think hard about it. I don't think this is the climate or the time to be entertaining an increase in tax for this particular industry. Thank you very much.

(*Applause*)

P.O. LINDSAY:
Thank you. Okay. I don't have any other cards on this subject. I do have one card signed by -- it looks like Aaron Jonas. Mr. Jonas, are you in the room? Do you know what subject you want to talk about?

MR. JONAS:
I'm not speaking.

P.O. LINDSAY:
You're not speaking. Okay. I don't have any other cards on this subject. If there's anybody else in the audience that would like to speak on this subject that hasn't spoken already. You've spoken already, sir.

AUDIENCE MEMBER:
I spoke on behalf of my property, but I'd like to make a comment on --

P.O. LINDSAY:
No, you can't. You can only speak once at the public portion. Is there anybody else that would like
to speak? This will come back to committee. You'll have an opportunity to speak at committee and speak again at another -- the next public meeting if it gets out of committee. Okay. Seeing none, I'm going to make a motion to close.

LEG. BARRAGA:
Second.

P.O. LINDSAY:
Second by Legislator --

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
- Barraga. Legislator Alden.

LEG. ALDEN:
Through the Chair, with your indulgence, I would like to ask a question. It's a generic question, and if you could get back to my office and -- it's not a question to be answered today, but if you could get back to my office, I think it will give me a lot of guidance on how to vote on this piece of legislation, but also how to solve some of the problems that we have recurring in Suffolk County.

And just to lay the groundwork, I think we have a terrible economic climate in Suffolk County. There's a lot of programs, including the layoff of police officers. The cuts to those programs are being considered. I would like you to contemplate and then get back to me if a reallocation or small reallocation of the money that we use to purchase open space should be used instead of a tax on the hotel/motel industry to actually plug some of the gaps that we were talking about, and to continue some of the programs that we were talking about having to change, including the layoff of police officers. So, if you would contemplate that, get back to my office on that, I would appreciate it. And we do have some time, because if it's closed today, it goes back to committee, and that's in two weeks or three weeks? It's in approximately two or three weeks, so that would give us all a little bit of time to actually look at that as an alternative. Thank you.

LEG. MONTANO:
Mr. Speaker, before you close this, could I ask a couple of questions of BRO? I'm not on the committee that this is going to go to, and I just want to get an explanation of some of the items that are in the comparison of current and proposed Suffolk County motel/hotel tax.

LEG. ALDEN:
It's going to go to committee.

LEG. MONTANO:
I'm not going to be on that committee.

P.O. LINDSAY:
Yeah, I know, but you'll get a chance to debate if you're not at the committee as well. This is for the public.

LEG. MONTANO:
Yeah. I don't want to debate it, I just wanted to get an explanation of -- I just had a couple of questions. Would it be all right?

P.O. LINDSAY:
Can't you ask them that and get a written report on it? I'm sure we were going to be briefed.

LEG. MONTANO:
Okay.

**P.O. LINDSAY:**
It's just that we have so many cards.

**LEG. MONTANO:**
No, I understand. I'll hold them.

**P.O. LINDSAY:**
There are so many public hearings.

**LEG. MONTANO:**
I do have some questions. I'll direct them to Gail later.

**P.O. LINDSAY:**
Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**
Thank you, Mr. Presiding Officer. As many of the Legislators are aware, I'm an owner of a hotel in Montauk, a co-owner. I sought an opinion specific to this instance in terms of my participation on this matter. I have an ethics opinion that does allow me to participate under certain circumstances and I have fully complied with those circumstances. I have delivered to you an affidavit, as well as the Clerk --

**P.O. LINDSAY:**
Yes, you have.

**LEG. SCHNEIDERMAN:**
-- as well as the Ethics Committee. And because this is something affecting the industry as a whole -- I happen to represent an area that tourism is a major component of the economy, as is in Suffolk County, but per capita, more hotels than anywhere else in the County, and I feel it's vital that I participate on this issue, as uncomfortable as it may be. So I do plan to participate, including this vote, as to whether to close or not the public hearing. And I would like to make a motion to recess.

**P.O. LINDSAY:**
Okay. First of all, the documents that you gave me earlier will be given to the Clerk and attached to the record. Okay? And, Legislator Schneiderman, we have a motion to close. Do we have a second on the close?

**LEG. BARRAGA:**
Yes.

**P.O. LINDSAY:**
Yes, we have a second on the close.

**MR. LAUBE:**
Yes, you do.

**P.O. LINDSAY:**
And now we have a motion to recess. Do I have a second on the recess?

**LEG. ROMAINE:**
Second.

**P.O. LINDSAY:**
Second on the recess by Legislator Romaine. Recess would take precedent. We have a motion and a second to recess. All in favor? Opposed? I'm opposed to recessing.

(Opposed Said in Unison by Legislators)

Motion fails to recess. Motion to close. All in favor? Opposed?

LEG. ROMAINE:
Opposed.

LEG. SCHNEIDERMAN:
Opposed.

P.O. LINDSAY:
Abstentions. 1614 stands closed.

MR. LAUBE:
Sixteen. (Legs. Romaine and Schneiderman)

P.O. LINDSAY:
I had a card from Greg Fischer that I read earlier. And, Mr. Fischer, I understand you're back in the room. I called your name three times. And that Public Hearing was recessed, so it will take place again. I just -- once it's been taken care of, I can't go back. All right?

Okay. Next up is 1633 - A Local Law to standardize the dating and labeling of milk in Suffolk County. And I have a number of cards on this subject. First up is William Byrne. Mr. Byrne, are you in the room? Yes. Please, come forward, Mr. Byrne.

D.P.O. VILORIA-FISHER:
Okay. Go ahead, sir.

MR. BYRNE:
Okay. Good afternoon. My name is William Byrne and I'm the Vice President of Quality Assurance for Byrne Dairy in Syracuse, New York. My company supplies a number of wholesale accounts here in Suffolk County, including Walmart Stores, Target, and several distributors. I'm here today to express my company's opposition to the proposed Local Law that would establish a nine-day expiration day for milk. We are opposed to the law for the following reasons:

First, the law will not achieve the stated Legislative intent that Suffolk County residents should have access to the freshest milk supplies possible. Right now, our company delivers milk to Suffolk County stores six days a week and we do all we can to make sure that that milk is as fresh as possible. Our current system delivers milk from New York farms to Suffolk County stores in less than two days. This law will not improve that system.

Second, the adoption of this law with create significant consumer confusion. Suffolk County residents are used to consuming their milk before the expiration date. It will take considerable educational effort, which may or may not be successful, to try to convince them that they can safely drink milk after the sell-by date. It is likely that the law will lead consumers to throw out milk that is still good.

Third, the law is simply not needed. Due to advances in sanitary technology throughout the entire supply chain, milk lasts well beyond nine days now. The shorter expiration date purports to solve a problem that does not exist. And one example of the technology and just the whole system improving is a mandate that we as processors have from the retailers like Walmart and Target and our distributors who have insisted that we adopt a global food safety initiative called Safe Quality Food. In our particular case, it took our company almost a year to achieve that, that safety
standard, which basically involves documentation and control at every single step of the process.

Fourth, the proposed law will place some Suffolk County stores at a disadvantage. For retailers in East Farmingdale, it will be very hard to explain to their customers why their expiration dates are so much shorter than stores just down the road in Nassau County. I'd also like to point out that the Legislative intent says that the dating procedure shall be consistent with that established in New York City. However, the New York City law contains an exemption for flavored milk and a provision for 45 days shelf life relative to pasteurized product. The proposed Suffolk County law does not contain these provisions, and I guess my point there is this can be a complicated subject to deal with.

Finally, I would like to express my belief that the consumers of Suffolk County are being served well under the current system. A wide variety of products are available for numerous processors, distributors and retailers in a competitive environment. Suffolk County consumers are getting the high quality dairy products that they expect and deserve. The adoption of this law will be a step backward, not forward, in terms of serving the consumers of Suffolk County. Thank you.

P.O. LINDSAY:
Mr. Byrne, Legislator Alden has a question for you, if you don't mind.

LEG. ALDEN:
Thanks for coming down. Do you envision this law costing jobs? Will jobs be lost because of the imposition of this law, if this law is imposed?

MR. BYRNE:
I wouldn't be -- I wouldn't be willing to -- I don't think they'd --

LEG. ALDEN:
That's not one of your arguments, though, right?

MR. BYRNE:
No, no, that's not my argument, no.

LEG. ALDEN:
Okay. The other thing is, economically, is this going to economically impact any of the producers or the wholesalers or the dairy farmers?

MR. BYRNE:
I think that there will be a --

LEG. ALDEN:
And, if so, how --

MR. BYRNE:
It will increase the cost of doing business.

LEG. ALDEN:
But they already have to put the nine-day expiration date on a carton of milk. So, could you explain to me how it's going to cost more to put a nine-day for Suffolk County?

MR. BYRNE:
It's not just the -- it's not just putting the code on, it's what happens to the product. In other words --

LEG. ALDEN:
Tell me how it's going to cost more, then.
MR. BYRNE:
A significantly higher amount of product will be -- will have to be pulled from store shelves because it's going to go out of code much quicker.

LEG. ALDEN:
Is that what happens in New York City?

MR. BYRNE:
Yes, sir.

LEG. ALDEN:
Okay. And why does that product have to be pulled, because it's unsafe to drink after a certain period of time, or could be unsafe to drink?

MR. BYRNE:
That's what the law is, that it cannot be sold after nine --

LEG. ALDEN:
Right, and it can't be sold after the expiration date in Suffolk County either. Why? Because that imposes a health risk on the people that would consume that product. So your argument about economic -- an impact, a negative economic impact, there's --

MR. BYRNE:
What I'm saying is that the longer expiration dates that we're all using in Suffolk County now are fully justified by the safety of the product and there's no point in mandating a shorter date.

LEG. ALDEN:
Okay. So you're not really going with the economic argument either.

MR. BYRNE:
What I -- my real argument is consumers. We want -- we think that milk is a healthful and nutritious product, and we think that it's -- that consumption of dairy products is better served by the coding system we're using now, which is a longer code than nine days.

LEG. ALDEN:
Which is a confusing system, but thank you.

P.O. LINDSAY:
Okay. Wait a minute. Legislator Barraga has a question as well.

LEG. BARRAGA:
You were talking about New York City and how they have the nine-day expiration provision, and you mentioned there were two exceptions to that rule. If this legislation was amended to include those two exceptions, would you have a problem with it?

MR. BYRNE:
Yeah, I still would, yes.

LEG. BARRAGA:
Okay, you still would have a problem.

MR. BYRNE:
Yeah. I was just trying to point out that it's in the Legislative Intent that it's to be consistent with New York City and it's really just not. I was just trying to point that out.
LEG. BARRAGA:
What is the -- what are the number of days for expiration to take place in Suffolk County? I mean --

MR. BYRNE:
There's no law.

LEG. BARRAGA:
There's no law whatsoever?

MR. BYRNE:
So companies like our company, we're all doing shelf life studies all the time. We're looking at our products. We're determining how many days that we believe that we can put on our -- on our packages.

LEG. BARRAGA:
Well, how many days do you put on your carton?

MR. BYRNE:
We put twenty days.

LEG. BARRAGA:
Twenty days. So do you think after eleven, twelve or fifteen days, would you characterize that as fresh milk, regardless of the expiration date? Do you think a person going in --

MR. BYRNE:
Yes, I would.

LEG. BARRAGA:
-- is getting a fresh container of milk after fifteen days?

MR. BYRNE:
Yes, sir. I believe that that milk is safe to drink if it's been refrigerated properly. The bacteria counts will be low, the product tastes fine.

LEG. BARRAGA:
So, from your perspective, there really is no compromise in this, either -- you're just against the bill? I mean --

MR. BYRNE:
I'm just against the bill.

LEG. BARRAGA:
-- you didn't like the New York City provisions or --

MR. BYRNE:
Yeah, I just -- I don't think it's in anybody's best interest, I really don't.

LEG. BARRAGA:
You don't?

MR. BYRNE:
No.

LEG. BARRAGA:
All right. Thank you.
Okay. Next up is Frank Minton. I'm sorry if I mispronounced your name.

How are you doing? My name is Frank Minton. I'm a small business owner, distributor. Long Island Farms is the name of my company. I'm actually opposed to this because you're not going to get fresher milk to the consumer unless you get a cow in the backyard. That's about it. Within 24 to 48 hours, the milk is in the stores selling.

I think you're definitely going to hurt the small business, the little guy that doesn't do big business, sell a ton of milk. Right now, a lot of these people are borderline for making minimum deliveries doing twice a week. There's an additional expense that can be incurred by us. When he doesn't sell the product because there's three days left on it, four days left on it, who's going to pay for that, me as a distributor, that I've got to give him money back or is he going to throw it out? The only people that I could even gather that are going to benefit from this bill are the supermarkets. I don't know. Are they the ones that are behind this to push the law?

New York City has seven million people. Suffolk County is five times bigger than New York City. You have areas out here where people just don't get the volume of traffic coming. What are those small business guys going to do when they can't sell enough milk with those dates because they're nine days?

I checked with the Suffolk County Health Department. There isn't an epidemic of anybody getting sick from milk that they're aware of. I checked with the New York State Agriculture Department, the Milk Division. There isn't anybody that they're aware of that's getting sick from bad milk. Suffolk County and Nassau have been doing business -- I don't know how long the milk companies are around -- without any major problems now, and especially what the gentleman, Mr. Byrnes said, with the additional technology. The product can last, as long as it's refrigerated. Do you have people that don't follow the rules? Absolutely. But I guess that's what the Health Department is for, Suffolk County, to go around and see that. Do people have problems with refrigeration in stores? Absolutely. That's why you need a repairman there to fix it. Can the milk industry that produces the milk and distributes it solve all those problems? No.

I don't think this law is beneficial in any way, that's going to help the consumer in Suffolk County get a better product, and I would think that's what you'd want to do. I think this is more a feel-good bill that might help, might do something, but, in reality, is not really going to do anything. Again, the only people that I see that could benefit from this are the supermarkets, and I don't know who's behind this bill.

I am.

And who is helping -- who's pushing you to say that this has to be corrected in Suffolk County because it's not right?

Look behind me. Do you see anybody standing right there pushing me? That's it.

So it's just you?

Okay, okay. No more cross-talk. Are you done with your statement, Mr. Minton?
MR. MINTON: Yes, yes.

P.O. LINDSAY: Okay. Legislator Alden has a question.

LEG. ALDEN: You’re from a distributor?

MR. MINTON: Yes.

LEG. ALDEN: And your distributor is located where?

MR. MINTON: Well, my supplier, my processor is Hood up in Massachusetts.

LEG. ALDEN: Okay. So the milk that you distribute comes from Massachusetts?

MR. MINTON: Correct.

LEG. ALDEN: Okay. So that's -- then that's the gist behind what you're saying. Do you have stores that you deliver to only once every nine days?

MR. MINTON: No, I deliver to people twice a week.

LEG. ALDEN: Twice a week, okay.

MR. MINTON: Right.

LEG. ALDEN: So this really isn't going to affect you, a nine-day shelf life.

MR. MINTON: Well, you have to understand, there's a cost of doing business, there's a truck, there's insurance, there's a driver.

LEG. ALDEN: But you're already going there twice a week.

MR. MINTON: No, no. Well, hold on, hold on.

LEG. ALDEN: Okay. Go ahead.

MR. MINTON:
They're having trouble right now meeting those minimums. If their milk sales fall farther, my expense just becomes more, because now they're not selling anymore product. I don't know how many of everybody sitting here goes into the supermarket and buys milk on a regular basis, but you always grab the best date. If everybody's grabbing the milk that has eight or nine days and the little guy doesn't sell a lot of milk to begin with, he's borderline getting rid of it, when you walk in there to buy milk and he's got two or three days left on the container, nobody wants it. Now what do you do with that product?

**LEG. ALDEN:**
Actually, I can answer that, because I was in this business for about fifteen years. And I demanded of my distributor that he give me only the best dates, because when I'm selling to somebody, I don't want them getting sick, and I don't want them taking the milk home and thinking that it's good 'til God knows when. I want them to have the freshest product.

And I'm going to answer the other question that you posed before. Who's behind this? I'm behind it, and I'm behind it because I want the people in Suffolk County, not just my Legislative District, the people in Suffolk County to have access to the freshest product and that's a nine-day code. And that nine-day code, by the way, is on your milk. If you're doing business in New York City, it's on the milk already. So thank you for coming down.

**MR. MINTON:**
But also remember, there's seven million people in New York City. Suffolk County doesn't have seven million people. And it's also five times larger than the five boroughs.

**LEG. ALDEN:**
The answer to your question, though, is the 1.5 million people in Suffolk County deserve the freshest product available.

**MR. MINTON:**
You're absolutely right.

**LEG. ALDEN:**
The same way that 10 million, or whatever number in New York City, or up in Massachusetts where your milk company is based. Thank you.

**MR. MINTON:**
I think the only part that you're confused about is the word "freshness". Freshness means that -- in your example you were telling me means that it's going to be there sooner. You bake a pie, you take it out of the oven, you eat it while it's hot, that's fresh. You can't get it any fresher than that. If I take that pie and bring it to my neighbors and they wait a day to eat it, that's not as fresh as when I took it out of the oven.

**LEG. ALDEN:**
I'm not -- let me clarify.

**MR. MINTON:**
Let me just finish and then you can. My point is 24 to 48 hours, the milk is not going to get into the stores any faster, so you're not going to get it any fresher. You're trying to figure that it can't be sold after a certain date, but with the technology and everything done today, there aren't any problems in the industry that anybody's aware of. You would think if there's problems with sickness, the Health Department would be the first one to know about it, right? But, yet, they're not aware of anything, and the State Agriculture Department, the Milk Division that handles all of this, is unaware of any difficulty at all. So that's why I'm saying to you, we're trying to figure out where is the problem that's here? There isn't one.
LEG. ALDEN:
Well, just to clarify something that you said, I'm confused about freshness. What's fresher, nine days after packaging or fourteen days after packaging? What's fresher milk? Thank you.

MR. MINTON:
I don't think -- I think it's the same.

LEG. ALDEN:
No. Thank you.

P.O. LINDSAY:
Okay. One minute. Legislator Montano, you have a question of the speaker?

LEG. MONTANO:
Yes. You asked a question earlier, but I don't think you answered it, in terms of when you supply the milk to the store and it doesn't sell by the expiration date. Who is taking the loss, is that you or is it the store owner?

MR. MINTON:
Right now, it's us because it's a minimal amount. But by shortening the date, you're going to increase the amount of product that's got to come out of the store. Now, if you increase the product, I'm not going to eat all of that. I don't think there's many people here that are in business that are going to increase that. That's a cost of doing business and expense to me. If you're already borderline on the delivery because you're trying to get people up to a certain number to deliver 75, $100 per delivery, because of the expense to run a truck, a man, insurance, and so forth, and that guy can't make it, you're going to tell him, "I don't want to sell you milk anymore." So if a lot of little guys start going out of business that do a few hundred dollars a week in business, the only one that I could see that's going to benefit is the supermarkets, the guys that do real big volume. But you're hurting the small business man because when you go in to buy a container of milk, what else do they grab on the shelf to do -- to get? What else are they going there to buy? Now they're not going in there for the milk, so maybe they'll go somewhere else to get everything else. And things are more difficult enough as it is now.

P.O. LINDSAY:
Thank you very much.

MR. MINTON:
Thank you.

P.O. LINDSAY:
Bruce Krupke.

MR. KRUPKE:
Mr. Presiding Officer, I've got copies of my testimony. Can I provide those to each of the members of the Legislature? Thank you.

P.O. LINDSAY:
Go ahead, Mr. Krupke.

MR. KRUPKE:
Would it be all right if I waited until everybody got a copy so they could read along? Would that be all right? It would take just a second.

P.O. LINDSAY:
I think they listen pretty good. I think they listen pretty good, you know.
MR. KRUPKE:
Okay. Then I'll get started. Mr. Presiding Officer, Members of the Legislature, my name is Bruce Krupke. I'm the Executive Vice President for the Northeast Dairy Foods Association. And I thank you for the opportunity for me to be here today to comment on this proposal before you.

The Northeast Dairy Foods Association is a full service trade association since 1928, representing 110 dairy product manufacturing, processing, and distribution businesses operating in New York State and the northeast United States. In addition, we also represent 170 supplier and service corporations doing business within the dairy industry. It is these very members that will be directly affected by this proposed legislation.

Our Association would like to respectfully oppose the proposal before the Suffolk County Legislature to implement a nine-day milk code dating requirement for the following reasons:

One, this policy will lessen competition in the marketplace by potentially restricting milk processors and distributors who cannot comply with the nine-day code dating requirement due to equipment, technology or the distance traveled from selling their products in Suffolk County.

Number two, New York City's code dating requirement is outdated and does not provide a good example of industry standards. New York City is unique and it is, at best, questionable if their requirement is valuable or necessary. Suffolk County does not have the same marketing conditions and should not replicate New York City's requirement. New York State should be the sole authority for all dairy industry regulation and law. Modern milk processing pasteurization technology utilized by the processing industry allows milk to have a longer shelf life, providing greater and extra consumer value and benefits. Mandating a shorter code date for milk products and not utilizing the full capacity of current technology is taking a step backwards and acts as a disincentive for the processing industry to grow and invest, to provide consumers with the best quality product possible.

Number four, milk that has a mandated maximum code date of nine days actually has a longer shelf life. Industry standard practices across the nation averaged twelve to twenty-one days for pasteurized milk products.

Number five, as the proposed law is written, milk purchased by schools, nursing homes, hospitals, restaurants, airlines, resorts, government-run cafeterias and institutions, all types of food service establishments will be affected by a nine-day code limitation. Food service locations need longer shelf life milk products to allow them to better manage supply and inventory. Shortening the code date requirements will further discourage food service locations to not sell milk and milk products if hampered with potential fines simply because of an impromptu inspection. Imagine the first time the press is alerted of milk product in a public school that has more shelf life than is allowed. The negative press that will follow will harm the branded product's image and the entire dairy industry unnecessarily.

Number six, consumers abiding by the sell-by date of only nine days may unintentionally discard a perfectly good milk prematurely. This practice is not only wasteful, but in this current economy, consumers may not find milk a good buy any longer if they are made to think it will spoil much sooner than it normally would have.

Number seven, a nine-day code date requirement will cost retailers more money to manage their milk cases. This cost may have to be passed along to consumers. This will further act as a disincentive for retailers to increase shelf space for milk and to put it on sale less often. Dairy managers will be forced to prematurely remove perfectly good milk products from their shelves before its time.

Number eight, a nine-day code date will require processors to make more frequent deliveries to retail sellers of milk to receive more frequent deliveries. Certainly, this is not a green or sustainable policy that your County would support.
Number nine, where is the outcry from consumers? Is there a problem with shelf life of milk sold in Suffolk County? What necessitates the rationale for the law. Has Suffolk County received any complaints regarding the shelf life of milk from consumers? The vast majority of milk sold in Suffolk County is of very high quality without any serious code dating problems necessitating changes.

And, finally, number ten, from the Dairy Industry's perspective, the similar law imposed in New York City is not working. Milk processors and distributors who sell milk in the City and other areas who do not have the ability to double-date their packages to comply with the law may intentionally hold milk inventory for three to nine days prior to shipping to wholesale accounts. This actually means milk is much older before being placed on the retail shelf just to comply with a nine-day code requirement.

Finally, number eleven, the proposed law is a nightmare for milk efficient processors. If Suffolk County is successful in creating a nine-day code date limit for milk, what is to stop other counties from imposing similar legislation? What if those counties felt nine days was too long or too short? In either case, imagine the number of code dates required on milk packaging. There simply won't be any room on the carton to comply with the law.

And finally, if I could just make a final comment. I've done some research with Ag and Markets Law, milk compliance codes. There is an opportunity for the Commission of Agriculture in New York City to supersede this requirement, should it become law. Thank you very much for your attention to this -- to my comments.

P.O. LINDSAY:
Mr. Krupke.

MR. KRUPKE:
Yes, sir.

P.O. LINDSAY:
Legislator Alden has a question for you. I didn't see you. Legislator D'Amaro.

LEG. D'AMARO:
Good afternoon.

MR. KRUPKE:
Good afternoon.

LEG. D'AMARO:
What -- you represent the Northeast Dairy Foods Association. And can you tell me what recommended shelf life does your organization support?

MR. KRUPKE:
We support uniform regulation in labeling. First, it starts on a national basis with the FDA. They set the standards of product identity. Second, it goes to the State. The State has numerous regulations and laws in effect to regulate the dairy industry and we feel that that is adequate. Within those set of laws, there is no set milk code dating requirement within the law, it's called open dating. Most of the states, 45 of the states, 46 of the states in the United States have no milk code dating requirements, there's only three or four that actually have any. The minimum is twelve, and the closest neighbor that we have that does that is Connecticut. And so we support open dating, the policy in New York State.

LEG. D'AMARO:
The minimum is twelve, so New York City is unique, it's more restrictive with the nine-day requirement?
MR. KRUPKE: Very -- it is unique, and they are the only city municipality in the nation, that I know of, that has this, such a law.

LEG. D'AMARO: So, when you go and buy milk in Suffolk County, you always see -- there is a date on the cartons.

MR. KRUPKE: That's correct.

LEG. D'AMARO: Is that just an industry-imposed self-regulating --

MR. KRUPKE: No. What happens is each milk processor that processes milk in their plant knows their technology, knows how good their milk is, knows when the milk's coming from the farm, how much bacteria count there is. Through the pasteurization process, it's generally standardized. So, right now, within the industry, there's anywhere from 12 to 21, depending on the technology level, how often the milk plant updates their technology. So we see an industry standard between 12 and 21 days minimum.

LEG. D'AMARO: So the industry sets its own date currently?

MR. KRUPKE: The industry within each company sets their own date.

LEG. D'AMARO: And that's a sell-by date, it doesn't necessarily mean a consumer --

MR. KRUPKE: That is a sell-by date.

LEG. D'AMARO: It doesn't necessarily mean you can't consume it after that point?

MR. KRUPKE: Absolutely not.

LEG. D'AMARO: So what is the average life span of milk after it's processed?

MR. KRUPKE: If it's handed properly, from the point the consumer picks it up and puts it in their car to bring it home, and it's refrigerated at an average of 40 degrees, you can easily get 15 to 21 days code dating requirement. As you know, if you take and set the milk out for breakfast, leave it on the shelf for an hour before you put it away, that affects milk quality. It has nothing to do with safety, it's quality.

LEG. D'AMARO: Well, yeah. We're not -- we're talking up to the point where the consumer would purchase the milk.

MR. KRUPKE: Correct. Anywheres from 15 to 21 days.
LEG. D'AMARO:
Fifteen to 21, given the technology we have in processing milk today?

MR. KRUPKE:
Absolutely, absolutely.

LEG. D'AMARO:
And the stream of commerce that it comes through?

MR. KRUPKE:
That's correct.

LEG. D'AMARO:
Okay. Thank you.

MR. KRUPKE:
Thank you.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
You made a comment that this is not working in New York City, that there was economic turmoil, there's companies that are going out of business because of the shelf life and --

MR. KRUPKE:
I did not say going out of business, sir.

LEG. ALDEN:
No. I'm just looking at some of the comments that you put on this.

MR. KRUPKE:
Right.

LEG. ALDEN:
And, actually, they're absurd. But just to cut right to the bottom line, but you stand with your comment that it's not working in New York City?

MR. KRUPKE:
I'll be glad to stand by that comment and add that the reason it's not working in New York City is because there is an ignorance level at the New York City Department of Health understanding the milk industry. Back in 1999, our association petitioned New York City to repeal those laws and take them out of effect. They did agree with us, that ultra-pasteurized products should go from 30 to 45 days. And it is this association's attempt through the years to try to get New York City to repeal those laws. We feel that New York City doesn't understand how milk is processed and distributed. And what they feel is that there are certain areas within the City that do not have the capability to refrigerate their products properly. That different than what's happening in Suffolk County.

LEG. ALDEN:
Okay. Just one other question. Are you aware of the dates that are on the cartons of milk that are sold in Suffolk County?

MR. KRUPKE:
I am.
LEG. ALDEN:
How many dates are on those cartons?

MR. KRUPKE:
One. As a general rule, it's only required one. There may be more because --

LEG. ALDEN:
Okay. So you're not aware of the New York City stamp where it actually says to the consumer this is only fresh for nine days and that's the date if sold in New York City? You're not aware that that stamp is on cartons and sold in Suffolk County?

MR. KRUPKE:
I personally am not aware --

LEG. ALDEN:
Okay. No, that's fair. Then that's part of the reason why you could come up with these statements, because you weren't really aware of what's going on here.

MR. KRUPKE:
That's not true, sir. What I'm --

LEG. ALDEN:
I don't have anymore questions.

MR. KRUPKE:
I'm sorry.

LEG. BEEDENBENDER:
Mr. Chairman, may I just ask a quick question? Sir, you used the date 15 to 21 days before. I'm just trying to figure out, from the point it comes out of a cow to the point it goes on a shelf, how many days are we talking about?

MR. KRUPKE:
No more than 48 hours, two days.

LEG. BEEDENBENDER:
Okay. And then it's 15 to 21 days from that point forward that the milk --

MR. KRUPKE:
As an industry --

LEG. BEEDENBENDER:
That the milk is good.

MR. KRUPKE:
As an industry standard, you can quote me as saying 12 to 21 --

LEG. BEEDENBENDER:
Okay.

MR. KRUPKE:
-- depending on the company. And you can easily get an average of 12 to 21.

LEG. BEEDENBENDER:
All right. And the sell-by date is that same 12 to 21, because it's open dating, I think was the term you used?
MR. KRUPKE:
Open dating, that's correct.

LEG. BEEDENBENDER:
Thank you.

MR. KRUPKE:
And, if I could, how that works is very simple. The processor takes every single package that comes out of that line, and there's hundreds in some of these plants, and if you walk into the laboratories, they'll be as big as half of this room, and they've got storage capacities, and they keep track of each product for two days past what they believe the product will be good to consume. So it's a constant monitoring of the industry. We're very aware of our products, and we have no problems out there in the industry. Thank you.

P.O. LINDSAY:
Legislator Barraga has a question, Mr. Krupke.

LEG. BARRAGA:
Mr. Krupke, let me ask you a question.

MR. KRUPKE:
Yes, sir.

LEG. BARRAGA:
If this bill was designed and we were going to be the first county of 62 counties to do this, I certainly would give a lot of credibility to your input and your comments. But when I have a municipality consisting of almost nine million people that have been doing this, but I don't know how long they've been doing it -- how long has this nine-day expiration date been in effect in New York City?

MR. KRUPKE:
I think they last revised it back sometime in the late 70's and the early '80's.

LEG. BARRAGA:
So this has been around awhile.

MR. KRUPKE:
Yes, it has.

LEG. BARRAGA:
So, I mean, are you telling me members of the Northeast Dairy Foods Association, for the most part, all the different members that consist of this particular group do not do business in New York City --

MR. KRUPKE:
No.

LEG. BARRAGA:
-- because of the problems associated with the nine-day rule?

MR. KRUPKE:
No. I guess that's a key point, and I'd like to answer that question. Most of them do do business in New York City.

LEG. BARRAGA:
All right.
MR. KRUPKE:
Some cannot, but most do.

LEG. BARRAGA:
So they're living with it. And they may have problems, but they're living with it. And the people in New York City see a nine-day expiration date on their container, but you're saying New York City, like everything else in life, is unique, and, certainly, what happens there would not be applicable to Suffolk County. But I think Mr. Alden is making the point that we want also to see an expiration date of nine-days, fresh milk. If you're already doing it someplace else for nine million people, why can't you do it for one-and-a-half million people out here in Suffolk County?

MR. KRUPKE:
It's not that it can't be done, but I think it's misleading to tell a consumer that they're going to get nine days on their package when --

LEG. BARRAGA:
But it can be done. You're not saying you can't do it?

MR. KRUPKE:
Oh, no, it's --

LEG. BARRAGA:
Okay. Thank you very much.

P.O. LINDSAY:
Legislator Stern.

LEG. STERN:
First of all, just a comment. Anybody that does the shopping for their milk knows, Legislator Alden, that, yes, there is a New York City stamp on there as well. But there's a particular brand of milk that I buy more often than not for my family, and without saying what it is, there is a thermometer that's printed on the back and it will say that if left out at this temperature for this long, then it's only going to last for this amount of days, and this amount of days, and kind of takes you through a guide. What you're saying is that that is not necessarily to be utilized as a guide for the freshness of milk, that it's really case by case, and it's brand by brand, and it's technology used by technology used. And so you can't really rely on that information for any other brand of milk out there, is that right, that what one company is doing could be very different from what another company is doing?

MR. KRUPKE:
As in general, the industries are pretty standard, like I said, 12 to 21 days. That temperature chart that you're talking about I'm very aware of, and I helped create that chart back in the '80's, actually, and distributed it, and it's still used on the side panel of milk cartons. That's a consumer's guide to warn them that they should refrigerate their product properly at minimum of 45 degrees, and you'll notice, and it has basically a shelf life indicator, but that has nothing to do with the code dating requirement that's before you today. The code dating requirement before you has nothing to do with the point of it being at the home. The industry does a very, very good job in getting that milk out as fresh and as fast as possible. Implementing this code date restriction will do nothing to make milk fresher. All it will do is unintentionally tell consumers that, "Gees, you should probably not drink this after nine days." But you know what? There's no problem, that the product's good. It can easily last 15 days if optimized as instructed by that side panel that you're referring to.

P.O. LINDSAY:
Okay. Thank you very much, Mr. Krupke.

LEG. ALDEN:
Bill, I don't have an answer to --

**P.O. LINDSAY:**
Yeah. We're not debating the bill.

**LEG. ALDEN:**
I'm not debating the bill, just a correction of a statement that was made.

**P.O. LINDSAY:**
Go ahead.

**LEG. ALDEN:**
Where did Mr. Beedenbender go?

**LEG. BEEDENBENDER:**
Right here.

**LEG. ALDEN:**
He's right there. And any product survivability is based on the assumption that the product is handled properly by the manufacturer, by the retailer, wholesalers, and even the person that purchases it, so any date like a 21 day or 15 day, if it's raised, the temperature of the product is raised just a couple of degrees, that really shortens the shelf life or the -- whatever you want to call it, the consumptability of a product.

**P.O. LINDSAY:**
Steve Hyland.

**MR. HYLAND:**
First of all, I'm a member of the New York State Dairy Association, and I'm for this bill, and I distribute in Suffolk County, Nassau County and New York City. I want to thank the Suffolk County Legislature for the opportunity to speak today.

First, let me introduce myself. My name is Steve Hyland. I'm a fourth generation milkman. My great-grandfather drove a horse and wagon. My grandfather was a union milk driver for over 40 years. My father was a union milk driver for 40 years. I myself started out as a union milk driver after college, went on to sales, and later had the opportunity to buy and operate Broadway Dairy with my great partner, Al Morrison, together for over 20 years. Broadway Dairy started a hundred years ago in Broadway, Amityville, and now it's located in Bay Shore. We distribute milk throughout Nassau and Suffolk Counties, as well as New York City. A carton of milk today, under Mr. Alden and Mr. Cooper's legislation, would have nine days. Depending on the processor, without that legislation, it could stay on the shelf for another two weeks. I believe a nine-day code, you would ensure the freshness and integrity of milk without any economic impact to the consumer. This is the current law in New York City.

I have seen no data to suggest that the legislation has impacted the milk cost in New York City. If there were to be any cost difference between New York City and Long Island, please keep in mind the variable cost, such as rent, wages, and other costs of doing business in New York City.

I ask this question: Why would we not have this legislation if we were protecting the freshness and integrity of milk without any economic impact to the consumer? New York City has had this law in place for a very long time and it enforces it. Why? It works. So this legislation you are considering has already been tested and works. You might ask this: What is my interest in this legislation? Most recently, we had heard about the peanut scare and about other food scares. Milk is how I make my living and want to protect the wholesomeness, with State standards, without economic impact. Currently, processors determine dates. We all know what happens when banks and hedge funds govern themselves. We need government oversight.
P.O. LINDSAY: Thank you, Mr. Hyland. I think Legislator Losquadro has a question for you.

LEG. LOSQUADRO: Thank you, sir. You said you've been in this industry for sometime. I had a question I've been -- as I've been listening to this. Obviously, milk is processed in different ways. You have normal pasteurization, you have ultra high temperature treatment, and we see with a lot of organic milk that's on the shelves that they have a far longer expiration date because of the way that it's treated.

MR. HYLAND: It's ultra-pasteurized.

LEG. LOSQUADRO: Now. Is -- if it's scientifically proven that a product can last longer because it's treated differently, will it all fall under the same category here, where we'd be throwing out milk that could potentially last three times longer than that, even though it's treated through a process that we know it's safe?

MR. HYLAND: Ultra-pasteurization is the milk is cooked at high temperature, which --

LEG. LOSQUADRO: Right. So what I'm asking is, even in New York City, is that all treated the same or is there an exemption for ultra-pasteurized?

MR. HYLAND: No. There is an exemption for ultra-pasteurized.

LEG. LOSQUADRO: There is.

MR. HYLAND: It's a totally different process.

LEG. LOSQUADRO: So it -- that's interesting. And -- well, I'll have to speak to Legislator Alden about --

MR. HYLAND: And getting back to something else --

LEG. LOSQUADRO: Okay. I just want to make sure.

MR. HYLAND: Getting back to something else that Bruce Krupke said in reference to food service, most food service accounts have gone to ultra-pasteurized milk so that they have less waste.

P.O. LINDSAY: Thank you very much.

MR. HYLAND: Thank you again for the opportunity.

P.O. LINDSAY: Bill Hogan.
MR. HOGAN:
Good afternoon. I'm Bill Hogan from Dean Foods. You probably recognize our label on there as Tuscan. We are certainly opposed to this, although we do know it is in New York City. Our opposition is more from the message we would be sending to the consumer that somehow that milk is less safe. I've heard several comments today about it isn't going to get -- be any fresher, and it will not be, regardless of the dating.

A couple of other things I'd like to correct is how the product is handled for us in the State of New York. I also heard that we need government involvement. The State regulates us. They pull samples on a regular basis quarterly. If you ship interstate, presently, if you are a processor in the State of New York and you don't cross the state lines, you do not fall under the FDA. If you cross the state lines, you now fall under the FDA. I can tell you in being in the industry, we are the most regulated industry there is in the food industry. So if you fall under the FDA, you are definitely being regulated. The product that we -- the way we handle our product and the industry is handled, whatever date we're trying to achieve, you hold it at 45 days for that length of time, plus two days, so we know that that quality will hold up.

There are some other issues that -- you know, one of the things that I heard today, we're not sure if we're going to -- it includes ultra-pasteurized or flavored milk. One of the things you may want to consider in this legislation, particularly in this county. You have school bids of which you would be changing those bids that have already been submitted and awarded to whatever the processor is. They presently cannot and are not able to meet this. That would probably mean that those school districts would have to rebid, and there may or may not be someone that can meet those requirements.

In terms of cost, it certainly will have -- it's cost prohibitive to do. It's not in the best interest in cost because of -- for the industry, production used to be our number one cost. Distribution has now become that. With many small retailers out here, although it may be nine days, if you give them one or two days, if you cannot achieve that shelf life based on the time frame in between the deliveries. It may obviously cost more to do that, which would be passed on to the retailer, or a decision may be made that we can no longer service that customer. Now that individual that owns that store may not have a source of supply. He would certainly be impacted.

Mr. Byrnes touched on SQF. What SQF is, it was European, it's global, that most of our major -- all of our major retailers challenge us to prove that our product will hold up for the date it is. They send in independent auditors. Now, SQF is the most cumbersome audit you can go through of which they send in an independent auditor up to four days. They challenge you on your records, your record-keeping, your quality. The auditor has free access to your plant and to every employee, unsupervised, to challenge us on, "This is your statement. Show me, Mr. Filler/Operator, that you understand what it is you're doing." And in order to achieve that, you have to have the highest standards possible. In fact, this -- so what ends up happening is, as a result of the larger retailers, all retailers and all consumers benefit from that. Thank you.

P.O. LINDSAY:
Legislator Alden has a question for you, Mr. Hogan.

LEG. ALDEN:
And I'm sorry. Who are you? I didn't hear you what you said at first.

MR. HOGAN:
Bill Hogan, from Dean Foods.

LEG. ALDEN:
From what foods?

P.O. LINDSAY:
MR. HOGAN:
Dean Foods.

P.O. LINDSAY:
Dean Foods.

MR. HOGAN:
Dean, D-E-A-N.

LEG. ALDEN:
Okay.

MR. HOGAN:
Tuscan label. You would recognize us under the Tuscan brand.

LEG. ALDEN:
Okay. So you're a milk distributor.

MR. HOGAN:
Processor.

LEG. ALDEN:
Processor. Okay. How many dates do you have on your carton of milk?

MR. HOGAN:
Seventeen.

LEG. ALDEN:
So you do do for New York City and then you do for every other jurisdiction?

MR. HOGAN:
But it is seventeen days that we have. Yes, we do some in New York City.

LEG. ALDEN:
No, no, no. How many --

P.O. LINDSAY:
How many dates?

LEG. ALDEN:
How many different dates do you have?

MR. HOGAN:
Two.

LEG. ALDEN:
You do business where, in New York City?

MR. HOGAN:
Only under the Tuscan label. Other labels we do not do that.

LEG. ALDEN:
So you don't sell in New York City under other labels, but you do sell under Tuscan?
MR. HOGAN:  
That's correct.

LEG. ALDEN:  
And, obviously, you're doing business still in New York City.

MR. HOGAN:  
Well, I guess, what I would like to correct is the freshness.

LEG. ALDEN:  
Well, actually, that was my next question.

MR. HOGAN:  
Okay.

LEG. ALDEN:  
What's fresher, nine days or fifteen days after the milk has been processed and put on the shelf?

MR. HOGAN:  
Both.

LEG. ALDEN:  
They're both the same?  Thank you.

MR. HOGAN:  
It's not any fresher.

LEG. ALDEN:  
Thank you.

MR. HOGAN:  
You didn't get it -- no, no.  Oh, I'd like to clarify it.

LEG. ALDEN:  
If I have to sell milk in nine days and the consumer's going to go home with milk that is stamped by your company nine days shelf life, or he's going to go home with milk that's got fifteen days, so if he buys the one that's stamped nine day, obviously, he's got to buy it before nine days.  If it's stamped fifteen days, he can buy it up to fifteen days, which that's probably a little bit longer than the nine days; is that not correct?

MR. HOGAN:  
It is to some degree, but --

LEG. ALDEN:  
Okay.  No.  That was -- that was a simple question I had to ask you and that was it.  Thank you.

MR. HOGAN:  
Well, I'd like to -- I'd like to follow up with an answer there.  With the dual coding in New York City, it says you can't sell it beyond nine days, but you can purchase that product out here and it will last up to the seventeen-plus days.

LEG. ALDEN:  
Right, so --

MR. HOGAN:  
It's not going to change the freshness.
LEG. ALDEN:
No. Here's the -- I mean, it was a simple question.

P.O. LINDSAY:
Okay.

LEG. ALDEN:
And it was asked and answered.

P.O. LINDSAY:
Asked and answered.

LEG. ALDEN:
Thank you.

P.O. LINDSAY:
Okay. Patricia Brodhagen. Patricia Brodhagen?

MS. BRODHAGEN:
I'm here.

P.O. LINDSAY:
Okay.

MS. BRODHAGEN:
Good afternoon. I’m Pat Brodhagen, Vice President of Public Affairs for the Food Industry Alliance, which, as you know, is the trade association that represents grocery stores. And, actually, I am appearing today, contrary to what you may have been led to expect, in opposition to this legislation as well. But I want to say at the outset that the question about milk dating is a fair and reasonable question to ask, because it is true that when you shop, there's two dates on milk. And, you know, when I shop I see the same two dates, but I've lived through this for a lot of years and it really relates specifically to a situation in New York City. And because, you know, when milk is dated, it's not -- nobody isolates what's going into any particular jurisdiction, so the only way to be sure that anyone's in compliance with the New York City law is to put that New York City date on the package, but then to put -- in some ways, it's almost the real date, the actual freshness date based on science on there as well for everywhere else. The entire State of New York is run that way except for New York City, and New York City, over the years, it's really driven by a concern about handling. Whether that concern is still justified or not is an open question, and whether nine days is a magical number is an open question as well. But the concern was that, given the congestion in the City, and given the huge number of retailers, that sometimes milk deliveries back in the day were -- a truck would have to park at some distance from the store. You know, you don't have loading docks in New York City.

And it is true, as Legislator Alden has said, it's fundamental that any time milk is exposed to temperature, it loses a little, and that's why we all keep it cold and we need to keep it cold at home as well. Well, anyway, in New York City the powers that be felt that if at the back end they just shortened that date, it would sort of account for some of those handling issues that may or may not occur, getting the milk into the store and as well with the consumer walking it home. So they felt, well, there's opportunities there for what we call temperature abuse, so we'll sort of account for that. But, at the front end, it's actually the same milk. And, in any case, whether that date and that concern in New York City is any longer an issue, State gets very few complaints about New York City.

A similar exposure doesn't exist in Suffolk County because milk is packaged, refrigerated, delivered right to the dock, right into the cooler, goes into the customer's car, goes right home to the
refrigerator, so that exposure doesn't exist, and so the milk is protected, and fresh, and the date works. So the only thing that the shorter window, in our view anyway, the shorter window just wouldn't serve any purpose.

I also have checked with Consumer Affairs that regulates us locally, and the Department of Ag and Markets that regulates us from the State and regulates milk and they haven't received any complaints from Suffolk County consumers about milk. So the shorter window would serve no consumer purpose, except potentially to take milk off sale prematurely, and that we think would be unfortunate. It would mean pulling milk really before it's time and sending that message to consumers. As well, they might -- they might begin to wonder about it. That would then -- could pose supply management problems, delivery problems, etcetera.

So for those reasons, we believe that -- understand the confusion, but that it's -- there's not a problem really to be solved. And so we would recommend simply keeping things as they are. From everything we can tell, open-dating in New York State is working acceptably. Thank you.

LEG. COOPER:
Bill, question.

P.O. LINDSAY:
Pat, Legislator Alden has a question, and Stern. And, you know, guys --

LEG. ALDEN:
You just -- you mentioned one thing I find interesting. It's sold and a consumer puts the milk in their car. So, on a day like today, what's the length of time, do you think, that somebody that shops in one of your stores takes that milk and has it sitting in a car and then puts it in their refrigerator, so that elapsing time. Because there's a degradation, and I don't care -- you know, you could say -- you can't say no, you could say it might be a minor degradation, but there's a degradation.

MS. BRODHAGEN:
Yeah, I -- any amount of time out of refrigeration.

LEG. ALDEN:
Okay.

MS. BRODHAGEN:
But we all have air conditioning.

LEG. ALDEN:
Okay.

MS. BRODHAGEN:
So --

LEG. ALDEN:
Well, no, we all don't have air conditioning.

MS. BRODHAGEN:
In our cars?

LEG. ALDEN:
No, we all don't, so --

MS. BRODHAGEN:
Oh, okay.
LEG. ALDEN:
But, anyway --

MS. BRODHAGEN:
Most of us do.

LEG. ALDEN:
And just one other quick question. Do you represent anybody that does business in New York City?

MS. BRODHAGEN:
of course.

LEG. ALDEN:
Yes?

MS. BRODHAGEN:
Yes.

LEG. ALDEN:
Okay. And they have the nine-day date. And does it lead to all the things that you said, prematurely having to pull product off the shelf, and costing money, and costing extra confusion amongst the consumers because the dates are nine days and now you have to pull it off the shelf because you're getting close to nine days?

MS. BRODHAGEN:
It does -- it is a supply management issue.

LEG. ALDEN:
Exactly, but that's what food -- perishable food is, it's a supply management issue.

MS. BRODHAGEN:
Right.

LEG. ALDEN:
And do you think -- do you think that -- just one quick last one. Do you think that having two dates, a sell date of nine days and then a sell date that's further than that, do you think that there's a possibility that could confuse a consumer in Suffolk County?

MS. BRODHAGEN:
Well, I think I led with that, that --

LEG. ALDEN:
I know.

MS. BRODHAGEN:
-- that I understand the two dates as an issue, but the solution, really, would be for New York City to move to open dating. The evidence would appear to be that it would be perfectly acceptable to do that.

LEG. ALDEN:
Or the other solution would be -- but the other solution would be to bar any milk that has a New York City code date from being sold in Suffolk County, and we don't want to do that.

MS. BRODHAGEN:
Huge disruptions.
LEG. ALDEN:
That's crazy, exactly right.

MS. BRODHAGEN:
Huge disruptions --

LEG. ALDEN:
Thank you.

MS. BRODHAGEN:
-- and we don't want to do that.

P.O. LINDSAY:
Okay. Legislator Stern.

LEG. STERN:
Very quickly. Thank you, Mr. Presiding Officer. If I understood correctly, Legislator Beedenbender's question before was, you know, how long should it take from cow processing to, you know, to then get out to market. I think it was about two days, right, 48 hours?

MS. BRODHAGEN:
Well, that's what you heard from the --

LEG. STERN:
Was the answer to the question before. So I'm trying to understand how, with a shorter time period, that it may cause more problems than solve. Because, if I understood the gentleman from the industry before, what he was essentially saying was, "Look, you know, it might be ready to go to market, but because it's going to have a shorter amount of time that it can spend out there on the shelves, we're going to hold it back," and you might actually be getting less fresh milk ultimately because we have to comply with these dates. My question for you, then, is how would a retailer know when the milk was originally processed and when they -- and how much time has passed until they receive it to then put it out on their shelves? Do they have any way to know whether they're getting it within 48 hours or whether it's been held back for a week in order to comply with what would be a shorter life span for them to put out on their shelves? How would they know that?

MS. BRODHAGEN:
No, but the retailer doesn't know the date of pasteurization, they know the sell-by date.

LEG. STERN:
That's all?

MS. BRODHAGEN:
I don't think there's a pasteur date -- pasteurization date on them.

LEG. STERN:
Okay. So that at that level there would really be no way to know whether or not a wholesaler or producer has held it back, because now there's this shorter time span to be able to sell it out on their shelves, they wouldn't know. All right. Thank you.

P.O. LINDSAY:
Legislator Cooper.

LEG. COOPER:
You had mentioned that you weren't aware of any complaints registered in Suffolk County. I know
that if I had a number to call to complain, I probably would have complained a few times. Could you explain why over the past year, I'd say at least a half dozen of times I had to throw out a gallon of milk that I had just purchased that was only maybe a day or two days past the sell date, probably in a couple of cases on the sell date, got it home, opened it, and one of my kids said, "The milk smells funny"? And my refrigerator works, I have air conditioning in my car, my house is air conditioned. How could that happen?

**MS. BRODHAGEN:**
It shouldn't happen. I don't -- I don't know. At somewhere along the line --

**LEG. COOPER:**
It happens.

**MS. BRODHAGEN:**
I don't know where you bought it. Somewhere along the line --

**LEG. COOPER:**
Waldbaum's and King Kullen. And I'd say maybe one out of four gallons that I purchase, within a day or two it's not drinkable.

**MS. BRODHAGEN:**
Well, it never happens to me and we just don't get those complaints. So you should call Consumer Affairs, I guess, so somebody knows about it. But it -- you know, has to do with handling somewhere along the line in the chain.

**LEG. COOPER:**
Okay. Thank you.

**P.O. LINDSAY:**
Legislator Gregory.

**LEG. GREGORY:**
I have an answer for Legislator Cooper. He has a -- he has a bigger house, so it takes longer to get to the kitchen, but --

(*Laughter*)

I just had one question.

**MS. BRODHAGEN:**
Sure.

**LEG. GREGORY:**
And I'm not even sure if you can answer this. I know there's repeated references to New York City. I was just curious if you knew the number or the percentage that New York City takes of the market, that they make up of the market.

**MS. BRODHAGEN:**
In terms of milk sales, I don't. Some of the dairy people might know. I mean, it's got to be huge, but I don't actually know that, no.

**LEG. GREGORY:**
Okay, because my follow-up question --

**MS. BRODHAGEN:**
I will tell you this: Milk sales are trending in the wrong direction, they're going down, not up.
LEG. GREGORY:
But I'm thinking that if they're able to do it in New York City, and that's -- I would imagine or
assume that they're a significant portion of the market, then, why would it be such a difficult
proposition to do it here in Suffolk County?

MS. BRODHAGEN:
Yeah. I think you heard someone else testify and I would do the same thing. The argument isn't
that it can't be done, the argument is it's not necessary to be done.

P.O. LINDSAY:
Thank you, Pat.

MS. BRODHAGEN:
Thank you.

P.O. LINDSAY:
Michael Wieczorek.

MR. WIERZOREK:
How are you doing? My name is Michael. I'm one of the owners of Long Island Farms and
Crestwood Farms. Dairy has been in my family since back in the '60's with my grandfather. I've
been going with home delivery with my father since the early '80's, so growing our business to
where we are today.

I mean, going back to a lot of the points that were made today, I'm opposed for this dating issue. It
seems like you're doing it for freshness. It's the same product, it's no different, you know, whether
it's got nine days, or twelve, or twenty days, as some of the other processors do. It's just going to
cause more of an expense for me as a distributor to pass it on to my customers. I'm going to have
to pick up returns, go to a dairy now -- go to a deli, a bagel store, even a supermarket where we
tried to cut down our delivery times of going there per week from six to three to absorb some of the
costs of getting the product to them. Now, by putting in this new dating, it's going to cause me to
have to increase my times of delivery to these facilities.

Going back to another point that Mr. Hyland had said about these institutions going to
ultra-pasteurized milk, well, ultra-pasteurized milk is a lot more expensive than fresh product. It
costs up to 50 to 60 cents a half gallon more where that's going to cause it more expensive for these
hospitals, these institutions for their food costs. So I'm opposed for the nine days. It's going to
cause a big, big problem, you know, cost-wise, it's going to cause a lot of confusion for a consumer,
a deli, you know, where milk is, you know, a big part of their business. They're going to get -- I
could make a delivery, it might have seven days left on the milk, you know, it's going to go there, sit
there for two, three days. Now you have anywhere between four and five days left. Now what are
we going to do? You know, the people aren't going to buy it. It's going to go -- we're going to
take back, give them credit, because we're going to want to keep the customer, not go to another
company because they're willing to give them the credit. And if they are, they're not going to give
them the cost that I'm giving them, you know, and the product's not going to be fresher, it's going
to be no different.

The reason why New York City had put this in place, you might have a mom and pop store that's
doing fifty cases of milk because of the nine million people that live in New York City. You might
have a supermarket that does -- you know, it could be a thousand cases a week. They don't have
the space to fit that amount of milk on top of all of their other products, so the product has to sit
out, has to get warm, doesn't stay at the optimum temperature that we need, you know, but it's the
same milk, it's no different. If you take that milk that was delivered in New York City and bring it
out to Long Island where now the date is twelve to twenty days, that milk will last.
And somebody had made another point saying that aren't we going to waste milk by throwing it out because we're only going to go by nine days, but ten, eleven, twelve, thirteen, going on to twenty, that milk is still good, there's nothing wrong with it. Why are we going to create waste? We don't need waste, it just drives the cost up, that's all it's going to do. It's going to drive the cost up for milk, cheese, because people are going to keep throwing it out, throwing it out, and then where are we going to be? It's going to hurt us, it's going to hurt me as a small business owner that tries to be as aggressive as I can to my customers, giving them the best price point that I can give them. And retail-wise, it's going to drive the retail price up. Has anyone ever tried to buy a gallon of milk in Manhattan? It's over $5 a gallon. You know why? Because of the nine days. They can't -- they have a problem. The people delivering into Manhattan, delivering into the five boroughs, their price to the consumer is a lot higher because they have to -- they have to get rid of the product. It's costing them more to have more deliveries, to have to go there more than three days, four, five, six days to make a delivery because of the dating issue. And that's the only reason why that dating issue was ever put into effect.

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

**MR. CAMPBELL:**
Good afternoon, Ladies and Gentlemen. I am from Rollin Dairy in Farmingdale, Suffolk County, Long Island, and I would like to oppose the bill that you are proposing for many reasons. But before I do, if I could just touch on the dynamics of the New York date versus the Long Island dates.

One of the main reasons that New York City can survive with that nine-day code is because their shopper shops more frequently. It's more densely populated. The shopper shops more frequently in New York City. Consequently, the turnover of the milk is faster. In Long Island, a typical shopper shops maybe once a week, most twice a week. Therefore, the number of days that are required here are more than those that are required in New York City.

But getting back to the economics of the whole thing, if we were to go for the nine days in Suffolk County, we wouldn't incur a great deal of waste in that we'll have to take back milk that is now outdated that normally would not be outdated.

Prior to Rollin Dairy, I was with -- one of the employee/owners of Sunnydale Farms in Brooklyn for over 25 years. I’m in the business for about 30 years. At Sunnydale Farms, as a matter of product control, quality control, we tested, lab tested every batch of milk ten days after the expiration date, only for quality control, not for sale, but for quality control, and we always found that that milk was very, very, very good after ten days after the expiration date. So this idea of nine days being the magic number that would make milk fresher is not founded in fact. Mathematically, of course, nine days is shorter than ten days, seven days is shorter than nine days. So to say that milk would be fresher nine days than it would be for fifteen days, that's mathematically correct. From a practical point of view, it makes no difference in the quality of the milk if it's properly handled.

There's an old saying, "Well Begun is Half Done". If the product is produced correctly and refrigerated correctly, fifteen days is well within twelve to twenty days, well within the life of that milk. Bearing in mind, that the producer and the distributor of those milk products have got a common goal, to maintain a high quality of product so that the end consumer will buy that product. If that milk becomes defective and he loses that good will, his business is down the drain.

Now, to go further into that, with regard to the nine days having a serious impact on the companies, whether they're distributors or processors, this is indeed a fact, because the companies will be forced to absorb more outdated milk, they will have more financial losses, and what happens when that happens? The company contracts, it lays people off, and you add to the job situation we have right now. I can't see this being helpful in any way.

Personally, I've raised four kids in Long Island, never had a problem with any milk products. I've
got three grandkids. They are drinking milk, never had any complaints. I've been in the business for 30 years and I really haven't heard very many complaints about the dates in Long Island. So I don't see why this is now becoming an issue. I would respectfully ask the members here to review this and perhaps just decide to stay where we are with the current dates. Thank you.

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

MR. CAMPBELL:
Yes.

P.O. LINDSAY:
Yes what?

D.P.O. VILORIA-FISHER:
He thought you were saying his name.

P.O. LINDSAY:
No. Thank you. Thank you for your testimony.

MR. CAMPBELL:
You're very welcome.

P.O. LINDSAY:
Okay. I don't have any other cards on this subject, thank God. Is there anybody else in the audience that would like to testify on 1633? Seeing none, Legislator Alden, would you like to close this?

LEG. ALDEN:
Why don't we just -- no.

P.O. LINDSAY:
Recess it?

LEG. ALDEN:
No. Let's close it.

P.O. LINDSAY:
So you're making a motion to close.

LEG. ALDEN:
Close it.

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

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

MR. LAUBE:
Sixteen. (Not Present: Legs. Romaine and Schneiderman)

P.O. LINDSAY:
1636 - A Charter Law to transfer print shop from County Department of Public Works -- come on, hold it down. Hold it down. We've got a lot of stuff to do yet tonight. A Charter Law to transfer print shop from County Department of Public Works to County Department of
Human Resources, Personnel and Civil Service. I have no cards on this subject. Is there anyone in the audience that would like to address us on 1636? Seeing none --

LEG. ALDEN:
Motion to close.

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

MR. LAUBE:
Sixteen. (Not Present: Legs. Romaine and Schneiderman)

P.O. LINDSAY:
Okay. 1638 - A Local Law authorizing a wireless communications surcharge. And I got one card, Anthony LaFerrera.

MR. LAFERRERA:
Presiding Officer Lindsay, Legislators. First of all, I want to thank you. I've been here since nine o'clock with you guys, I forgot what I'm here for. I do want to tell you, I did get an education in e-cigarettes, milk, bed and breakfasts. Oh, carcinogens in water, too. That was it.

I'm here for 1638, to talk in favor of it. It's in reference to E-911 funding. When PSAP revenue sharing was initiated, this funding was divided between ten PSAPs since the SCPD and FRES budget items were inclusive in the budget before excess revenues were calculated. This funding was provided over and above all system costs, which included headsets, maintenance contracts, recording media, and continuing education. Over sometime it became apparent that some of the PSAPs had not been taking advantage of their revenue share. There have been several discussions about special projects and then the controversy that it may cause and if there were more projects than money. It was decided that there would be a base amount of $40,000 per PSAP and then additional revenue shared based upon call volume. It was at this time that the SCPD and FRES were added to the revenue share. Call volume numbers, of course, were in there for several reasons. All 911 calls are counted for the SCPD, whether it be barking dogs, fireworks, complaints or life-threatening emergency.

Number two, especially with cell phones or any major incident, there are numerous calls that go to SCPD for a single incident. Only a few calls get transferred to the home PSAP or secondary PSAP.

Number three, FRES gets many of the other PSAP calls, including wireless calls, due to the human factor. Either a 911 operator transfers to FRES incorrectly, or an ESN number is not correct. FRES does not transfer these calls to the correct PSAP. Instead, they take the information and then they call the agency on their seven-digit number with this information. This is not the way the system was designed. Hence, FRES gets the 911 call and actual handling agency does not get the count towards their numbers.

Despite the fact that this issue has been visited numerous times, this practice continues today. It needs to change in order to provide the several-level system -- the service level of the system, which it was intended to provide. Not only was this -- the budget for FRES and SCPD included in the budget, they were now part of the revenue share, which automatically reduced every PSAP share. Understanding that every PSAP has budget issues to keep pace with the changing technology for their centers, and they were all equal in -- they were all equal PSAPs, it seemed only fair to make them equal share as cell. The call volume formula in this system gets skewed. Additionally, items previously covered in the general budget prior to revenue share were no longer being covered, as stated, the maintenance contracts, headsets, recording media, etcetera. We had less money and high expenses, which is why this system is walking the financial tightrope at present.
The E-911 Commission has the right to present its own budget, and while SCPD may be saying that their plan is in agreement with the E-911 Commission, the Commission members have not even been informed of these current proceedings. The revenue share must be reinstated to the 98,000, or make it an even 100,000 before any further dissecting of the revenue should occur. The formula over and above this must be a better, less bias formula to ensure a better distribution of the funding to provide the services for all the residents of Suffolk County. Thank you.

P.O. LINDSAY:
I just have one question. Are you familiar with the current bill that Legislator Horsley is sponsoring?

MR. LAFERRERA:
Yes.

P.O. LINDSAY:
Are you in agreement with that bill?

MR. LAFERRERA:
Yes, I am.

P.O. LINDSAY:
That's all I want to know.

MR. LAFERRERA:
I want to praise you guys for what you do, because I sit on that side, I can't imagine doing what you guys do on that side.

LEG. HORSLEY:
Mr. Lindsay, may I?

P.O. LINDSAY:
Yeah.

LEG. HORSLEY:
Are there further cards?

P.O. LINDSAY:
That's the only card I have.

LEG. HORSLEY:
Could I just ask a couple of quick questions of Mr. LaFerrera?

MR. LAFERRERA:
Yes.

LEG. HORSLEY:
Yes. Hi, Anthony, and thank you for coming down here tonight. I know that you've been -- today, tonight, whatever -- an integral part of the -- of putting this whole program together. You had mentioned that your dollars to the PSAPs, all twelve of them, have been reducing every year --

MR. LAFERRERA:
Over the years, yes.

LEG. HORSLEY:
-- since its inception. Do you know about approximately the last time you received this ninety to $100,000?
MR. LAFERRERA:
That amount?

LEG. HORSLEY:
Yeah.

MR. LAFERRERA:

LEG. HORSLEY:
Probably about -- yeah. It's probably about 2000. So what we're saying here is that with this bill, as written, is that you would be -- being made whole from what the original intent and the original cost of what the PSAPs were getting back in the Year 2000.

MR. LAFERRERA:
With that wireless surcharge, yes.

LEG. HORSLEY:
And that's -- I think you're probably correct. So the bill, just so that the members are kept up to date, has been changed, that they would -- you would receive no less than 20%; is that correct?

MR. LAFERRERA:
As written, yes.

LEG. HORSLEY:
As written, correct. They're in the works in the near future another PSAP that would be included with the twelve; is that not correct?

MR. LAFERRERA:
I'm sorry?

LEG. HORSLEY:
That there is in the works --

MR. LAFERRERA:
Yes, there's a --

LEG. HORSLEY:
That there will be another PSAP that will be --

MR. LAFERRERA:
That's a discussion in the E-911 Commission.

LEG. HORSLEY:
And who would that be?

MR. LAFERRERA:
The E-911 -- oh, the other --

LEG. HORSLEY:
The new member of the twelve.

MR. LAFERRERA:
Oh, Suffolk County Sheriffs.

LEG. HORSLEY:
The Sheriff's Department would also further divide this wireless charge.

**MR. LAFERRERA:**
Yes.

**LEG. HORSLEY:**
And they would be receiving part of this 20%.

**MR. LAFERRERA:**
That secondary PSAP, yes.

**LEG. HORSLEY:**
Okay. So, in your mind, then, you're saying that this fairness issue for the PSAPs, which is a redundancy issue that are required to make this system work in case we ever have a problem on Long Island, and the Police PSAP goes down, that you are -- you are needed for this system to work, the PSAPs?

**MR. LAFERRERA:**
Well, definitely.

**LEG. HORSLEY:**
Definitely. I just wanted to make sure. So what this is is a restorance -- a restoring of the PSAP system to its level in 2000 and that we are going to make sure that the fire departments and the PSAPs are taken care of.

**MR. LAFERRERA:**
To prevent failure for the future, continuing education, and the safety of the residents of the County.

**LEG. HORSLEY:**
Thank you. You couldn't have said it any better. Thank you.

**P.O. LINDSAY:**
Legislator D'Amaro has a question.

**MR. LAFERRERA:**
Sorry.

**LEG. D'AMARO:**
Tony, thanks. What we're talking about here is getting -- increasing the revenue to the PSAPs with the falloff on the land lines and now we have the potential with the surcharge on the cell phones.

**MR. LAFERRERA:**
Correct.

**LEG. D'AMARO:**
And under Legislator Horsley's bill that were -- that is the subject of this Public Hearing, that would bring funding back up to a level that would be more appropriate in your opinion; correct?

**MR. LAFERRERA:**
Correct.

**LEG. D'AMARO:**
Okay. Do you need that level of funding on an annual basis going forward? In other words -- in other words, is the funding going to be used for upfront equipment purchases, then there'll be a drop-off in the need for funding, or is it constant? And if it's constant, tell me why.
MR. LAFFERRERA:
The funding for the upkeep of the equipment, any additional new equipment, continuing education, maintenance, there's maintenance contracts, and whatever else may be needed to provide the service through the E-911 system.

LEG. D'AMARO:
So you don't feel that in outer years, further years out on the timeline that the need for the revenue will taper off at all?

MR. LAFFERRERA:
I don't think it's going to taper off, not with this system, not with the E-911 system, not with people calling 911, I don't see it. Call volume's always going up, so that system can't taper off.

LEG. D'AMARO:
All right. Now my other question was you've had this dropped off over the years.

MR. LAFFERRERA:
The funding, yes.

LEG. D'AMARO:
But, yet, the PSAPs have been running and operating; correct? So --

MR. LAFFERRERA:
We've been running.

LEG. D'AMARO:
How have you been -- how have you been making up the difference?

MR. LAFFERRERA:
Well, in our PSAP, we've had to increase the budget lines for the departments that belong to our PSAP within the Town of Babylon. There are several -- there are ten departments that belong to the PSAP, they contract with us, and we've had to raise their budget each year to "keep up with the Jones'".

LEG. D'AMARO:
So it's being made up by the various departments?

MR. LAFFERRERA:
Right. The funding is going down from 911 and their money's going up.

LEG. D'AMARO:
And that's diverting resources from the other departments.

MR. LAFFERRERA:
Correct.

LEG. D'AMARO:
Okay. Thank you, appreciate it.

P.O. LINDSAY:
Legislator Viloria-Fisher, do you have a question?

D.P.O. VILORIA-FISHER:
Yes. I'm sorry, Mr. Chair I was asking the sponsor. I'm a little bit confused, because in my reading of the bill, I thought that it was only for equipment use. But you're saying it goes for education?
MR. LAFERRERA:
It's continuing education for the --

D.P.O. VILORIA-FISHER:
For the use of the equipment?

MR. LAFERRERA:
For the use of the equipment and the --

D.P.O. VILORIA-FISHER:
So then that would be allowable under State Law.

MR. LAFERRERA:
Yes, yes. I know exactly where you're going.

D.P.O. VILORIA-FISHER:
So it's very specific to --

MR. LAFERRERA:
It could be used for education, maintenance, contractual to keep the equipment going.

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

MR. LAFERRERA:
The training of the dispatchers.

D.P.O. VILORIA-FISHER:
Okay. There was one part your statement, Mr. LaFerrera, that you said very quickly and I couldn't catch what you were saying --

MR. LAFERRERA:
Go ahead.

D.P.O. VILORIA-FISHER:
-- about a Commission meeting that wasn't --

MR. LAFERRERA:
There is an E-911 Commission meeting --

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

MR. LAFERRERA:
-- that consists of these PSAPs and they're supposed to produce a budget and present it to the Legislators.

D.P.O. VILORIA-FISHER:
Okay and did you say that the PSAPs were not represented at that Commission?

MR. LAFERRERA:
They're represented, but they've never had an input in the budget that gets presented to the Legislators.

D.P.O. VILORIA-FISHER:
Okay, okay. You said that very quick. All right.
MR. LAFFERRERA:
I'm sorry.

D.P.O. VILORIA-FISHER:
And so what you're asking is that when the Commission meets, that the PSAPs has a voice --

MR. LAFFERRERA:
Oh, without a doubt.

D.P.O. VILORIA-FISHER:
-- in determining the budget?

MR. LAFFERRERA:
Yes.

D.P.O. VILORIA-FISHER:
Okay. I just wanted to clarify that.

MR. LAFFERRERA:
Okay.

D.P.O. VILORIA-FISHER:
Thank you, Mr. LaFerrera.

MR. LAFFERRERA:
Okay.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. And I know that we have somebody from Smithtown here who wants to
speak, too, but I have a question for Mr. LaFerrera. And, by the way, thank you for the work that
you do. I know in Babylon Town it's a town-wide PSAP.

MR. LAFFERRERA:
Correct.

LEG. KENNEDY:
And you're doing the dispatch, I guess, for seven departments, eight departments.

MR. LAFFERRERA:
Ten.

LEG. KENNEDY:
Ten departments. Okay. So you're fielding a significant number of calls on an annual basis. There
are twelve PSAPs in Suffolk County now?

MR. LAFFERRERA:
Eleven.

LEG. KENNEDY:
Eleven PSAPs, okay. There's a contemplation of a twelfth with the Sheriff?
MR. LAFERRERA:
No. In reference if Riverhead comes back into the picture and if the Sheriffs were approved, it would be thirteen.

LEG. KENNEDY:
Okay. Who makes a decision as to whether a PSAP can be created?

MR. LAFERRERA:
It depends on their level of justification, where they can prove that they receive a certain amount of calls, and the equipment, the training, and then it gets presented to the E-911 Commission.

LEG. KENNEDY:
So, ultimately, the E-911 Commission would make the decision.

MR. LAFERRERA:
Right.

LEG. KENNEDY:
Okay. In this past year, the PSAP funding was reduced, I believe, I know in Smithtown's case to half of what it had been. I think all the PSAPs received the same.

MR. LAFERRERA:
We received the same as last year.

LEG. KENNEDY:
Okay. Which was what, 40,000?

MR. LAFERRERA:
Forty thousand dollars.

LEG. KENNEDY:
There was some discussion about receipt of upgraded equipment, though, is that correct, some E-nine -- some 911 communications equipment?

MR. LAFERRERA:
Yes, there were several upgrades through several PSAPs this year.

LEG. KENNEDY:
Okay. Did your PSAP incur any cost to take that equipment in? Did you have to upgrade power, upgrade lines?

MR. LAFERRERA:
What we did with part of the upgrade was we received a grant from the State Senator.

LEG. KENNEDY:
Oh, you did?

MR. LAFERRERA:
Yeah.

LEG. KENNEDY:
Okay.

MR. LAFERRERA:
To help with some of the cost.
LEG. KENNEDY:
Okay. All right. Thank you.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Thank you. Are you aware, and I'm sure everyone is aware that has a cell phone in the State of New York, that the State has decided to help E-911 responders with equipment and maintenance? And what they've done is they've passed a bill, and for many years you look at your bill, $1.20 a month is for 911.

MR. LAFERRERA:
You're taking about wireless.

LEG. ROMAINE:
Yes.

MR. LAFERRERA:
We don't receive any of it.

LEG. ROMAINE:
No, no, no, no.

MR. LAFERRERA:
Not yet, we don't receive any of it. It goes to the State Troopers. We don't receive any of it. None of the PSAPs get that money. We get hard line money.

LEG. ROMAINE:
Okay.

MR. LAFERRERA:
We don't get any wireless money.

LEG. ROMAINE:
And there's hard line money from the State that you receive.

MR. LAFERRERA:
Well, distributed through the Legislators.

LEG. ROMAINE:
Right. Okay. But you get nothing from the 911 --

MR. LAFERRERA:
No, sir, or else we wouldn't be here doing it.

LEG. ROMAINE:
I would strongly ask, if I could at this time, our Budget Review Office to take a look at that 1.20 a month that every New Yorker is paying on their cell phone currently for 911 services. That was supposed to -- the law that passed that money was supposed to be dedicated for local communities, as well as for the State Police and their -- that has collected well in essence of well over 16, 18 million dollars in the last few years alone. Excuse me. Thank you. My Aide informed me a total of 685 million dollars was collected from that $1.20 a month on everyone's cell phone that the State put to help, not only the State, and the counties and localities for that money; are you aware of that?
MR. LAFERRERA:
Legislator Romaine, I'm aware of it, and I'll tell you what --

LEG. ROMAINE:
Now you live where, sir?

MR. LAFERRERA:
Town of Babylon.

LEG. ROMAINE:
No, but where in the Town of Babylon?

MR. LAFERRERA:
North Babylon.

LEG. ROMAINE:
North Babylon.

MR. LAFERRERA:
Yes.

LEG. ROMAINE:
I would strongly suggest that you speak to Senator Owen Johnson. And I believe your Assemblyman is --

MR. LAFERRERA:
Mr. Sweeney.

LEG. ROMAINE:
Yeah. I would speak to Mr. Sweeney and Owen Johnson and ask them could they give an accounting of that 685 million dollars put on everyone's cell phone bill at $1.20 a month to support such things as PSAPs and the 911? Because that money, by law, by State Law, is supposed to go to PSAPs.

MR. LAFERRERA:
I'm not going to disagree with you, and I respect what you're saying, Legislator Romaine, but you know what, if it wasn't happening, I wouldn't be standing before you today.

LEG. ROMAINE:
I understand, but what I'm saying is --

P.O. LINDSAY:
We hear --

LEG. ROMAINE:
Right.

P.O. LINDSAY:
-- Legislator --

LEG. ROMAINE:
Okay.

P.O. LINDSAY:
You're getting close to debating the bill; okay? So you asked the --
MR. LAFERRERA:
I'll see Owen. No problem at all.

P.O. LINDSAY:
Thank you very much.

MR. LAFERRERA:
Thank you.

P.O. LINDSAY:
I don't have any other cards on this subject. Is there anyone else in the audience that would like to testify? Please, come forward, sir. Please identify yourself for the record. And then, one of the Clerks, would you give this gentleman a card to fill out afterwards for our records?

MR. CURTIS:
I'm sorry, I walked in late. My name is Matthew Curtis. I'm the District Manager for Smithtown Fire District. I'm here to show my -- I'm here by the Board of Fire Commissioners' request to ask the Legislature to consider this new proposal that's going in. As Tony explained, I'm not going to go over the whole thing, the issue right now in Smithtown, we pre-budget our money, like you do, a year or so in advance. Last year, we were under the impression we were going to be at $82,000. There was no money because of the 911 enhancement. Through some help through the County, they gave us 40,000. We are now in the process of putting the new 911 VIPER system in, which is a mandate by the County to keep the PSAP state of the art. Smithtown right now has $20,000 worth of additional costs that we are not going to be able to reimburse for.

So we have contracting districts. We do five fire districts, four contracting Smithtown hosted. Just on the upgrades alone, with the money being brought in by the contracting districts, we're still showing a loss. And now with the -- we take none of this money that comes from the County. None of that money goes towards any salaries, it's only for enhancements of the 911 system.

I agree with Legislator Romaine, that that $1.20 that was supposed to be coming down, I have never seen that money come down. All the money goes through the State. From what I understand, it goes through the State Police, State Police gives it to FRES, FRES disburses the money out. That's the impression I was under. We used to receive $82,000. We're told now we're going to get zero.

LEG. ROMAINE:
Apparently, the trickle down is a trickling down --

P.O. LINDSAY:
No, no, no, no, no cross talk. Come on. Finish your statement, sir.

MR. CURTIS:
I believe right now the land line usage is way down, cell phones are on the rise. The 911 call rates are going up. I have four phones myself, so it's not like we're not trying -- we're all going to have to pay for this. But the 911 system is what we need to keep maintained. And there has been times where County FRES had problems with the secondary PSAPs picked up. If we have no secondary PSAPs that are state-of-the-art, if something fails, we're going to have a major problem. Public safety can't be compromised, and I believe that this legislation is going to help us out, it's going to keep us state-of-the-art. And, really, if you look at the overall picture, people take out their hard-line phones, they're using cell phones, it's the same amount of money they're going to pay, it's not really an additional cost. Thank you very much.

P.O. LINDSAY:
Thank you. Anybody? Okay. Thank you very much. I don't have any other cards on this subject. Is there anyone else in the audience that would like to speak on this subject? Seeing none,
Legislator Horsley, what would your pleasure be?

**LEG. HORSLEY:**
Motion to close.

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

**LEG. KENNEDY:**
Second.

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

**LEG. NOWICK:**
Tim, cosponsor.

**MR. LAUBE:**
Seventeen. (Not Present: Leg. Cooper)

**P.O. LINDSAY:**
*I.R. 1651 - A Charter Law to authorize the use of development rights for smart growth, community development and job creation.* First card is Richard Amper.

**MR. AMPER:**
Name is Richard Amper. I'm Executive Director of the Long Island Pine Barrens Society. I think I've got the milk thing straightened out. I just have one question and that is, would the milk be fresher if we took more money out of the Open Space Program? That's the only thing that we haven't worked out yet.

**LEG. ALDEN:**
The answer to that is yes.

**LEG. BARRAGA:**
Thank you for the amendment.

**MR. AMPER:**
I do want to talk to -- I do want to talk to 1651. Everybody's concerned about the economy, everybody wants jobs. So I just want to focus one aspect of this, and that is the referendum process, it's very, very vital to a democracy, but also to the capacity of this Legislature to attract additional monies that can be used for anything from sewer tax stabilization, or tax stabilization, or protecting open space. I become concerned when we return to the public over and over again on referenda. I think referenda are things where you do them once every ten years, or, in this case, in 2007 we designed the program to go to 2030. The sales tax went down. There were people who suggested we should have another referendum. I think it's confusing. I think it's not fair. I think it denigrates what referenda are supposed to be, as opposed -- do, as opposed to what you folks do. So I'm reluctant to go back and say, "Shall we change it?"

And I'm particularly reluctant in this case, and I'm going to actually call in for a little bit of help here, Legislator Viloria-Fisher, who went through this ordeal with us back in SOS in 2004. We didn't want TDRs attached to it. We thought that was sort of a shell game. She imposed on us and on -- and members of this Legislature that affordable housing was so just important that if we, in fact, designated this exclusively for affordable housing, then we would be meeting a need and not hurting the environment. And we agreed and went along and was supportive of that. But it was sold to the public principally as an environmental bill. It was Save an -- Save Open Spaces was the program. And I get concerned, then, when we come back later and say it can be used for things like smart
growth, community development and jobs. That could be almost anything, it's not at all specific. You, presumably, can use these TDRs for anything, and I just think that's confusing. I think it changes the spirit with which people said, yeah, they wanted to preserve open space, and yeah, they wanted to -- they wanted to make sure that we did affordable housing.

I would love to get the developers to build the affordable housing that our young people and seniors need. I would love to use the credits that have accumulated and actually produce affordable housing in ways that we haven’t. That's something that I think we can all get behind. But I don't want to go back -- first of all, the environmentalists wind up having to finance the campaigns to educate the public about these things. It's tough enough to do that when it's Save Open Space or when it's the Drinking Water Protection Program. I don't want to run a "no" campaign on a proposition, and I don't want the public to be weary of being asked to put up money for things that are supportive, only to be told later that they're going to be changed. That's what it is. It's not that there's anything the matter with smart growth, I wish I could find it. I just find dumb growth everywhere I look. And I'm not saying we've attached smart growth to the Tall Hills project, we have attached it to the Sandy Hills project, we've attached it to the Silver Corporate Park, but it doesn't -- it's not downtown, it's not mixed use, it's not close to -- none of the things that we were told smart growth was supposed to do, so I don't even know what that means.

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

MR. AMPER:
And community development, we're all in favor of it, but I don't understand how it works. The economy is bad; in order for the County to get money, somebody has to buy these development rights. What are they going to buy them with and what are they going to do with those development rights anyway? So it doesn't seem to me like it's going to do what you, in fact, want to be done, so that's the problem.

And more than anything else, I just don't want to see the public's confidence in this right that we have given them to be undermined to the point where they start saying no. They have been so supportive of all these initiatives over the years. Because what you've asked them to do, despite the fact that they're very heavily taxed, you're saying aren't these things, these specific things in the case of SOS, Open Space Preservation on the one hand and affordable housing on the other, aren't they so important that you're willing to kick in some extra bucks for that purpose, and they do that. And I think the more we mess with them, the less specific what we're going to do with the TDR's or what we're going to do with the money is the less likely, the more difficult -- less likely they are to support it, the more difficult it's going to be for those of us in the environmental community to attract those dollars that are important, as I've said, for stabilizing sewer taxes, for stabilizing the General Fund and so forth.

So I'm asking you not to put a referendum back on the ballot on something that was done in 2004, in the same sense that I don't want us to go back and revisit the 2007 one either. It's because it's special, it is something that the public does uniquely for its own purpose.

P.O. LINDSAY:
Mr. Amper, you realize that this is the same bill that was before this body last year without a referendum. And if I'm not mistaken, at that time you made the statement that you would support the bill if it had a referendum attached to it.

MR. AMPER:
Okay; that is a misunderstanding, no. What I said --

P.O. LINDSAY:
I can tell you what, I'll probably have to dig out the records because I think it's pretty clear-cut on
the record that's what you said.

**MR. AMPER:**
Okay. The answer is we have been consistent for 25 years that we don't think we should go back and change referenda that is designed to protect open space. We didn't even like the attachment of the TDR's to it. And if you will recall that episode, the Pine Barrens Society Board of -- not me, the Board of Directors said, "We will not support the SOS bill." The Nature Conservancy conducted a poll saying if we didn't, it would doom the proposition. What we said was something almost as dangerous to this referenda process than what you're proposing to do this time, even worse would be to say, "We asked you what you said you wanted to do and" --

**P.O. LINDSAY:**
All I asked you was is that what you said on the record --

**MR. AMPER:**
Well, when I said --

**P.O. LINDSAY:**
-- and you said no.

**MR. AMPER:**
I said it was worse.

**P.O. LINDSAY:**
Okay, so you said no.

**MR. AMPER:**
I'm saying I think it was worse if you didn't get the --

**P.O. LINDSAY:**
Okay.

**MR. AMPER:**
If would be even worse if you asked the public to vote on it --

**P.O. LINDSAY:**
You answered the question. You answered my question.

**MR. AMPER:**
But it would be worse --

**P.O. LINDSAY:**
You answered my question. The other thing that I would just like to ask you to do in the future is recently I got a letter from an elected official encouraging him to come down -- encouraging him to contact me, Mr. Levy, and to come down and testify at this hearing, which is perfectly appropriate. There was just one sentence in there that bugged me, it said "If you come down, we'll make special accommodations for you to speak first."

**MR. AMPER:**
No, what I said was that --

**P.O. LINDSAY:**
I mean, you control this Legislature now?

**MR. AMPER:**
No, no, no. Excuse me. What we said is --
P.O. LINDSAY:
I'll show you the letter, okay?

MR. AMPER:
Okay. Are you telling me what my position is or may I?

P.O. LINDSAY:
No, I have a letter from you to this public official --
MR. AMPER:
Saying that the public official -- the public officials are regularly accommodated first.

P.O. LINDSAY:
Yeah, but that isn't up to you. I have public officials waiting in the audience now to speak on another matter that I can't get them to the microphone until that public hearing comes up. So you spoke out of turn with authority that you don't have.

MR. AMPER:
We didn't say we could do it, we said we thought you would. And I think you have shown this respect to public officials before, especially those people who were members of this Legislative body.

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:
Thank you, Mr. Chairman. And just to be very clear, I'm just trying to get some understanding of a concept, I'm not advocating for anything, so.

MR. AMPER:
I understand.

LEG. BEEDENBENDER:
Okay. All right, to be very clear.

MR. AMPER:
That's my job.

LEG. BEEDENBENDER:
Yes, and you've done it in my district very well. What I want to know is what is the difference -- and I'm just trying to understand, what is the difference between a Pine Barrens credit being sold and that seems to be okay, and a TDR being sold and that's not? And the reason I ask is because there's a shopping center over in my district that he wanted to put in -- the people in my area wanted a restaurant with some outdoor seating and he didn't have enough waste water credits, so he's in the process of buying a Pine Barrens credit. And I'm happy about that because it's smart, you know, it's in all the processes and it works. But I don't understand how the County selling a TDR would be different than the Pine Barrens Commission I think, if I'm saying it correctly, selling a credit.

MR. AMPER:
Well, there is a difference, but you're missing the principal point that I was trying to raise. It requires going back to the voters and changing -- the public supported the Pine Barrens. There are hundreds of credits available that he can use to get that waste water credit from the Pine Barrens Program, so they're not in short supply. There are a couple of hundred that aren't being used that should be used for affordable housing and art and I would hate to see that transferred. But most important of all, I don't think we should ask the public whether they want to support something at referendum and then change it on them two years later.
LEG. BEEDENBENDER:
Okay, then maybe I misunderstood at first. So you are -- you’re not saying that it's an environmentally -- I thought you were stating that it was an environmentally bad -- it wasn't good for the environment to do that. But you're saying, you're using the referendum as the argument.

MR. AMPER:
I don't know whether it's good or bad for the environment because I don't know what it's going to be used for; smart growth, community development, jobs? I don't know whether it's going to be good or bad.

LEG. BEEDENBENDER:
Okay. Then please, let me ask you another question. When a Pine Barrens credit is sold, is the use part -- you know, does the Pine Barrens Commission get to find out what the use is for before they sell it, or is it just if somebody's willing to pay?

MR. AMPER:
It's specifically waste water or additional units. It's specifically -- what it's trying to do is move the development out of the core area which we sought to protect, and we do that and protect that without the public's actually paying for that land. So we're saving the land over our aquifer and we're allowing additional development elsewhere and we've not opposed that.

LEG. BEEDENBENDER:
Okay. So if the County TDR process was structured in the same way as the Pine Barrens credit, would it be something that the Pine Barrens Society would oppose?

MR. AMPER:
No. If it was doing something good for the environment and it was also going to benefit somebody economically, there's no reason why we wouldn't support that.

LEG. BEEDENBENDER:
So then it seems that it's just a matter of changing the bill and the referendum discussion.

MR. AMPER:
Again, I would like to do it differently. In fact, if the Presiding Officer, who is committed to economic development, there's no taking it away from him and it's something that needs to be done, but if he wanted to do that and he wanted to set up a referendum for the purpose of doing that, he should do it. I get concerned when it is environmental referenda that are altered to do other things. If this is a good thing for the people to vote for and to do, put it on the ballot, let's have a different proposition. I don't want to go back to SOS, I don't want to go back to the Drinking Water Protection Program. If there's an economic bill that you would like the public to give you more money to help prime the pump for the economy or to provide jobs, I'll vote for it. I just don't want it put under the guise of a land preservation bill, which is what happens. It's the only thing we do where we're doing that mechanism. It doesn't seem right.

LEG. BEEDENBENDER:
Thank you.

P.O. LINDSAY:
Are you done, Legislator Beedenbender?

LEG. BEEDENBENDER:
Yes.

P.O. LINDSAY:
Thank you very much. Linda Freilich.

**MS. FREILICH:**
Thank you. Hi again. Good afternoon. It's been a long day. I'm glad you were at the college today because my husband is the Director here, so I got to mix and mingle.

I am with Sierra Club, I'm the Coastal Water Waste Chair. I'm also someone who is head-over-heels in love with Long Island. I lived in Alaska before living here, I lived in Ohio, I lived in Canada, I lived in the Virgin Islands, I've lived a lot of places, but I think the place that I love most is Long Island. And Alaska was beautiful, gorgeous, but the place I love most is Long Island, and I love it so much I became an environmental science teacher. I went to Stony Brook University and Dowling College and became an environmental science teacher. And I am one of the luckiest people in the world, because not only do I get to live here, but I get to teach my favorite topic here.

And one thing that I do when I -- and I'm speaking for Sierra Club today also, so anything that I say is on the record for Sierra Club. One thing that I do when I start out teaching is the students aren't sold -- I'm in the high school. The students aren't sold on environmental science, but one thing that sells them on environmental science, I spend about three months of my year on Long Island, teaching Long Island specifically, and one thing that sells them is the water. They're really attached to our water. They like learning about the ground water, they like learning about the 107 tributaries.

I also run a water testing program, "liwatersentinels", S-E-N-T-I-N-E-L-S, dot org, if any of you want to go to my water testing site, we have water testing data there. Because I, every two months, have a fund-raiser, raise a thousand dollars, buy test kits -- if anyone wants to help me buy test kits -- I buy test kits and we test the waterways. I can tell you from testing the above-ground water, which is just exposed ground water, it's not all good news. So we need to take care of our ground water. We need to have a value system, we need to have a core value system. What is our core value system? Are we for Long Island or are we against Long Island? If we're for Long Island, we're for water, okay, because we are water. And I go out in my kayak every weekend and people are loving it, they are loving it. So let's not take it away from them by letting it become unhealthy. They decided in 2007 it was important. I agree with Dick Amper when he says there's a denigration when we keep putting up referendums. And I'm not going to pretend to understand all of the complex TDR's that were being discussed before because I haven't read the complexities of all of that, but I am going to say that I believe that this money is for the environment and this money should be for the environment, and please keep it there. Okay? Please keep it for our water.

**P.O. LINDSAY:**
Thank you. Mary Ann Johnston?

**MS. JOHNSTON:**
Good afternoon. I have a couple of important comments on IR 1651.
When the voters and the environmental community agreed that part of the Save our Open Space could be used for workforce housing, it was because they understood at that time that we had a critical need. As you know, Ms. Fisher, this is something that the environmental community didn't really want in the first place. But this particular legislation is -- it's almost a mish-mash. If -- I'm with Dick. I do this work three days out of five days a week, on average; I couldn't tell you what smart growth means anymore. It's a label that every developer throws on every project in the middle of nowhere with nothing and believes that a sidewalk makes it pedestrian friendly, makes it smart growth; it's not.

You want to add a modification for community development. Are we going to start building villages where there are no villages? Are we not going to redirect the workforce housing in the way that we've always said it belongs, toward our downtowns? We need to do that, we need to be very clear about that. Job creation? What jobs? Good jobs, any jobs. This isn't good enough.
The transfer of development rights across school district lines becomes even more of an issue. We save land on the north shore so we can add density into Mastic-Shirley. We sell sanitary credits on the north shore so that we can put fourteen cesspools in front of Applebee's in Mastic-Shirley; the last place in the world that needs more cesspools.

So I have to say, with all honesty, this is not well thought out. But beyond that, you go to the voters for a specific issue, you stick with that issue. It's not every two years we stick up our fingers and say, "Which way is the wind blowing? What do we need to do now with this money we asked the voters for?" The people of Long Island have been consistent. When you ask them to protect their environment and to meet a critical need, they agree to tax themselves; it's not your money. It's not your money, it's their money, they've agreed to spend it, they've agreed what it will be spent for. And I ask respectfully that you request that -- how many times do they have to tell you yes before you get it? Thank you.

P.O. LINDSAY:
Hold on, Ms. Johnston. Legislator D'Amaro has a question.

LEG. D'AMARO:
Thank you. I want to --

MS. JOHNSTON:
Hi.

LEG. D'AMARO:
Hi. I want to thank you for coming down today. I appreciate your opinion. I wanted to just try and clarify something in my mind, putting aside the referenda issue for now.

MS. JOHNSTON:
Okay.

LEG. D'AMARO:
Talking to the merits of what this bill would attempt to do, which is permit -- when the County buys open space, we can take those development rights and transfer them for stated reasons. Are you against that concept for any reason, or could the definition of the receiving properties be stated in a way that it would be acceptable to you?

MS. JOHNSTON:
It is a very difficult question to ask; I wish that it would have a simple answer, it doesn't. ABCO worked for four weeks when we were working to develop a Community Preservation Program in Brookhaven that had a TDR element, it was not an easy question. The people who live along the spine of Long Island, they don't want any more density. They don't want to restrict the populations in their communities so that we can preserve the land in some other community. It was a very difficult thing to work out amongst all those diverse communities from Brookhaven, which has a very populated center spine, a west end and a very rural open space area in the east end. But traditionally they said, you know, if we can keep what's out there. We don't look to see whether or not there's a boundary here that we're riding over. We're going to pick pumpkins, we're going out to a farm in Brookhaven, we're going to a farm in Riverhead, we're going to a farm in Southold, we're going to taste wine; that is what they're looking to have. And when that's gone -- and I say this with full cognizance of the conversation that we had here today. Those bed and breakfast people? There isn't anybody renting a bus to go see Levittown. There isn't anyone doing that. So when we look to how we use the Transfer Development Rights Program, we need to be really, really specific and really, really clear, because otherwise it's subject to abuse.

LEG. D'AMARO:
So you're not against the concept per se, but it would be very difficult to define where those development rights would be acceptable to use --
MS. JOHNSTON: Right. Ultimately we're asking --

LEG. D'AMARO: Based on impact.

MS. JOHNSTON: You ask the voter, "Can we use it for the following purposes?"
And I say to you in the mechanics of that situation, what happens is ultimately it comes down to a planning board, one person who said, "You know what? I call this Sandy Hills project smart growth." Ain't smart growth; no matter how many times you say it, it's not going to make it so. But that would be eligible for a transfer of development credits under this bill.

P.O. LINDSAY: Did you --

MS. JOHNSTON: And that would be objectionable.

P.O. LINDSAY: Was your question answered, Legislator D'Amaro?

LEG. D'AMARO: I just had one more.

P.O. LINDSAY: Go ahead.

LEG. D'AMARO: But we can agree that there are some instances where it would be appropriate to increase density for growth and economic development.

MS. JOHNSTON: It may well be, but it's not under a referendum that you ask the people repeatedly every two years to change their mind on.

LEG. D'AMARO: Okay.

P.O. LINDSAY: Did you get your answer? Thank you very much. Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER: Thank you, Mr. Chair. Thanks for coming down. I've been hearing you say several times, and I heard Dick Amper say this as well, you're asking the voters to vote on the same thing every two years. I want to be certain that you understand what the referendum revolving the SOS $75 million Bond Act was about. Do you see that as another referendum that asked the voters to come back every two years for the same thing?

MS. JOHNSTON: I think that part of -- if my understanding is correct, that part of this legislation is about the --

D.P.O. VILORIA-FISHER: No, I'm asking you about the $75 million SOS Bond Act which I sponsored that you referred to
earlier about the TDR's attached.

MS. JOHNSTON:
Uh-huh. That's right, and that was a very difficult thing to allow TDR's for workforce housing.

D.P.O. VILORIA-FISHER:
But what I'm asking you is -- but that wasn't my question. My question was did you put that in the group of referenda that you have described as a referendum that asks the voters to vote again on something that they have voted on?

MS. JOHNSTON:
No, I did not. What I wanted to say realistically is for you --

D.P.O. VILORIA-FISHER:
Okay. Actually, you answered my question.

MS. JOHNSTON:
Okay. I'm sorry.

D.P.O. VILORIA-FISHER:
Because that's what I wanted to clarify, because the way the referenda had been lumped together, it made it seem as if that SOS Bond Act was asking the voters --

MS. JOHNSTON:
To modify it.

D.P.O. VILORIA-FISHER:
-- to revisit something or modify. And that was new money because at that time the quarter penny wasn't bringing enough, our acquisition program was very robust and we wanted to bring in a new influx of money, okay? So the voters went to a referendum that was a fresh pot of money.

MS. JOHNSTON:
Uh-huh.

D.P.O. VILORIA-FISHER:
So I just wanted to make sure that you understood that that was not changing something that they had already voted on.

MS. JOHNSTON:
Oh, yes, absolutely. But what I want to say to you is when we go out to the voters, we have a simple question that we're asking them --

P.O. LINDSAY:
Okay.

MS. JOHNSTON:
How are you willing to preserve open space? What are you willing to do?

P.O. LINDSAY:
Was your question answered?

D.P.O. VILORIA-FISHER:
My question was answered.

P.O. LINDSAY:
The question was answered.
MS. JOHNSTON:
Okay.

P.O. LINDSAY:
Thank you very much. Marilyn England.

MS. ENGLAND:
Good afternoon. My name is Marilyn England, I'm here today representing the Open Space Council; we're an environmental advocacy group working primarily in Brookhaven Town.

I'm here today to ask you to please not alter or weaken the Drinking Water Protection Program. 1651 -- and I will add, although I know this is out of sequence, 1722 -- threatens the success of the program at a time when the pace of acquisition should be accelerating, not moving backwards. Lately I've been hearing a lot about how we can keep our young people here on Long Island. What is more fundamental to achieving this goal than clean drinking water? No one could live here without it.

An added bonus is that the land acquired to protect our water supplies, other functions such as providing open space for wildlife habitat and recreation for all of us, as well as protecting other waters such as rivers, streams and bays; all vital components of what Long Island is about.

Our own quality of life, as well as that of future generations, depends first and foremost on a healthy, natural environment. Let's make the most of land acquisition opportunities now so future generations can live as well as we do. Thank you.

P.O. LINDSAY:
Regina Seltzer.

MS. SELTZER:
Good afternoon. Thank you for letting me speak here today. I know that every one of you is probably as concerned and loves Long Island as much as all of the people who have gotten up and spoken. And all I want to tell you is that I realize that you're trying to do what you think is important, but one of the problems with this particular bill is that it is confusing. It's confusing, and if it's confused some of the people who are here, you can imagine what it will be like for the people who are supposed to vote on it. The definition of smart growth is just something that has to be clarified. Before you can ask the voters to vote on something like this, you're going to have to give them some details about what you really mean and what you consider to be smart growth.

So I would just like to ask that perhaps you consider tabling this and taking some time and defining the terms so that the people, when they are asked to vote on it, will know what they're really voting on. Thank you.

P.O. LINDSAY:
Thank you. I don't have any other cards on this subject? 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. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Romaine).
P.O. LINDSAY:  
(Public Hearing) **IR 1683-09 - Adopting Local Law No. -2009, A Local Law amending the Suffolk County Empire Zone Boundaries to include Merchant Services, Inc. (SCTM No. 0400-268.00-01.00-019.000) (County Executive).** 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 close.

LEG. HORSLEY:  
Second.

P.O. LINDSAY:  
Seconded by -- who was that? Legislator Horsley. All in favor? Opposed? Abstentions?

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

P.O. LINDSAY:  
(Public Hearing) **IR 1707-09 - Adopting Local Law No. -2009, A Local Law requiring disclosure of the Metropolitan Commuter Transportation District mobility payroll tax on real property tax bills (County Executive).** And I have one card and I'm going to -- the Honorable Louis Marcoccia. And the first thing I want to do, Lou, is I want to apologize that you had to wait so long to speak.

MR. MARCOCCIA:  
Oh, not at all. As a matter of fact --

P.O. LINDSAY:  
It's our process. I couldn't call you in advance.

MR. MARCOCCIA:  
No, please don't. You have never shown me special treatment, nor do I request it and nor should it be expected.

P.O. LINDSAY:  
Normally, if it was under the Public Portion in the morning, I would bring you up first as an elected official in our community.

MR. MARCOCCIA:  
There’s absolutely no problem. Thank you, Mr. Lindsay.

P.O. LINDSAY:  
Okay, thank you.

MR. MARCOCCIA:  
I'm going to be short. We sent out -- my name is Lou Marcoccia, Brookhaven Town Receiver of Taxes. I'm representing the Long Island Association of Tax Receivers; Esther Bivona could not make it here today.

We sent out an e-mail to all the Tax Receivers in Suffolk County asking them for their comments on the proposed resolution, we did not receive any feedback, unless there's somebody here. So from a formatting standpoint, it doesn't appear to be a problem, if you enact this law, to actually include the information you want to include on the tax bill.

But I would suggest that we be part of the implementation team, and I've contacted Mr. Levy's
office, because there are some technical hurdles that we should really talk about to better implement that. So the only request that we have is that we -- if you do enact this bill, that we participate like we did last time in the implementation, with the calculation, if that's possible, and I was told by a member of Steve Levy's staff that that's possible. That's the only thing we request.

P.O. LINDSAY:
I'm glad you came today because I do have some questions of a technical nature that maybe you could answer for me. The first thing is I know we have a lot of different lines on the tax bill, but they all have to do with real estate taxes.

MR. MARCOCCIA:
Right.

P.O. LINDSAY:
This is transferring, I guess it's an income tax, you would call the MTA tax, to the real --

D.P.O. VILORIA-FISHER:
Payroll tax.

P.O. LINDSAY:
Payroll tax, okay.

MR. MARCOCCIA:
Exactly.

P.O. LINDSAY:
To the real estate line. It just seems different, it doesn't seem --

MR. MARCOCCIA:
It is different, and that's why one of the things that we looked at, should we place it on the other line category or the town or at the County? Our belief right now, and we need further discussion, is that it should probably be under the County line, and those are some of the technicalities. As a matter of fact, the resolution that was handed to us about two hours ago was actually a little better resolution than we originally looked at. So those are the technicalities that I think we need a very honest debate about, and not so much debate but a discussion as to best implement that, because it really has a lot to do with the distribution of the monies collected and how do we best do that. So I think we need to sit down with the staff and with finance to actually work those details out.

P.O. LINDSAY:
And the second question, the last time we had a bill that added another line, there was a problem with some of the towns, that they didn't have any more lines.

MR. MARCOCCIA:
It was multiple lines and that was the problem, it was both language and multiple lines. So it appears -- and that's why we sent out the e-mail. Now, certainly some towns will have a little harder problem, but not hearing from any other towns, I must conclude, therefore, they have no problems. We did what we were supposed to do as leading the organization, we sent out the e-mail, no one yelled and screamed at anyone, so, therefore, from the one-line format, it's not a problem. The bigger problem at this point is the technical implementation as to how best we do that and where do we place that particular line on the tax bill.

P.O. LINDSAY:
Okay. And with that, Legislator Viloria-Fisher has a question and then Legislator Montano.

D.P.O. VILORIA-FISHER:
Yes. Louie was speaking about this earlier and I've been thinking about it; the largest portion of
that bill is the school tax.

**MR. MARCOCCIA:**
Right.

**D.P.O. VILORIA-FISHER:**
As of today, the school districts are not released from having to pay that MTA payroll tax, as far as I know.

**MR. MARCOCCIA:**
Right.

**D.P.O. VILORIA-FISHER:**
So then wouldn't the school district tax then have to have a line stating how much of their tax goes to payroll tax?

**MR. MARCOCCIA:**
Yeah. And that --

**D.P.O. VILORIA-FISHER:**
So it would be each line would have to have a line, it seems to me.

**MR. MARCOCCIA:**
And that's part of the problem that we need to work out and those are the issues. And I certainly -- we haven't gotten together as an organization to actually come up with that, and we're actually going to spend a lot of time in doing that. That's why I think we need to sit down and actually hash those things out, because it's actually a lot more complicated than the one line, it's not that simple. And it has to do with both the collection and distribution and where we place it on a tax bill. So it does require a lot of input from the Tax Receivers Office with Steve Levy's staff. So if I had -- again, we don't have to quantify that in the resolution, but, you know, your word is certainly good, Mr. Lindsay, that if you kind of mandate or request that we do participate in that discussion, because I do believe that it could come to a point where it may require two, three, four lines, and that's something that would be very difficult for many of the towns to do, as well as Brookhaven Town.

**P.O. LINDSAY:**
Legislator Montano.

**LEG. MONTANO:**
Lou, how are you there? This bill has come in as a -- with a C of N.

**MR. MARCOCCIA:**
Right.

**LEG. MONTANO:**
Basically asking us to vote on it today. The C of N, the explanation is that potential time restraints, the Town Receivers of taxes may face in preparing it; what does that mean exactly? What are your time limits and why does this bill have to be passed today, or does it have to be passed today in your estimation?

**MR. MARCOCCIA:**
We probably have about two, two-and-a-half weeks where we would need to have this happen in order for the process to actually produce -- perform the technical computer coding and those type of activities. So even though I didn't read that language, it is clear that we do have a time constraint; we probably have two or three weeks that we certainly must act. And again, we may get into a room --
LEG. MONTANO:
That's in order to get the bill, this itemization in the next tax bill --

MR. MARCOCCIA:
In the next tax bill.

LEG. MONTANO:
-- that comes out, what, June 1st is it?

MR. MARCOCCIA:
It comes out -- no, no, December.

LEG. MONTANO:
That's right, the next comes --

MR. MARCOCCIA:
Well, we have a process. Remember what we have to do, we have to print bills, we have to change computer programs. So we do have a couple of weeks that we certainly need the answer to, Rick.

P.O. LINDSAY:
Okay.

LEG. MONTANO:
All right. So what you're saying is that if we're going to do this, we need to do it today?

MR. MARCOCCIA:
Today, or when is your next session, two weeks from now?

P.O. LINDSAY:
September 18th.

LEG. MONTANO:
September 18th.

MR. MARCOCCIA:
And that certainly would cause a lot of heartburn for some of the towns. I would have to -- I would certainly have to say that.

D.P.O. VILORIA-FISHER: (Inaudible).

MR. MARCOCCIA:
It will create some heartburn.

P.O. LINDSAY:
Just to clarify something, Lou. Is the -- and Counsel, correct me if I'm wrong, but the bill that we're going to be asked to vote on in the packet tonight just creates a second line just for the County portion.

MR. NOLAN:
Right.

MR. MARCOCCIA:
And that was -- and I just read that about an hour-and-a-half ago and I was actually happy with that, because we were leaning towards that, my discussion with Esther Bivona, and she was leading me down that track. So we were -- again, I really need to examine that, but we were kind of
pleased so we actually, I believe, have a better resolution than we did this morning, so we were pleased in seeing that.

**P.O. LINDSAY:**
And Legislator Kennedy, you had a question?

**LEG. KENNEDY:**
Lou, let me just ask again. The tax gets applied across the board to any employer, and this is a levy, I guess, that they have to pay over to the MTA. And what this will do is just reflect that this is an additional expense the County has incurred? Are you actually going to be taking custody of any of these proceeds, or no?

**MR. MARCOCCIA:**
And that's some of the issues we need to talk about. That's precisely what we need to talk about. Certainly I would have preferred to have a discussion before I came here, so that's why I'm a little reluctant in having these discussions without actually sitting down and going over the details.

**LEG. KENNEDY:**
Well, if you're reluctant to have the discussion about how it's going to go, I guess I'm reluctant to vote on that it should be there. Because, obviously, you act as a fiduciary when you --

**MR. MARCOCCIA:**
Exactly.

**LEG. KENNEDY:**
-- take in and pay out and you disburse to multiple entities.

**MR. MARCOCCIA:**
And the problem that I have is with the timing. If it was later September, that would cause really some heartburn. And that's not the timing that I'm controlling, it's just the way the process is in order to get the tax bills out.

**LEG. KENNEDY:**
Okay.

**MR. MARCOCCIA:**
So that's not the timing that I'm controlling here.

**LEG. KENNEDY:**
I understand. Okay, thank you. Thank you, Mr. Chair.

**P.O. LINDSAY:**
Okay. Again, thank you very much, Lou, for coming down --

**MR. MARCOCCIA:**
I just want to mention --

**P.O. LINDSAY:**
-- and giving us your insight.

**MR. MARCOCCIA:**
Thank you. If we have to do more than one line, it will create a heartburn for some of the -- and we've been through this before, with some of the other towns as well as Brookhaven Town.

**P.O. LINDSAY:**
Thank you very much.
MR. MARCOCCIA:
Thank you.

P.O. LINDSAY:
I don't have any other cards on 1707. Is there anyone else in the audience that would like to speak on this? Legislator -- not Legislator. Mr. Zwirn.

MR. ZWIRN:
I think this is probably the longest I've been silent at a Legislative meeting in almost six years.

LEG. BEEDENBENDER:
No need to ruin it.

MR. ZWIRN:
There's a voice. I heard a voice; I'm not sure where it came from, it's that side of the room.

With respect to this bill, we do have a Certificate of Necessity prepared today because of the timeframe that Lou mentioned, and it will give us time to be able to work out some of the details. This year it's going to be the County portion, because I think the County Executive is concerned, on behalf of the entire Legislature and himself, that this additional payroll tax that's coming in is not coming back to the County and it's not a tax that has been imposed by the County on the taxpayers of Suffolk. So if we could get a separate line for it.

I think going forward in the future -- and Legislator Nowick, who has been a Receiver of Taxes, understands -- there may be other districts that would also like to get that kind of recognition, perhaps the school districts. Because that's going to be part of their tax this year because that -- as Legislator Viloria-Fisher said, they're not exempt. They were supposed to get repaid this money out of a fund that's still yet to be determined, but I think at least the County portion would be identified and I think that's what the County Executive has asked for. And the reason we're going to do a CN today is because of the time constraints, it will give us a chance to work out the details.

P.O. LINDSAY:
Mr. Zwirn, Legislator Viloria-Fisher has a question.

D.P.O. VILORIA-FISHER:
Given that the County portion of that tax bill is such a small portion of it, then this extra line would be an incredibly small portion of their tax bill, and I'm wondering if it would be worth this effort.

MR. ZWIRN:
Well, it's -- I believe it's over $3 million. The General Fund Property --

D.P.O. VILORIA-FISHER:
I'm talking about each individual paying his or her tax.

MR. ZWIRN:
Well, I'm just saying, but the General Fund Property Tax of the County is roughly 50 or $52 million, this is going to be a tax that's over $3.2 million. You know, you're getting close to a 10% property tax increase in the General Fund just with this amount of money. So I think that to identify it to the taxpayers would be helpful, I think, for --

D.P.O. VILORIA-FISHER:
Like $30, about $30 maybe for the average --
MR. ZWIRN:  
No, probably maybe less.

D.P.O. VILORIA-FISHER:  
More or less?

MR. ZWIRN:  
Less.

MR. NOLAN:  
Six bucks.

MR. ZWIRN:  
But it's still --

MR. NOLAN:  
About six bucks.

D.P.O. VILORIA-FISHER:  
About $6?

MR. ZWIRN:  
I think it's about six, $8. But whatever it is, it's still --

D.P.O. VILORIA-FISHER:  
That's two cups of coffee.

MR. ZWIRN:  
It's still a tax that is being implemented on the taxpayers, not by anything that the Legislature or the County Executive is doing.

P.O. LINDSAY:  
Thank you very much.

LEG. ROMAINE:  
Quick question?

P.O. LINDSAY:  
Oh, I'm sorry. Wait, Legislator Romaine has a question.

LEG. ROMAINE:  
I just want to say that I think it's about truth and honesty in your tax bill, and I just want to point out that I'm supportive of the Executive's initiative in this regard.

MR. ZWIRN:  
Now we have to rethink everything.

(*Laughter From Audience*)

P.O. LINDSAY:  
Okay. All right, I guess -- I'll make a motion to close, but being that we have a CN, it doesn't really make any difference.

LEG. LOSQUADRO:  
Second.

P.O. LINDSAY:
Okay, close the public hearing. We have a motion by myself, a second by Legislator Losquadro. All in favor? Opposed? Abstentions? It stands closed.

**MR. LAUBE:**
Seventeen (Not Present: Legislator Schneiderman)

**P.O. LINDSAY:**
(Public Hearing) **IR 1708-09 - Adopting Local Law No. -2009, A Local Law imposing a surcharge on wireless communication services in the County of Suffolk (County Executive).** I don't have a card on that subject. Is there anyone in the audience that would like to address us? Just for the audience, there's two competing bills on the wireless surcharge; the one we had a hearing earlier, and this one is the County Executive's version of that bill. Seeing none, I'll make a motion to close. Do I have a second?

**LEG. D'AMARO:**
Second.

**P.O. LINDSAY:**
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

**LEG. ROMAINE:**
A quick question on the motion.

**P.O. LINDSAY:**
Oh, I'm sorry.

**LEG. ROMAINE:**
Counsel, what's the difference between Mr. -- Legislator Horsley's and the County Exec's version of this resolution, essentially?

**MR. NOLAN:**
I think there's only really one major difference which is that the Horsley bill allocates a certain amount of the revenue for the PSAP's.

**LEG. ROMAINE:**
And the Exec's bill does what?

**MR. NOLAN:**
Well, it's silent on that.

**P.O. LINDSAY:**
Takes all the money.

**LEG. ROMAINE:**
Takes all the money? Okay. I just want to know, because I know Mr. Horsley had introduced a bill I believe ahead of time. Thank you.

**P.O. LINDSAY:**
Okay, it stands closed. You called the vote, right, Mr. Clerk?

**MR. LAUBE:**
Seventeen (Not Present: Legislator Schneiderman).

**P.O. LINDSAY:**
(Public Hearing) **IR 1714-09 - Adopting Local Law No. -2009, A Local Law to prohibit the use of tanning facilities by minors (Viloria-Fisher).** And I don't have any cards on this subject. Is
there anyone --

**MS. COYNE:**
Yes.

**P.O. LINDSAY:**
-- that would like to come forward and speak on this subject?

**MS. COYNE:**
Well, I can say good evening. It's been a long day. And certainly, I am in support of this bill. We heard this morning from the Tanning Association, they told us that tanning salons are not harmful if used responsibly and that there are even health benefits of the UV rays such as the production of Vitamin D. Well, the Academy of Dermatology and the National Council of Skin Cancer Detention unequivocally tell us that Vitamin D from food and dietary supplements offer the same benefits as Vitamin D obtained from UV light without risking the danger of skin cancer. Because UV radiation from indoor tanning can lead to skin cancer, eye damage, aging skin and immune suppression, certainly it is not recommended.

Up to 90% of the melanomas are caused by exposure to ultra violet light, tanning and the sun. The International Agency for Research on Cancer reports that tanning beds are carcinogenic to humans, and those under 30 years of age who use them increase their risk of melanoma skin cancer by 75%. May I remind you, Melanoma is deadly. There will be 122,000 cases of Melanoma in 2009. There is more than one million cases of skin cancer that will be diagnosed throughout 2009 which exceeds the incidences of all other cancers combined. This is a threat that is growing yearly. The cost of treatment of melanoma for the year of 2004 was $291 million, just for treating melanoma alone. So in today's economy, I think we should be focusing on wellness and prevention.

On an average day in the United States, more than one million people tan in a salon. Nearly 70% of tanning salons are girls and women, primarily aged 16 to 29. The number two cancer for 15 to 29 year olds is melanoma; the number one cancer is melanoma for 25 to 29 year olds, this is even over breast cancer. The National Institute of Health has found that the melanoma rates have tripled between 1973 and 2004; may I remind you, that is when tanning beds became so very popular.

Now, I know there are objections to the bill. We heard this morning that kids will go to the beach and tan. May I remind you that 20 minutes in a tanning bed, depending on your skin type, equals a day at the beach unprotected. Thanks to Suffolk County Legislators, there are signs at our beaches and our parks and people are beginning to become educated.

Another objection is that we are taking away a parent's right. Well, if we adhere to that argument, we would have no laws regarding tobacco, alcohol, seat belts, backyard pools. Let me tell you, I have been involved in educating for the last ten-and-a-half years, parents don't have a clue regarding the dangers of UV radiation, whether it be the sun or tanning beds. I am a parent who wished she knew about the dangers of UV radiation.

Legislators cannot be expected to keep pace with all the latest research concerning a variety of subjects. It is, however, your responsibility to listen to those that bring areas of concern before you. The American Cancer Society, the Academy of Dermatology, the World Health Organization, just to name a few, all recommend that beds be banned for those under 18 years old.

Thank you for what you have done for the Long Island community in the past. Please lead the way, as you have done before, and ban the use of these beds. Melanoma is deadly and, unfortunately, if not caught early, it's a very sad ending. Thank you.

*Applause*
D.P.O. Viloria-Fisher:
Thank you, Collette. Are there any questions? Is there anyone else in the audience who would like to speak on this legislation? Okay, there being none, I'll make a -- oh, go ahead. Come on up. And if you could, identify yourself and someone --

Mr. Skowronski:
Fill out a card, etcetera.

D.P.O. Viloria-Fisher:
Yes.

Mr. Skowronski:
This is not the position I wanted to find myself in today; my wife just informed me that she's not cooking tonight.

(*Laughter From Audience*)

My name is Dave Skowronski and I am here, for the sake of transparency, as support for my daughter, my wife and I were here. She is a tanning salon owner in Suffolk County.

First of all, I want to say how sorry I am about your loss. I don't know anything about your daughter, but I do know a little bit about this law and some of the aspects of it as it's developed over the last few years. I am not a spokesperson for the indoor tanning association, I have no affiliation with anybody, I'm just a father. I would just like to say that from my point of view, the parental right issue I believe is something that I'm concerned with in general, and that it applies also to the change in the legislation that you're proposing.

I think that people can enlist in the military, they can get married, they can do a lot of things under the age of 18, and as I understand it, what we're trying to do is work to the same end, I believe.

I know my daughter is very involved in the process called "Smart Tanning" which is an educational process for people who come in to the tanning salon, and I think that's what everyone here is trying to do. And I think, quite frankly, that if you impose a law like this, that the current law requires parental approval for anyone under 18 to tan, and that requires a parent -- as I understand it, and that's the way my daughter operates -- to physically come into the salon, talk to the salon operator, read all the material, sign a permission slip that it's okay for their child under 18 to tan and leave a copy of their driver's license and attach it to the permission slip so that we don't have this kind of, "I'll take the permission slip, bring it home to my Mom, she'll sign it and bring it in, I can go tanning." So it is pretty restrictive and it is an opportunity to talk to parents who don't have a clue about the dangers of UV rays and educate them about how this process should take place. There's a lot of different things, a lot of different material available to people.

Again, I am not a spokesman for the industry, I am just a father. I am just a citizen in Medford, I've been here for 30 years, and I'm concerned about limiting parental rights in this decision-making process. And I also think the argument about driving teen-agers who are under 18 to get their tans some other way, if parents don't have a clue, that they're going to run to beaches and they're going to do the things that they shouldn't do, which is primarily get a sunburn which causes all these kinds of problems in later years.

So I think what I would propose is that you work closer together with the professionals that are in the business and work toward the education of parents by leaving intact the law that you have currently on the books, that parents have to come in and have to sign a permission slip that has all the proper warnings and all the proper information that they need to know to make an educated decision as to whether or not they want their child to go into a tanning salon.

P.O. Lindsay:
Thank you very much.
D.P.O. VILORIA-FISHER:
Thank you. Are there any questions?

MR. SKOWRONKSI:
Thanks.

P.O. LINDSAY:
Is there anyone else that wants to speak on 1714? Why don’t you come forward.

MS. JOHNSTON:
I wasn’t planning to speak on this, but I feel so critically that this is not about parents’ rights. Parents don’t have the right to sign away the health of their child, to put their child in jeopardy.

I have a brother who is a survivor of melanoma -- thank God, thank God -- but melanoma comes back. It doesn’t go away forever, it comes back. It is one of the most virulent, deadly forms of cancer. And I can’t imagine that we would be considering any law that would allow us to expose our children to the long-term risk. We can’t do much about the ozone layer, but you know what? Nobody lays out in the sun at the beach anymore. And certainly, I’m a person who probably would never be caught in a tanning salon because, obviously, I burn, you know, so I would not tan. But I cannot ask you sufficiently well enough to endorse legislation that protects our children; you have done it over and over and over again. And we’re very progressive in Suffolk County, when we get it, we get it right and we get it often and we do the right thing, and I ask that you would do that.
Thank you.

P.O. LINDSAY:
Ms. Seltzer, come forward please.

MS. SELTZER:
I was here this morning when the different groups spoke about it and it seemed to me that your legislation is very, very sensible, rational legislation. However, I do think that some of the people who spoke about the medical aspect of it had a point and I think it would be very simple to just add an exception for medical purposes, and that would create no problem at all because you could easily get a doctor’s note to just simply state that this is for medical reasons. And I hope you do pass the legislation. Thank you.

P.O. LINDSAY:
Anybody else on 1714? Seeing none, Legislator Fisher, Viloria-Fisher?

D.P.O. VILORIA-FISHER:
Motion to close.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
IR 17 --

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

P.O. LINDSAY:
(Public Hearing) IR 1722-09 - Adopting Local Law No. -2009, A Charter Law to amend the
Drinking Water Protection Program to increase funding for property tax relief (Presiding Officer Lindsay). Richard Amper.

MR. AMPER:
I am Richard Amper, I'm the Executive Director of the Long Island Pine Barrens Society. Three decades ago the County Legislature, and over those three decades several County Executives, have helped lead the way to the protection of open space and the protection of drinking water, the saving of our farms; it's a legacy of land of which we should all be proud.

For the past 20 years we have had the benefit of the Drinking Water Protection Program, it's been very, very successful, and most Long Islanders think we should continue it. They've said it at the polls four times as we have extended the Drinking Water Protection Program through the year 2030; they said it in a poll in March, eight out of ten of them saying we know there's a recession at this time, but we think we should maintain or, in fact, expand these programs, so the public is squarely behind it. The debate that you have been engaged in has been enormously troublesome because of the nature of the special dedicated fund that we think shouldn't be messed with. But the fact of the matter is I have seen in so many of you efforts to solve the economic problems. I found myself agreeing with Legislator Barraga over the issue of the rainy day fund. We had conversations with Mr. Lindsay and Mr. Levy and Mr. D'Amaro in a recent television program that is usually one of conflict, I was waiting for a chorus of "Kum Ba Yah" to break out.

It seems as though this has been a useful process, that we've gone through a thorough examination. If you stand for the people of Long Island, if you do their will, if you make them glad they did what they did every time they supported it, I think you will have served them well. If you don't, we have an unnecessary conflict, we're obliged to campaign against a referendum like that; it is likely then to be defeated and then we don't have any more revenue anyway. I think the rainy day fund, I think other referenda.

I take no exception to economic development referenda, if that is the way that you choose to proceed. But I would implore you one last time, the last of these four bills that deal with the public's will at referenda is before you. Let's say good-bye to this for now and do right by the people of Long Island that have put up more money than the residents of 45 of the 50 states in this union to see this job done, and then please join the environmental community. We gave you data on the slow pace of land acquisitions up-to-date, it is not of this Legislature's doing. Let's get a couple of people who want to finish this program and be done with it. We only have ten more years, let's get it right, let's get the land -- it's good for our economy and our environment -- now before it's lost forever to development and before it gets any more expensive.

I do thank you for your deliberations in this matter and I hope we've seen the end of it.

P.O. LINDSAY:
Ken Rubino.

MR. RUBINO:

(*Laughter From Audience*)

I'd like to read a short e-mail that I sent to all of you last week, and thank you to Legislators Romaine and Beedenbender for responding to it.

"Ladies and gentlemen of the Suffolk County Legislature, the Drinking Water Protection and Save Open Space Programs have worked wonderfully and beautifully to the benefit of all citizens and
visitors to Suffolk County. Additionally, these programs have provided models for other governments with similar goals of land and open space preservation. Furthermore, your constituents, the residents of Suffolk County, have overwhelmingly supported these admirable goals at the polls. It's no surprise that the taxes collected to fund these programs are actually welcomed. "You know, this is a tax that people actually enjoy paying. How unique is that?"

"These monies and lands which can be purchased with them belong to our children and our children's children. That anybody would consider turning their backs on the collective will and mind-set of the people of Suffolk County is truly troubling and distressing. In my mind, what is being proposed is tantamount to stealing from our children's future. Please carry out the will of the people who voted for you and these programs by leaving them not only in tact, but by adding to them."

It's very easy to see these acts as an east end program. But the fact remains that people come out to the east end all the time, from western Suffolk, from Nassau, from Manhattan. In fact, had a similar program been in place years ago, the entirety of Suffolk County, if not Long Island, would look like the east end. Thank you.

P.O. LINDSAY:
Regina Seltzer.

MS. SELTZER:
Good evening. I'm just going to say that I hope you all vote against this. Thank you.

D.P.O. VILORIA-FISHER:
Oh, I love it.

P.O. LINDSAY:
Thank you. Mary Johnston, Mary Ann Johnston again.

MS. JOHNSTON:
The hour is late, I'll be brief. There is nothing that I feel more passionately about than our open space which preserves our drinking water. We are an Island. We don't have the luxury of not taking these steps, we don't have the luxury of ignoring the obvious; we are an Island. I grew up in your district, Mr. Horsley. How I wish that we had had an open space program when I was growing up; the lake at the end of my block might still be there, it might still exist.

But more importantly, what I want to say to you is what my parents taught me, is that you don't steel from the future to finance your life today. It isn't how we did it. My parents made me earn money. I had to put 50% in a piggy bank, which I could spend as I chose, the other 50% went into a bank account for my future, and that's how I look at the drinking water protection. I won't be here when the water isn't any good to drink, I'll be long bones in a grave, but you will be responsible for that. The people of Suffolk have done their part, they have said, "We will pay the tax to preserve our drinking water." We will pay it even though we pay among the highest taxes in the entire country, we will pay it. We will tax ourselves over and over and over again to do that, because we value what we have which is open space and clean drinking water. Anyone who lives in an area where they can't drink the water that comes out of the ground knows how horrible that is. In many places in this country, we are polluting our waters with drugs, with toxic chemicals. And on Long Island we have been the gold standard, we are saying we will preserve open space, we will protect our drinking water. It isn't your money to spend, Mr. Lindsay, so I ask that you not.

P.O. LINDSAY:
Are you done?

MS. JOHNSTON:
Whenever you say so.
P.O. LINDSAY:
Are you done?

MS. JOHNSTON:
Yes.

P.O. LINDSAY:
Thank you. Is there anyone else that would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. ALDEN:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
(Public Hearing) IR 1724-09 - Adopting Local Law No. -2009, A Local Law to further enhance and strengthen the Colette Coyne Melanoma Awareness Act (D’Amaro). 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 D’Amaro?

LEG. D’AMARO:
Motion to close.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
(Public Hearing) IR 1727-09 - Adopting Local Law No. -2009, A Local Law to amend the Suffolk County Emergency Telephone System Surcharge Program (County Executive). 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 close. Do I have a second? Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Thank God. That finally concludes the Public Hearings.

I want to -- I'll accept a motion to set the date for the following Public Hearings of September 17th, 2009, 2:30 PM at the Rose Caracappa Auditorium in Hauppauge for the following Public Hearings: Southwest Sewer District Assessment Rolls; IR 1273, a Charter Law to clarify the powers and duties of the Board of Trustees of Parks, Recreation & Conservation; IR 1763, a Local Law to amend Resolution 673-09, a Local Law requiring fairness in cooperative homeownership. I'll make a motion.

LEG. LOSQUADRO:
Second.

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

**MR. LAUBE:**
Eighteen.

**P.O. LINDSAY:**
The other two are not -- are subject to a CN, is that -- or Late-Starters, the other two?

**MR. NOLAN:**
Yes, the next three are going to be laid on as Late-Starters and then we'll set the public hearing at the time that they're laid on the table.

**P.O. LINDSAY:**
Okay. Everybody hold on to their seats, let's get back to the agenda and see if we can get through this. We're on page nine. Mr. Zwirn, did you want to say something?

**MR. ZWIRN:**
I did, Mr. Presiding Officer. I know that there's a time for the County Exec's Office to have an opportunity to address the Legislature.

**P.O. LINDSAY:**
I'm sorry. You were --

**MR. ZWIRN:**
No, no.

**P.O. LINDSAY:**
You were on the agenda. I'm sorry, somebody told me that, I just overlooked it.

**MR. ZWIRN:**
No, I didn't want to --

**P.O. LINDSAY:**
Please take this time to go forward.

**MR. ZWIRN:**
Okay. I want to thank you for the opportunity. I know it's been a long day and I didn't want to -- there were times I wanted to interrupt, but you had the work of the County in front of you and had plenty to keep you busy. But the County Executive did want me to respond to some of the comments that Dick Amper made with respect to the Land Acquisition Program. And we can have our differences on how we're going to deal with the deficits going forward, but to trash the Land Acquisition Program under this Legislature and under the County Executive is just completely untrue and it's insulting.

We have spent more money in the last five years than any five year period in the history of Suffolk County; over one-third of a billion dollars, one-third of a billion dollars on open space acquisition and farmland preservation. Two years ago we took $17 million from the Tier II Shelter Program to buy additional land, we used it as an offset. We have bought everything that we can get our hands on. Now, back in the 80's, you had larger tracks of property that were available at much lower prices; that is not the case today. We have to work a lot harder to put together the kinds of deals that we have to deal with.
Now, we have one that's tabled in committee at the present time. The cost for the farmland preservation rights is $420,000 an acre; that's not fee title, that's just for the preservation of the development rights. So to say that we have been neglectful or have been dishonest or not have worked as hard as we possibly can. Part of the problem is that even in a declining real estate market, and hopefully we'll get more willing sellers, but you have to have two people come to the table. If the County makes an offer and the seller doesn't accept it or is not interested in selling their property, there is no deal. I don't care how much land is out there, if the person who owns the property is not willing to sell it, that's the end of the discussion until such time as it changes.

We have streamlined the process, with the cooperation of the Legislature, so this process moves quickly from planning steps to an offer is like moving at the speed of light, but that doesn't always mean that we're going to get somebody who accepts our offer. And I just want to put that on the record to say that we are not moving forward, the County Executive is not moving forward as quickly as possible is just not true.

And if I might just -- I know it's disjointed, but I know when there was discussions with the Police today, one of the things that I'd like to bring out and what the County Executive would, I have a copy of Police statistics on crime, and I'd like to make that available to the Legislature and to anybody else who's interested. The crime rate is going -- is not going up. From 2003 to now, the numbers are down across the board on violent crime and what we call part II crimes which are property crimes. The numbers are what they are. And I know that there are stories in the paper and you may see in the field that there's a spike in crime; there may be an individual spike in a particular category at one time, but it goes up and down. But since 2003, the crime rate is down, and I'll make these statistics available to the Legislature.

With the question of bonding, if I can just keep going so I can get everything in and beg your indulgence for just a few more minutes. With respect to closing out the capital accounts, I know that the Budget Office was here going over with the Legislators, individual Legislators about some of the projects that they were curious about, but this is a process that we go through every year. Often the bonds have passed their useful life or sun-setted and we cannot use them. Some projects are done -- the SOS Program, for example -- there was some money left, a couple of hundred thousand dollars left, that program has expired, we cannot use that money any longer so we closed out the account. We tried to use all of it before it sun-setted, but in some cases the last purchase may have been $2 million and we may have had $2.3 million left in the account, so that money is there and then we're closing that out now. But Carmine is here from the Budget Office to go over any other further questions that you have. But it's not something that's unusual, it's something that we do every year going back to the beginning of Suffolk County government.

And lastly, let me just say on the Hotel/Motel Tax. The County Executive is concerned. You know, there was some discussion today about, you know, how that money is going to be spent, but there were certain Legislators who supported the Vanderbilt earlier this year and the funding of the Vanderbilt, this Hotel/Motel Tax is part of that plan to do that. And there was also a budget reduction plan that was approved by everybody in the Legislature early on, as we looked for revenues and we also looked to cover some of the expenses that we have in the County. So we would just like you to keep that in mind as we move forward. And I'll take any questions, otherwise I'll let you get back to your work.

P.O. LINDSAY:
Preferred not, all right?

MR. ZWIRN:
Fair enough.

P.O. LINDSAY:
I'm all jammed up. I've got too many things in my head, you know, I just can't absorb any more. Let's go back to the agenda.
1686-09- Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] – for the MLO Great South Bay, LLC property – Santapogue Creek addition Town of Babylon - (SCTM Nos. 0100-222.00-01.00-001.002 p/o, 0103-020.00-03.00-052.003 p/o and 0103-016.00-04.00-074.000) (County Executive).  Do I have a motion?

LEG. HORSLEY:
Motion.

LEG. STERN:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1698-09 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component - for the Murphy property – San Remo Flood Plain - Town of Smithtown – (SCTM Nos. 0800-019.00-02.00-012.000 and 0800-019.00-02.00-013.000) (County Executive).  Motion by Legislator Nowick, seconded by Legislator Kennedy.

LEG. NOWICK:
Tim, cosponsor.

P.O. LINDSAY:
What's the purchase price on this?

MR. NOLAN:
Two thirty-five.

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

LEG. ALDEN:
Abstain.

MR. LAUBE:
Abstain?

P.O. LINDSAY:
One abstention here.

MR. LAUBE:
And one -- is that a negative, Legislator Gregory?  And a no; sixteen (Abstention: Legislator Alden - Opposed: Legislator Gregory).

P.O. LINDSAY:
1699-09- Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] – for the MLO Great South Bay, LLC property – Santapogue Creek addition Town of Babylon - (SCTM Nos. 0100-222.00-01.00-001.002 p/o, 0103-020.00-03.00-052.003 p/o and 0103-016.00-04.00-074.000) (County Executive).  Do I have a motion?
Protection Program [C12-5(E)(1)(a)] – for the Vaccaro and Gordon property – Carlls River watershed addition - Town of Babylon - (SCTM No. 0100-017.00-02.00-024.000) (County Executive).

LEG. D'AMARO:
Motion.

P.O. LINDSAY:
Motion by Legislator D'Amaro.

LEG. HORSLEY:
Second.

P.O. LINDSAY:

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1700-09 - Authorizing acquisition of land under the Suffolk County Open Space Preservation Program - for the Schultz property – Tuthills Creek/Pine Lake - Town of Brookhaven – (SCTM No. 0204-003.00-01.00-024.000) (County Executive).

LEG. EDDINGTON:
Motion.

P.O. LINDSAY:
Who motion the motion? Legislator Eddington.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Seconded by Legislator Losquadro. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Abstain.

LEG. GREGORY:
Opposed.

MR. LAUBE:

P.O. LINDSAY:
1701-09 - Authorizing acquisition of land under the Suffolk County Open Space Preservation Program – for the Scarpa property – Mastic/Shirley Conservation Area II - Town of Brookhaven – (SCTM No. 0200-984.60-01.00-008.000) (County Executive).

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

**LEG. LOSQUADRO:**
Second.

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

**LEG. ALDEN:**
Abstain.

**LEG. GREGORY:**
Opposed.

**MR. LAUBE:**

**P.O. LINDSAY:**
1702-09 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component - for the Thomson property – Sagaponack Greenbelt - Town of Southampton – (SCTM No. 0900-056.00-01.00-042.000) (County Executive).

**LEG. SCHNEIDERMANN:**
Motion.

**P.O. LINDSAY:**
Motion by Legislator Schneiderman.

**LEG. LOSQUADRO:**
Second.

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

**LEG. KENNEDY:**
Is there any -- Mr. Chair?

**P.O. LINDSAY:**
Legislator Kennedy.

**LEG. KENNEDY:**
Yeah. Is this full County acquisition or is there any town participation on this one?

**MR. NOLAN:**
All County.

**LEG. KENNEDY:**
All County acquisition? Okay.

**D.P.O. VILORIA-FISHER:**
Master List II, John.

**P.O. LINDSAY:**
And it's -- the purchase price, George?
MR. NOLAN:
Nine hundred and seventy-five thousand.

P.O. LINDSAY:
For how much acreage?

MR. NOLAN:
Four point two five.

P.O. LINDSAY:
Four point two five acres. Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

P.O. LINDSAY:
1703-09 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component - for the Beyernheimer Trust property – Tuthills Creek/Pine Lake - Town of Brookhaven – (SCTM No. 0204-008.00-02.00-060.001) (County Executive).

LEG. EDDINGTON:
Motion.

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

P.O. LINDSAY:
Motion by Legislator Eddington, second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Abstain.

MR. LAUBE:

P.O. LINDSAY:
Health & Human Services:

IR 1661-09 - Amending the 2009 Adopted Operating Budget to transfer funding from Catholic Charities to Family Service League for the Assertive Community Treatment (ACT) Program (County Executive).

LEG. KENNEDY:
Motion.

P.O. LINDSAY:
Motion by Legislator Kennedy.

LEG. COOPER:
Second.

P.O. LINDSAY:
MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1682-09 - Authorizing planning steps for implementation of Suffolk County Workforce Housing Program (County Executive).

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. SCHNEIDERMAN:
Second.

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

MR. LAUBE:
Sixteen -- eighteen, check.

P.O. LINDSAY:
1273-09 - Adopting Local Law No. -2009, A Charter Law to clarify powers and duties of Board of Trustees of Parks, Recreation and Conservation (Browning).

D.P.O. VILORIA-FISHER:
Motion to table for a public hearing.

LEG. BROWNING:
Same motion.

P.O. LINDSAY:
What's same motion?

D.P.O. VILORIA-FISHER:
Motion to table for a Public Hearing.

P.O. LINDSAY:
Let the sponsor, all right?

D.P.O. VILORIA-FISHER:
Oh, I'm sorry.  I was trying to say it to her.

P.O. LINDSAY:
Legislator Browning, do you want to table this?

LEG. BROWNING:
Yes, please.

P.O. LINDSAY:
Thank you very much.  Do I have a second?
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:
1632-09 - To amend Resolution No. 569-2009, "Authorizing use of Smith Point County Beach property by the American Cancer Society, for the Amazedness Kite Fly" (Eddington). Legislator Eddington, you want to --

LEG. EDDINGTON:
Motion to approve.

P.O. LINDSAY:
Motion to approve. Do I have a second? Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1635-00 - Authorizing the use of Smith Point County Park property, Cathedral Pines County Park, Southaven County Park, and Smith Point Marina by The Long Island 2 Day Walk to Fight Breast Cancer, Inc. For Breast Cancer Walk 2010 (Browning).

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Legislator Browning makes a motion. Seconded by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1681-09 - Appropriating funds in connection with equipment for revenue collection at park facilities (CP 7186) (County Executive).

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

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher. Do I have a second?

LEG. COOPER:
Second.

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

MR. LAUBE:
Eighteen.
P.O. LINDSAY:
On the accompanying Bond, 1681A, same motion, same second; roll call.

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

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

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMANN:
Yes.

LEG. ROMAINE:
Yes.
P.O. LINDSAY:
Yes.

MR. LAUBE:
Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:
**1692-09 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with Energy Savings and Parks Compliance Plan (CP 7188) (County Executive).**

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

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper.

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

P.O. LINDSAY:
On the motion, Legislator Kennedy.

LEG. KENNEDY:
Can anybody get an explanation on what's being done under this reso?

D.P.O. VILORIA-FISHER:
May I?

P.O. LINDSAY:
Go right ahead.

D.P.O. VILORIA-FISHER:
Yes, I had asked the Commissioner to explain in committee and they are energy-saving measures that are systemic throughout the park, energy savings in lighting, temperature control systems.

LEG. KENNEDY:
So it's actual actions that they're going to take, either equipment installation --

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

LEG. KENNEDY:
-- or modification of fixtures, things like that?

D.P.O. VILORIA-FISHER:
Yes, for energy savings.

LEG. KENNEDY:
Hard tasks. Okay, great. Thank you.
P.O. LINDSAY: Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE: Eighteen.

LEG. BARRAGA: Opposed.

MR. LAUBE: Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY: Okay, the accompanying Bond Resolution, 1692A, same motion, same second; roll call.

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

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

LEG. COOPER: Yes.

LEG. D'AMARO: Yes.

LEG. STERN: Yes.

LEG. GREGORY: Yes.

LEG. HORSLEY: Yes.

LEG. NOWICK: Yes.

LEG. KENNEDY: Yes.

LEG. BARRAGA: No.

LEG. ALDEN: No.

LEG. MONTANO: Yes.

LEG. EDDINGTON: Yep.
LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher. Do I have a second?

LEG. BROWNING:
Second.

P.O. LINDSAY:
Second by Legislator Browning.

LEG. LOSQUADRO:
Explanation.

P.O. LINDSAY:
Explanation by Legislator Losquadro. I'll ask you to explain, Ms. Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Yes. The Commissioner explained to us at the Parks Committee that meters will be put in various parks facilities in order to see how much usage is occurring. For example, the Long Island Maritime Museum --

LEG. LOSQUADRO:
Is your mike on?

D.P.O. VILORIA-FISHER:
I have my finger on it, maybe I'm not close enough.

LEG. LOSQUADRO:
As long as it's on.

D.P.O. VILORIA-FISHER:
Okay. Can you hear me now? You want me to start again?

LEG. LOSQUADRO:
No, not if it's on.

D.P.O. VILORIA-FISHER:
Okay. In order to identify what the usage is in each of these facilities.

LEG. LOSQUADRO:
Okay.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay. Same motion, same second on the accompanying Bond Resolution; roll call.

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

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

LEG. BROWNING:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yep.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:
1716-09 - To waive fee for use of the County showmobile for a benefit concert (Kennedy).

LEG. KENNEDY:
Mr. Chair, I'll make the motion to table on this.

P.O. LINDSAY:
And I'll second the motion.

LEG. KENNEDY:
As Legislator Eddington said earlier today, I appreciate your generosity. And there was some value to it, as a matter of fact the PBA emerged and matched your generous grant. So I thank you and it would be a good concept. Thank you.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1726-09 - Appropriating funds in connection with improvements to historic sites and buildings – Timber Point Golf Course Clubhouse (CP 7510) (County Executive).

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

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher. Do I have a second?
LEG. COOPER:
Second.

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

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:
On the accompanying Bond Resolution, 1726A, same motion, same second; roll call.

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

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

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yep.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.
LEG. BEEDENBENDER: 
Yes.

LEG. BROWNING: 
Yes.

LEG. SCHNEIDERMAN: 
Yes.

LEG. ROMAINE: 
Yes.

P.O. LINDSAY: 
Yes.

MR. LAUBE: 
Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY: 
Okay, Public Safety:

1671-09 - Accepting and appropriating Federal funding in the amount of $15,518 from the United States Department of Homeland Security, Transportation Security Administration, for the Suffolk County Police Department’s participation in the TSA Vehicle Screening Operation with 85.14% support (County Executive).

LEG. EDDINGTON: 
Motion.

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

MR. LAUBE: 
Eighteen.

P.O. LINDSAY: 
1673-09 - Accepting and appropriating Federal funding in the amount of $20,000.00 from the United States Department of Justice, Drug Enforcement Administration, Organized Crime Drug Enforcement Task Forces (OCDETF), for the Suffolk County Police Department’s participation in the OCDETF CRUZ Control Investigation and Strategic Initiative Operation with 85.14% support (County Executive).

LEG. LOSQUADRO: 
Same motion.

P.O. LINDSAY: 
Same motion, same second, same vote.

MR. LAUBE: 
Eighteen.

P.O. LINDSAY: 
1687-09 - Approving the reappointment of Carolyn G. Peabody as a member of the Suffolk County Human Rights Commission (County Executive).
D.P.O. VILORIA-FISHER:  
Motion.

P.O. LINDSAY:  
Motion by Legislator Viloria-Fisher. Do I have a second?

LEG. SCHNEIDERMAN:  
Second.

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

MR. LAUBE:  
Eighteen.

P.O. LINDSAY:  
1688-09 - Approving the appointment of Dr. Edgar Borrero as a member of the Suffolk County Human Rights Commission (County Executive). Same motion, same second, same vote agreeable with everybody?

MR. LAUBE:  
Eighteen.

P.O. LINDSAY:  
1689-09 - Approving the appointment of Yves Michel as a member of the Suffolk County Human Rights Commission (County Executive). Same --

LEG. BROWNING:  
Motion.

P.O. LINDSAY:  
You want to make -- same motion, same second, same vote.

MR. LAUBE:  
Eighteen.

P.O. LINDSAY:  
If anybody wants to put their name on something, just yell, all right?  
1690-09 - Approving the appointment of Chestene Coverdale as a member of the Suffolk County Human Rights Commission (County Executive).  
You want to make that motion, Legislator Romaine?

LEG. ROMAINE:  
Yes.

P.O. LINDSAY:  
Okay, we'll change it up. I'll second it because Ms. Coverdale I think is someone that I -- yeah. Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:  
Eighteen.

P.O. LINDSAY:
1694-09 - Approving the appointment of Dr. Yu-Wan Wang as a member of the Suffolk County Human Rights Commission (County Executive).

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

P.O. LINDSAY:  
Motion by Legislator Viloria-Fisher, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:  
Eighteen.

P.O. LINDSAY:  
1695-09 - Approving the reappointment of Lynda Perdomo-Ayala as a member of the Suffolk County Human Rights Commission (County Executive). Same motion, same second?

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

P.O. LINDSAY:  
Okay. Motion by Legislator Viloria-Fisher, second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:  
Eighteen.

P.O. LINDSAY:  
1715-09 - Amending the date upon which the Task Force on Hate Crimes in Suffolk County must submit its written report (Gregory).

LEG. GREGORY:  
Motion.

P.O. LINDSAY:  
Motion by Legislator Gregory.

LEG. D'AMARO:  
Second.

P.O. LINDSAY:  
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:  
Eighteen.

P.O. LINDSAY:  
Public Works & Transportation:

1586-09 - Directing the Suffolk County Sewer Agency to prepare maps, plans, reports and make recommendations in accordance with Article 5-A to form a sewer district at Spring Meadow and Towne House Village in the Town of Islip (County Executive).

LEG. KENNEDY:  
I'm going to make a motion to table, Mr. Chair. We're still working with the homeowners associations about final formation. Thank you.
P.O. LINDSAY:
I'll second that tabling. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1672-09 - Authorizing the County to enter into an agreement with the US Army Corps of Engineers in connection with County participation in a feasibility study to provide coastal storm damage reduction in the area of Hashamomuck Cove, Southold (County Executive).

LEG. ROMAINE:
Motion.

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

MR. LAUBE:
Eighteen.

LEG. ROMAINE:
Cosponsor.

P.O. LINDSAY:
1674-09 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with intersection improvements on CR 100, Suffolk Avenue at Brentwood Road and Washington Avenue, Town of Islip (CP 5065) (County Executive).

LEG. MONTANO:
Motion.

P.O. LINDSAY:
Motion by Legislator Montano. Do I have a --

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro, was that?

LEG. STERN:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Stern.

LEG. STERN:
I don’t know if -- Gil is back there, maybe he could just come to the microphone real quick. I just wanted to say for the record that monies are coming from 5560, Reconstruction of Commack Road, for this project and that’s fine because the Commack Road project is being funded entirely funded with Federal stimulus money.

COMMISSIONER ANDERSON:
Correct.

(*Laughter From Audience*)

P.O. LINDSAY: Okay.

COMMISSIONER ANDERSON: Better than I could have said it.

P.O. LINDSAY: Let the record note that he nodded.

LEG. MONTANO: Put me on as a cosponsor.

P.O. LINDSAY: Sixteen -- oh, we didn't vote on that. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE: Eighteen.

P.O. LINDSAY: The accompanying Bond, 1674A, same motion, same second; roll call.

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

LEG. MONTANO: Yes.

LEG. LOSQUADRO: Yes.

LEG. COOPER: Yes.

LEG. D'AMARO: Yes.

LEG. STERN: Yes.

LEG. GREGORY: Yes.

LEG. HORSLEY: Yes.

LEG. NOWICK: Yes.

LEG. KENNEDY: Yes.

LEG. BARRAGA: Yes.
LEG. ALDEN:
Yes.

LEG. EDDINGTON:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
**1675-09 - Appropriating funds for the purchase of sewage pump-out vessels (CP 8229) (County Executive).**

LEG. ROMAINE:
Motion.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
The accompanying Bond Resolution, 1675A, same motion, same second;  roll call.

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

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

LEG. COOPER:
Yes.

LEG. D’AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. MONTANO:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen (Opposed: Legislator Alden).

P.O. LINDSAY:
1678-09 - Permitting the William Floyd Union-Free School District to purchase fuel from the County (County Executive).
LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. BEEDENBENDER:
Second.

P.O. LINDSAY:
Second by Legislator Eddington, was that?

LEG. BEEDENBENDER:
Close enough.

P.O. LINDSAY:
Okay. I can't see, so.

LEG. BEEDENBENDER:
It's okay.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1691-09 - Authorizing the purchase and installation of an Automated Vehicle Locator system (AVL) for Suffolk Transit and amending the 2009 Capital Budget and Program and accepting and appropriating Federal and State Aid and County funds (CP 5648) (County Executive).

LEG. BEEDENBENDER:
Motion.

P.O. LINDSAY:
Motion by Legislator Beedenbender.

LEG. LOSQUADRO:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
The accompanying Bond Resolution, 1691A, same motion, same second; roll call.

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

LEG. BEEDENBENDER:
Yes.
LEG. LOSQUADRO:
Yes.

LEG. COOPER:
Yes.

LEG. D’AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
No.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen (Opposed: Legislator Alden).

P.O. LINDSAY:
IR 1704-09 - Authorizing the purchase of up to thirty transit buses for Suffolk Transit including related equipment and amending the 2009 Capital Budget and Program and
accepting and appropriating Federal Aid through the American Recovery and Reinvestment Act (New CP 5657) (County Executive).

LEG. BEEDENBENDER:
Motion.

P.O. LINDSAY:
Motion by Legislator Beedenbender, second by Legislator Schneiderman. All in --

LEG. LOSQUADRO:
On the motion.

LEG. KENNEDY:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Kennedy.

LEG. KENNEDY:
Mr. Chair, can I just ask the Commissioner a quick question about the units that we're going to purchase? Are they dual efficient, Gil? Are they locally produced, are they domestic production, are they gas hogs from China?

COMMISSIONER ANDERSON:
They're the high efficiency diesel buses that we've been purchasing over the past few years. We have to go this way pursuant to the speed of it and -- but they are -- I don't know who we're purchasing them from right now, but they are the high efficiency diesel.

LEG. KENNEDY:
High efficiency diesel. Any CNG with this, or no?

COMMISSIONER ANDERSON:
No.

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

LEG. SCHNEIDERMAN:
Question.

P.O. LINDSAY:
Wait; Legislator Alden and then Legislator Losquadro.

LEG. ALDEN:
Gil, have we been looking at LNG?

COMMISSIONER ANDERSON:
Yes, we have. While the LNG -- we've been looking all the different varieties out there of different vehicles and manufacturing, but this, because of the time constraints, we were restricted to using these.

LEG. ALDEN:
And why time constraints? These are the vehicles that go out to our contract vendees, right?

(*The following was taken by Lucia Braaten & Transcribed by Alison Mahoney - Court Stenographers*)
COMMISSIONER ANDERSON:
No. This is --

LEG. ALDEN:
They're not operated by us.

COMMISSIONER ANDERSON:
What's that? I'm sorry.

LEG. ALDEN:
They're operated by us?

COMMISSIONER ANDERSON:
These go out to our contract vendees, correct.

LEG. ALDEN:
Right, contractors.

COMMISSIONER ANDERSON:
Yeah.

LEG. ALDEN:
So why did we end up with time constraints? Because it's a replacement cycle that we do, right?

LEG. BEEDENBENDER:
Stimulus.

COMMISSIONER ANDERSON:
Correct. But I believe Bob expounded at the committee that it was due to the time constraints to get the purchases in place, you know, under the ERA funding.

LEG. ALDEN:
Okay.

P.O. LINDSAY:
Stimulus.

LEG. LOSQUADRO:
Legislator Losquadro.

LEG. LOSQUADRO:
I was just going to point out that we had -- Commissioner Anderson and I had this discussion during the Public Works Committee, because I inquired about the hybrid buses.

COMMISSIONER ANDERSON:
Correct.

LEG. LOSQUADRO:
And while we are using them successfully, unfortunately, in the infinite wisdom of the Federal program, we have to move in such an expeditious manner that we're just moving ahead with the best available, conventional diesel technology.

COMMISSIONER ANDERSON:
Correct.
LEG. LOSQUADRO:
But as we move forward with our own cycle of replacement, we will continue to pursue the hybrid and the CNG angles, correct?

COMMISSIONER ANDERSON:
Correct.

LEG. LOSQUADRO:
Thank you.

P.O. LINDSAY:
Okay. Everybody all right?

LEG. SCHNEIDERMAN:
Just real quick. Commissioner, the old bus, are we getting rid of 30 buses and replacing them? What happens to the old buses?

COMMISSIONER ANDERSON:
They will be taken off-line, just like we would with any --

LEG. SCHNEIDERMAN:
Okay. Because there was -- in the Cherwony Study, there was recommendations for additional lines. So we're not adding to our fleet at all; overall, we're going to end up with the same number of buses?

COMMISSIONER ANDERSON:
I believe at this point they will just be taken off-line until everything is completed.

LEG. SCHNEIDERMAN:
And I guess auctioned or sold?

COMMISSIONER ANDERSON:
I don't know.

LEG. SCHNEIDERMAN:
Scrapped?

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1705-09 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with preparing a sewering feasibility study for the Deer Park/North Babylon, Wyandanch and West Islip areas (CP 8139) (D'Amaro).
LEG. D'AMARO:
Motion to table; there's a CN, I believe.

P.O. LINDSAY:
No, no, don't table it.

LEG. D'AMARO:
Don't table it?
P.O. LINDSAY:
Just skip over it.

LEG. D'AMARO:
Skip over it? Okay, thank you.

P.O. LINDSAY:
1710-09 - Authorizing transfer of one (1) surplus County computer,
One (1) surplus County monitor, one (1) surplus County keyboards and one (1) surplus
County mouse to Every Child’s Dream Inc. (County Executive). I’ll make the motion.

LEG. EDDINGTON:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1720-09 - Amending the 2009 Capital Budget and Program and appropriating funds in
connection with the County share for participation in the Port Jefferson-Wading River
Rails to Trails Pedestrian and Bicycle Path (CP 5903) (County Executive).

LEG. LOSQUADRO:
Motion, Mr. Chair.

P.O. LINDSAY:
Motion by Legislator Losquadro. Who is the second?

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Second by Legislator Romaine.

LEG. LOSQUADRO:
Tim, make sure I’m on there still.

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

MR. LAUBE:
Eighteen.
P.O. LINDSAY:
The accompanying Bonding Resolution, 1720A, same motion, same second; roll call.

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

LEG. LOSQUADRO:
Yes.

LEG. ROMAINE:
Yes.
LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yeah.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

D.P.O. VILORIA-FISHER:
Yes.
P.O. LINDSAY:
Yes.

MR. LAUBE:
Eighteen.
P.O. LINDSAY:
Okay. Veterans & Seniors:

1676-09 - Accepting and appropriating 90% reimbursable funds for the Senior Nutrition Program (for the Congregate Meal Program) (County Executive). Legislator Stern makes a motion.
LEG. STERN:
Motion.

P.O. LINDSAY:
Do I have a second?

LEG. EDDINGTON:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay. **1677-09 - Accepting and appropriating 90% reimbursable funds for the Senior Nutrition Program (for the Home Delivered Meal Program) (County Executive).**

LEG. KENNEDY:
Motion.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
I missed that; how about we do same second, same -- same motion, same second, same vote; how's that, all right?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
**1598-09 - Establishing a Native American Affairs Advisory Board (Browning).** Legislator Browning?

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. SCHNEIDERMAN:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
**1626-09 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Keith Elsasser and Shannon Stadier as joint tenants with rights of survivorship (SCTM No.**
0200-077.00-05.00-030.006).

**LEG. D'AMARO:**
Motion.

**P.O. LINDSAY:**
Motion by Legislator D'Amaro. I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Eighteen.

**P.O. LINDSAY:**
1628-09 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Raymond Figalora (SCTM No. 0500-479.00-02.00-p/o082.000) (County Executive).

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

**P.O. LINDSAY:**
Motion by Legislator Viloria-Fisher.

**LEG. D'AMARO:**
Second.

**P.O. LINDSAY:**
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Eighteen.

**P.O. LINDSAY:**
1652-09 - Establishing a Benefits Policy for Suffolk County Water Authority Board Members (Presiding Officer Lindsay). I'll make the motion.

**LEG. D'AMARO:**
Second.

**P.O. LINDSAY:**
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Eighteen.

**P.O. LINDSAY:**
1712-09 - Approving the acquisition of the assets of Camp Hero Water Distribution System by the Suffolk County Water Authority (Presiding Officer Lindsay).

**LEG. SCHNEIDERMAN:**
Motion.

**P.O. LINDSAY:**
Motion by Legislator Schneiderman. I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Eighteen.
P.O. LINDSAY:
There's a Home Rule Message and then we have to go back to the first resolution.

*Home Rule Message No. 19-2009 - Home Rule requesting the State of New York to amend Chapter 311 of the Laws of 1920, constituting the Suffolk County Tax Act, in relation to the sale of delinquent tax liens on Brownfields property (Senate Bills.5995/Assembly Bill A.8772) (County Executive).*

LEG. BEEDENBENDER:
Motion.

P.O. LINDSAY:
Who was that? Legislator Beedenbender. Do I have a second?

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

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay. Let's go back to Page 7, I think it was. Eight, Page eight.

Okay. First one, *1591-09 - Authorizing the County Comptroller and County Treasurer to close certain Capital Projects and transfer funds (County Executive).* I'm going to make the motion for the purposes of discussion. Do I have a second?

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro.

MR. LAUBE:
You already have a motion and a second on two different --

P.O. LINDSAY:
Okay, then leave the original one.

MR. LAUBE:
You have a motion --

P.O. LINDSAY:
Carmine, we waited for you to come in; explain.

MR. CHIUSANO:
Well, I'll --

P.O. LINDSAY:
Just --

**MR. CHIUSANO:**
I'm Carmine Chiusano from the Budget Office.

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

**MR. CHIUSANO:**
And I just want to explain, I guess I want to go over the process. Basically, approximately in May or June, what we do is we send out to the department a list of projects that we think might be eligible to be closed, and usually we've compiled that list by looking at projects that have been 95% -- between 90 and 95% expended, that there's been no cash activity for several years, and also projects that have been around for a long, long time. So most of these projects are fairly old.

We send that out to the department, the department will send a response back to us after like several weeks of reviewing the projects; of course the biggest one being DPW is the largest department with these Capital projects. They'll send back a response indicating which projects that can be closed, which projects they would like to keep open. Normally they make stronger arguments for the projects they want to keep open and the projects they keep closed -- would like to close, but they do give us some limited detail on the closure. But most of the time the projects are like either near fully expended or they've had no activity.

A number of the projects are unique. I mean, there's some projects on here for Greenways which expired 12/31 of '06; there's projects on here for Save Open Space which expired 12/31 of '07; there's certain projects that just won't be moving forward. There's the unique one basically in the Health Department where they were going to -- originally going to buy a Digital Mammography Unit, but at this point they found it more cost beneficial to actually contract -- to actually have those services performed by Brookhaven Hospital.

So I don't know. I know there's been a number of questions. Some of the Legislators have contacted directly departments and have had responses to these questions, some of the Legislative Aides have just gone over some of the questions. If you have any more questions, I'll try to answer them to the best of my ability at this point.

**P.O. LINDSAY:**
Carmine, what I heard this morning, what could clear this up and make it a real easy chore is if we had a sheet of the project that's being closed and the timeframe and why. It just could be just one sentence that, you know, the program expired or this was -- the project was done and this was left over.

**MR. CHIUSANO:**
Well, again, in most cases the project is being closed because of the fact that --

**P.O. LINDSAY:**
I know, but most cases --

**MR. CHIUSANO:**
-- it's been expended.

**P.O. LINDSAY:**
But is this a big deal for us to get that list of --

**MR. CHIUSANO:**
Well, I mean, we have gone over it for like a month and we did ask if they had any questions to, you know, send them to us, so we would try to facilitate that.
P.O. LINDSAY:
I'm thinking more prospectively, moving forward. I mean, it would save all the questions.

MR. CHIUSANO:
Right. Well, all right. I mean, we could try to do something a little different next year. I mean, we do do this every year and, I mean, we've been doing it this way for --

P.O. LINDSAY:
Okay.

MR. CHIUSANO:
-- twenty something years, if not longer.

P.O. LINDSAY:
Okay. Does anybody have any questions? Legislator Eddington and then Romaine.

LEG. EDDINGTON:
I'm just going to -- I mean, couldn't we get -- so that we don't get duplicates, couldn't I get a list of projects that are going to be closed in my area and I'll take responsibility to communicate with you? And if each one of us got it, it will be on us to either communicate with you or just--

MR. CHIUSANO:
I really don't have a breakout of all the projects in each area. Again, I mean, some of these are equipment projects, some of them are -- you know, you have different interests, some of you have special interests. You know, that would be more complicated, to be honest with you.

LEG. EDDINGTON:
Okay.

P.O. LINDSAY:
Legislator Romaine and then Montano.

LEG. ROMAINE:
Yes, I'm going to try to resolve this problem, but not tonight, obviously. I've gone through some of the issues, I've contacted some of the Commissioners, just out of natural curiosity, and then Bill -- my Aide, Bill Faulk -- met with Carmine to go over more of them. Some of these raise additional questions, but this is neither the time nor place to get into it.

I will be meeting with Legislative Counsel to introduce a Charter Law directing the Budget Office to provide a reporting system that will be simple, easy and direct for each of these lines. So then when we get this type of resolution next year, next to it there'll be notations that will explain what everything is. Some of them are self-explanatory because all or nearly all of the money has been spent, but some of them, we have balances there for several million dollars of projects where no money has been spent or only, you know, 5% or 10% or 20% of the money has been spent and it begs the question, what happened?

So I will be putting together a resolution. I would invite Carmine and the Budget Office -- where's my good friend, Allen Kovesdy -- and those individuals to call my office, call the Counsel's office. Maybe we can put together a bill, a resolution that will be rather simple, but help my colleagues to understand why some of these projects are being closed out. Because, by the way, I still have questions about some of the close-outs and what happened in the departments, but that's not for you, that's for me to take up with the department heads. So I will be doing that and hopefully laying something on the table at our next meeting.

P.O. LINDSAY:
Thank you, Legislator Romaine.

**LEG. ROMAINE:**
So, George, we'll be having a conversation.

**P.O. LINDSAY:**
Legislator Montano.

**LEG. MONTANO:**
Yeah, just very quickly, not to repeat what Legislator Romaine said. But Gail, I thought I heard you say earlier that it would not be difficult to add a column to this with the explanation, is that essentially where we're at? I mean, it's not that big a deal, I understand, right?

**MS. VIZZINI:**
Well, it's putting together the information that the Budget Office collects in order to make their determinations. So, you know, the reason I concur with Legislator Romaine is because they have done their due diligence, they have gotten to this point. So, really, what you're just looking for is that --

**LEG. MONTANO:**
Just the --

**MS. VIZZINI:**
-- is that final chapter.

**LEG. MONTANO:**
Right, the explanation.

**MS. VIZZINI:**
I can't really comment in terms of workload and what have you, but I think it's a very prudent request and it would certainly expedite the process.

**LEG. MONTANO:**
Thank you.

**P.O. LINDSAY:**
Legislator Alden, do you want to?

**LEG. ALDEN:**
Yeah. Actually, I have a couple of specifics. Maybe you're the guy to address these to, but has the DWI Alternative Facility in Yaphank been completed?

**MR. CHIUSANO:**
The DWI facility in Yaphank had been completed to a degree. The building is -- the structure is up, the interior is not completed, and the reason why is that there's been a change in the plan. The DWI building, the DWI process is going to be part of the jail. So the money that was appropriated in the DWI project, 3044, can no longer be used to finish that project because it's no longer part of -- it's no longer going forward as a DWI facility. And I'll let Gil finish, if he has anything to add.

**LEG. ALDEN:**
That's enough. Thanks, Gil. Then the purchase of equipment for health centers, and you're saying that $500,000 was the Digital Mammography Unit for the Riverhead Center?

**MR. CHIUSANO:**
Shirley.
LEG. ALDEN:
So Riverhead's completed, Shirley is not, we're going to go and farm that out?

MR. CHIUSANO:
Basically, the Health Department's plan is to -- being that the demand is limited, they are going to work with the Brookhaven Hospital and they will do it at the Brookhaven Hospital.

LEG. ALDEN:
That's good. But so the majority of the money is going to be eliminated, but $39,000 was spent on what then?

MR. CHIUSANO:
I believe that was for the mammography van that they have; they have a van.

LEG. ALDEN:
Okay, that's good. The next one, Mental Health Information System?

MR. CHIUSANO:
Which project?

LEG. ALDEN:
Mental -- 4063.510.

MR. CHIUSANO:
I think it was just -- I don't know the exact reason why.

LEG. ALDEN:
There's more than 10% not spent in that project.

MR. CHIUSANO:
Right, it's 40,000. I don't know the exact answer to why that -- I'm assuming that the project was completed. We could see if we have any more detail on it, I believe we might.

LEG. ALDEN:
All right. And then we have 4066.510?

MR. CHIUSANO:
This one, the Health Department decided that they were going to computerize the permit process, but found it to be unfeasible to do the rest of the process, the maps and stuff. Because of the volume of the work, it would cost a tremendous amount of money. The 60,000 or so that was left would not fund --

LEG. ALDEN:
Okay. 5511.311, Drainage and Resurfacing of CR 16; that whole project was scrapped, 575,000.

MR. CHIUSANO:
This was incorporated into the larger project. There's a larger project for about 24 million, I believe it is, to do that work --

LEG. ALDEN:
Okay.

MR. CHIUSANO:
-- and that was incorporated into that. This money was really impact fees and that's going to be reappropriated at a later meeting, I believe.
**LEG. ALDEN:**
Okay. So then the 5515, the engineering William Floyd and Middle Island; that's the same thing?

**MR. CHIUSANO:**
Slightly different.

**COMMISSIONER ANDERSON:**
Yeah, we've changed our tact on the project. That was going to be for design of a new bridge over -- on William Floyd over the railroad at the intersection of Middle Island-Moriches Road. We're now going with a phased-project which includes, you know, capacity improvements at the intersection, improvements to the bridge like that to get the improvements without having to build a whole new bridge.

**LEG. ALDEN:**
And while you're there, Gil, the information systems on the auto bus stop and things like that, that's over 184,000 unexpended?

**COMMISSIONER ANDERSON:**
Which one is that?

**LEG. ALDEN:**
That's 5648.519.

**MR. CHIUSANO:**
It was for --

**COMMISSIONER ANDERSON:**
Right, it was for the --

**MR. CHIUSANO:**
The bid came in lower and they didn't --

**LEG. ALDEN:**
No, that's fine. That's great, good. And how about 5658.541, purchase of 33 para-transit vans? That should be a bid lower than --

**MR. CHIUSANO:**
I mean, it's the bid. It's about 16,000, it's a $2 million project.

**LEG. ALDEN:**
All right. That's just -- now 7173.111?

**MR. CHIUSANO:**
That's the maintenance facility at Timber Point.

**LEG. ALDEN:**
Right.

**MR. CHIUSANO:**
That's done.

**LEG. ALDEN:**
Okay, but that's a $45,000 miss on that one, right? It depends on which line you take, because
you've got one at a 120,000 project --

**MR. CHIUSANO:**
Right.

**LEG. ALDEN:**
-- and a $200,000 project. The $200,000 project you spent nothing on.

**MR. CHIUSANO:**
I believe they did some of the planning in-house --

**LEG. ALDEN:**
Okay.

**MR. CHIUSANO:**
-- instead of contracting it out, but basically the maintenance facility has been completed for a number of years.

**LEG. ALDEN:**
And then the construction, the next line would be 7173.311, that came in -- that's only like 20,000 less, that's good.

**MR. CHIUSANO:**
Okay.

**LEG. ALDEN:**
But then -- and that was just we came in under on the bid?

**COMMISSIONER ANDERSON:**
Yeah.

**LEG. ALDEN:**
All right, thanks.

**MR. CHIUSANO:**
You're welcome.

**P.O. LINDSAY:**
Okay. Anybody else?

**LEG. ALDEN:**
Oh, I'm sorry.

**P.O. LINDSAY:**
Oh, wait, Legislator Alden found another one tucked in the back page.

**LEG. ALDEN:**
No, no, this might be 477 money, but it's 8240.315, storm water remediation?

**COMMISSIONER ANDERSON:**
I believe those are funds -- we're still not ready for construction yet, we're still in the design phase.

**MR. CHIUSANO:**
Yes, and that's 477 money. And what will happen is when that project closes out, that money would go back to Fund 477.
LEG. ALDEN:  
Okay, that's a good explanation, and it would have made it easier if there was just, you know, that quick little line. And you've already put on -- and I want it on the record, though, that open space preservation, so this 8705.210 and 8707.210, so that's open space and also farmland and farmland development rights? Because that's over $400,000 right there, or close to $400,000; that's just because the time period elapsed and we --

MR. CHIUSANO:  
It was Save Open Space.

LEG. ALDEN:  
And we can't spend that money.

MR. CHIUSANO:  
Correct, it ended December 31st, 2007.

LEG. ALDEN:  
Even though I think we appropriated it, though, right?

MR. CHIUSANO:  
Well, you appropriated most of the money.

LEG. ALDEN:  
But when you appropriate money, can't you spend it? It has a time limit?

MR. CHIUSANO:  
It was a term for that project that ended at that date.

LEG. ALDEN:  
Okay.

MR. CHIUSANO:  
The bond end date, you couldn't bond it any longer, and it was part of the law, I believe.

LEG. ALDEN:  
Okay, good. Thanks.

P.O. LINDSAY:  
Okay. We don't have anymore questions. Mr. Clerk, tell us what we got. We have a motion and a second to approve?

MR. LAUBE:  
And you've got a motion and a second to table.

P.O. LINDSAY:  
Okay.

MR. CHIUSANO:  
Could I make one other point?

P.O. LINDSAY:  
Go ahead.

MR. CHIUSANO:  
Just so you're aware, there is a budgeted revenue for this to take this into the Operating Budget,
and the budgeted revenue is two million two, so that is the expectation of what might be taken in to offset debt service. So just so you're aware that that's the reason why this resolution is important.

**LEG. ROMAINE:**
Mr. Presiding Officer, I will withdraw my tabling motion to allow this to go forward in the hopes that next year we'll have complete and fuller information.

**P.O. LINDSAY:**
I hope so, too, Legislator Romaine.

**MR. CHIUSANO:**
Thank you.

**P.O. LINDSAY:**
And I think your resolution would make this a much easier process. And you sparked something else, Legislator Alden?

**LEG. ALDEN:**
I just need -- just reexplain that. So over $2 million is going into --

**MR. CHIUSANO:**
When you close out these projects, any revenue, any cash that's available in the project goes into the operating fund from which the project debt service was paid for, and it goes into the fund in order to offset that debt service.

**LEG. ALDEN:**
Existing debt service or just whatever our debt service is on all?

**MR. CHIUSANO:**
Existing debt service.

**LEG. ALDEN:**
Okay. So it will reduce the amount of money we have to appropriate for existing -- which is huge, right?

**MR. CHIUSANO:**
Well, it's an offset, it's a revenue.

**LEG. ALDEN:**
Okay. And we're paying --

**MR. CHIUSANO:**
It comes in as a revenue.

**LEG. ALDEN:**
And we're paying what, somewhere between $70 million a year on --

**MR. CHIUSANO:**
It depends. I mean, like after the tobacco it's probably lower.

**LEG. ALDEN:**
Okay, thanks.

**P.O. LINDSAY:**
Legislator Kennedy, you had something?

**LEG. KENNEDY:**
Yes. Thank you, Mr. Chair. Carmine, I think I ask this question probably every year and I should by now understand it. But when these bonds are let in the first instance --

MR. CHIUSANO:
Right.

LEG. KENNEDY:
-- we have Bond Counsel who approves whatever it is that we're looking to do.

MR. CHIUSANO:
Right.

LEG. KENNEDY:
Whether it's purchase of the software or construction of a shelter or any of those types of things.

MR. CHIUSANO:
Right.

LEG. KENNEDY:
And then the bonds go out in the market and they're offered and the collateral is whatever that particular action is that we were going to undertake.

MR. CHIUSANO:
Okay.

LEG. KENNEDY:
Yes, we're still on the same page so far?

MR. CHIUSANO:
Yes.

LEG. KENNEDY:
Okay. And then we go throughout the course of whatever we're doing and we have all the things you've just explained to us, and in some cases even with the mammography where there's an internal decision --

MR. CHIUSANO:
The mammography was a little different, that was actually -- that money came out of the Operating Budget, it was a pay-as-you-go project.

LEG. KENNEDY:
It was pay-go in the first place?

MR. CHIUSANO:
Yes.

LEG. KENNEDY:
So then for it to go back in to operating there should be no constraint. What about the monies that came from bonds with a specific purpose in the first place?

MR. CHIUSANO:
There's --

LEG. KENNEDY:
How can they come back into fungible money in the general Operating Fund? I don't understand that.
MR. CHIUSANO:
Because they're being -- offsetting the debt that was created. If you bonded something, you
created a debt. So now like -- if let's say the project was. Let's say it was a $100,000 project --

LEG. KENNEDY:
Yes.

MR. CHIUSANO:
-- and they bonded a $100,000 project --

LEG. KENNEDY:
We go to cost of 130 or 140.

MR. CHIUSANO:
-- with the expectation that it was going to -- but let's say the project came in at 90,000, you have
$10,000 in cash extra from those bond proceeds. That has to be taken in and that's what this
resolution does, it takes it into the Operating Budget from which the debt service is paid.

LEG. KENNEDY:
So as long as that debt service stream is reduced, we're still okay.

MR. CHIUSANO:
Right. I mean, it's offsetting the debt service.

LEG. KENNEDY:
Okay. All right, fine.

P.O. LINDSAY:
Okay? We have a motion and a second to approve now, because the tabling motion was withdrawn.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

MR. CHIUSANO:
Thank you very much.

P.O. LINDSAY:
You're welcome.

P.O. LINDSAY:
We have a Procedural Motion, No. 22-2009 - Designating the Port Times Record of
Setauket, New York, as one of the official newspapers of the County of Suffolk (Presiding
Officer Lindsay).

LEG. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher, I'll second it.

LEG. MONTANO:
Just a question.

P.O. LINDSAY:
Question.

**LEG. MONTANO:**
Yeah, what's the circulation of this paper?

**LEG. BEEDENBENDER:**
Forty-two.

**LEG. MONTANO:**
Forty-two?

**LEG. VILORIA-FISHER:**
Very large.

**P.O. LINDSAY:**
I have no idea.

**LEG. MONTANO:**
And how much -- Vivian, did you answer that?

**LEG. VILORIA-FISHER:**
No, I said very large because it covers the Three Villages and there's another iteration of it in Port Jefferson, the Port Jeff Times, then it goes out to further east, it goes down to Centereach. So it's a very large circulation.

**LEG. MONTANO:**
Well, I don't get it in my area. So which paper covers -- does anyone know?

**D.P.O. VILORIA-FISHER:**
Well, actually we've never had a paper that covered my area either.

**LEG. MONTANO:**
(Inaudible).

**LEG. ALDEN:**
It's written on the back of this piece of paper.

**LEG. MONTANO:**
Oh, I got it now.

**P.O. LINDSAY:**
Legislator Romaine.

**LEG. ROMAINE:**
Yes. Earlier this year, in January, we usually designate official newspapers, and usually each party gets to select a newspaper, although there was some issues about that in the past. Well, I was curious. In January we designated as a Democratic newspaper -- I didn't select it, I'm not on that side of the fence -- the Smithtown News which has been designated --

**P.O. LINDSAY:**
For six months.

**LEG. ROMAINE:**
Oh, for six months.

**P.O. LINDSAY:**
For six months.

**LEG. ROMAINE:**
Oh, I got it. Sorry.

**P.O. LINDSAY:**
It's expired, expired.

**LEG. ROMAINE:**
Right, got it.

**P.O. LINDSAY:**
Okay? We have a motion and a second; am I right, Mr. Clerk?

**MR. LAUBE:**
That is correct.

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

**MR. LAUBE:**
Eighteen.

**P.O. LINDSAY:**
Okay. We have *Procedural Motion No. 21-2009- Authorizing funding for Community Support Initiatives (Phase VII) (Presiding Officer Lindsay).* I'll make the motion.

**LEG. LOSQUADRO:**
Second.

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

**MR. LAUBE:**
Eighteen.

**P.O. LINDSAY:**
We have --

**MR. NOLAN:**
That's it.

**P.O. LINDSAY:**
That's it, this one's no good?

**MR. NOLAN:**
That's another copy.

**P.O. LINDSAY:**
Okay, just an update.

**P.O. LINDSAY:**
What do we have, CNs now?

**MR. NOLAN:**
**CN's.**

**P.O. LINDSAY:**
Okay, we've got the red folder. The first one is 1705-09 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with preparing a sewering feasibility study for the Deer Park, North Babylon, Wyandanch and West Islip areas (CP 8139). This was in your packet. We skipped over it because of the CN to change -- do I have a motion?

**LEG. D'AMARO:**
Motion.

**P.O. LINDSAY:**
Motion by Legislator D'Amaro, seconded by Legislator Stern.

**LEG. LOSQUADRO:**
On the motion?

**LEG. ROMAINE:**
On the motion.

**P.O. LINDSAY:**
On the motion, I have Legislator Alden, and who was the other one?

**D.P.O. VILORIA-FISHER:**
Losquadro and Romaine.

**LEG. ALDEN:**
To any one of the sponsors that can answer this question. Is this in addition to the sewering feasibility study that's actually out there and is going to be presented to us I think some time this year; this is in addition to it? And is Gil still here? Because maybe --

**P.O. LINDSAY:**
I tell you, if the sponsors -- I could probably answer this because I was involved in a meeting about sewers in general the other day.

The generic study that we have out identified thirteen areas, and it hasn't -- could you hold it down, please? The RFP hasn't come back yet. The one thing that's universally agreed upon by the vendors, and I think Public Works agrees with it, is that it's underfunded. We allocated $1.2 million and all the vendors tell me that it isn't enough money to do the thirteen areas, soup to nuts.

This is one of the areas, but if we approve this, it will be taken out of the main study, so we're not doing duplication and they'll do the soup to nuts study on this particular area. And the emphasis, if I'm correct -- and correct me, again, if I'm wrong, and I don't mean to speak for Legislator D'Amaro -- was to look at areas of Suffolk County where we have some existing infrastructure available, that through expansions of municipal plans, County plans, that we can sewer more homes or businesses with as little money as possible.

And the other component, and it's something that I just became aware of this summer, is that the original Federal program that built a lot of the infrastructure, Southwest Sewer District, the sewer districts in Nassau County, most of the money came from the Feds. That program disappeared for like 25 years; they see that coming back, that there'll be some Federal money available. And there was a very strong feeling, I met with one of our Congressman, that this sewer study that we're doing could be a springboard for us to capture the construction money we need from the Feds. You know, I don't know whether that answers all your questions or not.
LEG. ALDEN:
It answers most of them, but I was holding off until we got the larger study because I'm part of the Southwest Sewer District, my Legislative District is, and I butt up against your district and there was actually a plan that would extend it right into your Southwest Sewer District No. 3, which extended right into your shoreline and include the last bit of my shoreline that wasn't covered. And there's also a plan, the original plan, would take Southwest up into the Brentwood and finish off the rest of Bay Shore and CI and include them. So are -- and I need some guidance then, should we proceed this way or should we wait for, you know, like the bigger study to come out?

P.O. LINDSAY:
Well, I don't -- I think probably the best way to do this is if we had adequately funded the universal study, but we didn't do that, and the clock is running. I don't think it would hurt the overall effort if this was approved. What my fear is with this is it creates a piecemeal effect and we've already seen that here. I mean, there was a sewer study done in Rocky Point, right?

LEG. LOSQUADRO:
It's being done.

P.O. LINDSAY:
Is being done, that was funded separately by this Legislature.

LEG. ALDEN:
And another one in Smithtown.

P.O. LINDSAY:
And another one in Smithtown. And did we do one -- no, we didn't do the one in Legislator Browning's area.

LEG. BROWNING:
Yeah, mine was done in-house.

P.O. LINDSAY:
Okay. So it is -- it's falling into a piecemeal effort. And my goal is to get the sewers -- more businesses and residences sewered in Suffolk County. I'd love them to be in my district, but I don't know if that --

LEG. ALDEN:
Also, I mean, I think it's undisputed, the best way to protect your groundwater is through sewering.

P.O. LINDSAY:
I agree.

LEG. ALDEN:
You know, you can do all the rest of the stuff, but still, that's the best way. Also, economic expansion for the future so that the whole -- really the whole future of Suffolk County, our affordable housing, our businesses, if we don't do sewerizing, you know, we have no future in the water protection. But now I'm a little bit afraid that, you know, if we go this route, portions that were actually going to be included in the Southwest Sewer District, and there were plans to include them, they can get cut out, because now, like you said, we're going to do it piecemeal and now it's just a rush to be able to get, number one, a draft and then number two, a CN. I'm not sure that's the best way to go, unless we can come up with more money and fully fund the larger -- the larger picture. I know that Southwest Sewer District, those expansions, there's preliminary plans that go back 40 years.

P.O. LINDSAY:
Okay. Legislator D'Amaro, I tried. Take it over.
LEG. D'AMARO:
Thank you, I appreciate that. Legislator Alden, the -- no area is being cut out because the areas included under this resolution were included as one of the 11 target areas in the comprehensive. All right? So we're not looking beyond that comprehensive study or the target areas that I guess an advisory board came up with, I think Legislator Horsley was involved.

LEG. HORSLEY:
I chaired.

LEG. D'AMARO:
He chaired. So we're not cutting anyone out. We're taking a look at those recommended areas. The priorities were set and that study is under funded. We pulled these areas out freeing up funding for more -- more funding for the comprehensive, and I think we even need to put more into that.

And the reason why I can justify pulling these areas out is because we're on a short timeline here and we already have the Bergen Point plant, it's there, it's running. And in addition to that, it is already being expanded, we have the Capital Project that's going forward. So it makes sense to move these areas along as quick as -- as soon as we possibly can. And that's the purpose of not only me putting in the bill, and I believe I can speak for the cosponsors on that as well, but also to do it by CN. Because my understanding is that if we didn't do it this evening, we're going to lose at least another 30 days, and the clock is ticking as far as getting it to a point where we can start to look for some additional assistance from the Federal Government.

LEG. ALDEN:
Well, Lou, does this advance this one area past the other eleven?

LEG. D'AMARO:
No. What it does is it -- the other areas are -- there's a two-track running simultaneously. And I believe part of the justification in doing the comprehensive at the same time as this is that there'll be some efficiencies built in there as well, so we can kind of play off the comprehensive and this study at the same time.

In addition, there is some comprehensive planning going on in the Town of Babylon right now for Wyandanch which is included in this bill. Wyandanch, if you look at the Census figures and all of that, is the most economically depressed area in Suffolk County. There's already plans in place for Wyandanch and this would compliment that as well. So this is not detracting from the comprehensive study; in fact, it's freeing up some funding for that. I think even we're freeing up some funding that's still underfunded. We need to take a look at that also, and it's going to -- it's not going to interfere with that process, it's going to compliment that process.

LEG. ALDEN:
On a timeline, does this put all the -- and they're old plans that just needed to be updated, the plans for the whole shoreline to continue out on the shoreline on the south shore, to go up into Brentwood and CI and Bay Shore; does that put that on a different timeline than this? These move up in timeline?

LEG. D'AMARO:
Those areas -- I'm not -- I don't know if those areas were included in the comprehensive, Legislator Horsley could speak to that. But what I will tell you is that if there's funding available and the priority is established, I would be happy to support that. You know, I'm not trying to do this to the exclusion of any other area. We don't need to have any discussion about the benefit of sewers; I mean, in a perfect world we would have all of Suffolk County up and running with sewers. This is not at the expense of another area, this is just pulling out some of the priorities that have already been set by legislation we approved and moving it along as fast as we can to try and meet that short
timeline that we're under because of the Federal funding that may be available.

LEG. ALDEN:
All right. But --

LEG. D'AMARO:
And also because Bergen Point is being expanded and the capacity is going to be there, that's a given and that makes it much easier to apply for the Federal funding when we've already come to the table and put up substantial funding to expand the sewer treatment plant.

LEG. ALDEN:
Right. But my point still remains, and I still have a question, what does this accomplish then? It seems like it puts this to the head of the class and the other ones, the other areas like Great River and Brentwood, CI, Bay Shore that were part of the original Southwest Sewer plan going back 40 years, maybe 50 years ago now, that it seems like this goes to the head of the class and they go to the back of the class as far as -- I could make the equal argument that those were almost ready to go because they were part of an original, really, design. You could just upgrade that design very quickly and plug it in and that should have been or could have been included in this resolution.

LEG. D'AMARO:
I wouldn't disagree with that argument. I would just say to you that these were the areas that were chosen because they were included within the priority set by the commission.

LEG. ALDEN:
But they're not all the priorities that were set by -- this is one, not all eleven.

LEG. D'AMARO:
Right, but they're the priorities that comport with the Southwest Sewer District, which is being expanded.

LEG. ALDEN:
So every priority place in the Southwest Sewer District is included in this?

LEG. D'AMARO:
I want to say yes, I can't tell you that definitively. I think so.

LEG. ALDEN:
I don't think so, because priority would definitely -- the coastline, it was priority 40 years ago, it was still priority because you have a lot of runoff and you have a lot of, actually, raw sewage being pumped into the estuaries, into Connetquot River and into the Great South Bay.

LEG. D'AMARO:
I hear you, and I don't disagree. The way it was explained to me, these were the four areas that were included in the comprehensive study, that's the way it was explained to me.

LEG. ALDEN:
I'm going to feel bad voting against this, but I think I'm forced to vote against it. Because it's going to prioritize something that's, you know, not really in my best interest, because it's going to push back my whole Legislative area, including Mr. Lindsay's Legislative area, including --

LEG. D'AMARO:
Well, let's --

LEG. ALDEN:
-- Mr. Montano's Legislative District.
LEG. D'AMARO:
Well, let's just think about that for a moment. Because if you support sewering and you understand the benefits of doing that, this is not setting back any areas that may be a priority for you, it is advancing other areas.

LEG. ALDEN:
Well, this is a priority for you --

LEG. D'AMARO:
Just let me finish.

LEG. ALDEN:
-- and I understand that.

LEG. D'AMARO:
No, no, let me just finish. If you take the piecemeal approach, as our Presiding Officer was talking about, then if you chose to put in your own bill for your priorities, I mean, what would be the justification for me voting against that? It would be the same thing back and forth. I think what we need to do is we need to go on a piecemeal basis and make the argument for each area. My argument rests on the fact that these areas were chosen and prioritized by this particular commission that we approved.

LEG. ALDEN:
The argument would be that you're coming up to the finish line and all the rest of the priorities are just at the starting line; that's unfortunate.

LEG. D'AMARO:
I don't see it as one competing against the other. I think anything that moves forward is positive when it comes to sewering.

LEG. ALDEN:
Yeah, except -- well, then why isn't anything other than in the -- and there's five Legislators here? There's nothing outside of five Legislators' district.

LEG. D'AMARO:
Well, Legislator Alden, with all due respect, put in a bill.

LEG. ALDEN:
Well, I'll tell you why, and I said it already, I was waiting for the overall plan so that I wouldn't have to make this kind of a choice and be put in this kind of position where a couple of Legislators are going to jump the line, so to speak. But anyway, you put me in that position, now I'll --

LEG. D'AMARO:
Well, I'm not jumping any line. Again, these areas --

LEG. ALDEN:
Then you'd wait for the overall study to be done instead of just taking this group and put them at the front of the line.

LEG. D'AMARO:
These areas were included in that comprehensive study, they may or may not be included in the comprehensive study. Okay, they were included as a priority, but they may or may not be included in the comprehensive study.

P.O. LINDSAY:
Okay.
LEG. ALDEN: How much money are you taking to do these couple of areas?

P.O. LINDSAY: Four hundred thousand dollars.

LEG. D'AMARO: Four hundred thousand.

LEG. ALDEN: Out of how much that’s left?

LEG. D'AMARO: Two point three million.

LEG. ALDEN: So we're still not going to be able to go forward with the other study because we're short on that cash, so we're going to --

P.O. LINDSAY: No, no, no, no, no.

LEG. D'AMARO: No, that's just not correct.

P.O. LINDSAY: One point two million appropriated for the overall study. This $400,000 is taken -- being taken out of the Legislative Offset Account; separate money, it's separate money.

LEG. ALDEN: How much is left in that offset account?

LEG. D'AMARO: Two point three.

LEG. ALDEN: Okay, good. Then the rest of us Legislators that it would be appropriate, I say --

P.O. LINDSAY: And just to set the record straight, Legislator D'Amaro didn't jump the list, we've already done two of these.

LEG. ALDEN: On which ones?

P.O. LINDSAY: Well, we did Rocky Point and we did Smithtown.

LEG. ALDEN: That was before we had the timeline for the --

P.O. LINDSAY: Okay, but we did. Legislator Losquadro.

LEG. LOSQUADRO: My question was answered. Thank you.
P.O. LINDSAY:
Okay. Legislator Romaine.

LEG. ROMAINE:
Yes, I agree with you, the study is underfunded. Take the 400,000, put it towards the study. The study is a study of thirteen areas, four of which, five of which are already included in this resolution. All thirteen areas would be studied, at the end of which there would be a report on all thirteen, but only two would be recommended to go forward, only two.

P.O. LINDSAY:
That isn't -- only two would be totally designed; am I right, Mr. Anderson?

LEG. ROMAINE:
Right.

P.O. LINDSAY:
The other -- there'll be a report on all thirteen.

LEG. ROMAINE:
Yes, I understand that.

P.O. LINDSAY:
But only two would be of a comprehensive nature.

LEG. ROMAINE:
Right, so only two advance. It's like American Idol, you know, thirteen contestants, but only two advance, okay? So we're going to have only two advancing.

What this does, and there's only 1.2 million, and I agree with you, I thought that was underfunded. But what this does is it takes four or five areas that are already part of the thirteen, takes them out of it, gives them special priority and goes forward. Look, I think Center Moriches downtown should be sewerized, I think Mattituck downtown should be sewerized, but they're not going to be. And I'm not going to benefit from any of the thirteen, I'm not going to benefit from the four or five. But I'm not even on the list, no one in my district or Jay's district, so we can speak with some degree of fairness, because we don't benefit no matter what happens.

P.O. LINDSAY:
We have --

LEG. D'AMARO:
Okay. Well, we'll take the 333 million in land acquisitions that we've spent out.

LEG. ROMAINE:
No, no, no, no, no. Don't misunderstands me, Legislator D'Amaro. I would like more areas to be sewered, I just don't like the outfall pipe, I think it should be tertiary recharge. I don't think we should get rid of the outfall pipe. But other than that, yeah, I think more areas should be sewered, but I would like to respect the process. I mean, if you think this is underfunded, take the 400,000 and add it to the study, let them all fall equally in the study. Let's not, as Legislator Cameron Alden said, jump the line. It's just that.

Now, I understand these gentlemen's desire to fight for their districts, I understand their justification that they're close by to the Southwest and it's easier to extend, but we have a sewer study. Let's wait for the sewer study. It's just -- you know, we made that point at committee; you were there, I believe, for part of it, I made that same point. I'm not trying to say they're not justified. Look, I wish we had money to do everything, we don't, that's why we're doing the study, but only two of the
thirteen are going to advance.

**P.O. LINDSAY:**
Well --

**LEG. ROMAINE:**
Now imagine --

**P.O. LINDSAY:**
Probably three now.

**LEG. ROMAINE:**
Well, maybe five now. It could be five.

**P.O. LINDSAY:**
It could be five.

**LEG. ROMAINE:**
I'm not opposed to that. I like sewers, I think it's helpful. But the way this resolution is being presented, it's going to encourage all of us --

**P.O. LINDSAY:**
Absolutely, absolutely.

**LEG. ROMAINE:**
I'll have a resolution in.

**P.O. LINDSAY:**
Absolutely.

**LEG. ROMAINE:**
You know, I'm going to support it, but now I'm going to put resolutions in for the North Fork.

**P.O. LINDSAY:**
Okay. I have a long list.

**LEG. BEEDENBENDER:**
I wasn't on it already?

**P.O. LINDSAY:**
No. Legislator Horsley.

**LEG. HORSLEY:**
Okay. First of all, concerning Legislator Romaine's statement, just so he's aware that when we did the cross-County tour talking to Supervisors, Mayors and the like, Southold decided to opt out; the Southold Board said, "We don't need sewering."

**LEG. ROMAINE:**
Just for a second, if I could respond. The Southold Board may have said that because they may have been afraid they would have to pay for it; they're very parsimonious out there. However, if you talk to the merchants in Mattituck, particularly along Love Lane, they have a totally different view of life.

**LEG. HORSLEY:**
I'm not going to argue that, I'm just going from what the representatives from the locality said, because we did, we reached out to everybody.
Just concerning Cameron's concerns, we're hopeful, and this is the way it was discussed in committee, one of the more positive responses that -- for an area to be sewered was the Patchogue, the Patchogue location, and one of the reasons being is that they already had a sited plant and the Mayor was on board. We were hopeful that monies -- that one of the end results will be that the Patchogue sewer plant will expand and then bring in along the South Shore up to Great River, and also to Patchogue and east. And that was one of the things that we were looking at when we basically carved out those four areas for the Southwest Sewer District. We were hopeful that Patchogue, Great River and that area, Sayville, those areas that Cameron was all concerned about would be included at that point in time, which we feel is a very strong contender.

**P.O. LINDSAY:**
Okay. Just maybe to add some clarity to this whole thing, there's a late-starter in the packet that adds another $1.2 million to the overall sewer study.

**LEG. ROMAINE:**
Oh, really? I'm happy for that.

**LEG. ALDEN:**
Bill, can I get a copy of the late-starter?

**P.O. LINDSAY:**
Yes. Okay. Legislator Stern, do you --

**LEG. STERN:**
I'll pass.

**P.O. LINDSAY:**
No? Thank you. Legislator Kennedy? If you don't have to talk, don't.

(*Laughter From Panel*)

**LEG. KENNEDY:**
I'll work it out over here. Thanks, Mr. Chair.

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

**LEG. BEEDENBENDER:**
Thank you, Mr. Chairman. If I could just kind of reset the conversation real quick so we all get on the same page.

The sewer study that was released, there were thirteen areas in it. The areas listed in Legislator D'Amaro’s bill only constituted one of those thirteen, it's not five; Deer Park, North Babylon, Wyandanch and West Islip are classified as one of those thirteen areas. Now, because of the funding provided in the study, all the consultants that responded to the RFP, and it was in the technical services requirements of the RFP, said that they would do two of the thirteen from the beginning to end. They would have design-ready plans and the other eleven would receive, you know, cost benefit analysis and some preliminary treatment. The discussion we had in Public Works was initiated by the bill that Legislator D'Amaro put in.

Now, what I would encourage my colleagues to do -- these things are expensive, unquestionably. And the original fund, the original study was not funded sufficiently, and that’s not a question either. So what we came up with is that this area, the one in Legislator D'Amaro's bill, which is before us as a CN, is a little bit different because it is an area that has a plant that is -- we already have a budgeted expansion. Now, the bill that I put in as a late-starter, 1780, with Legislators Lindsay, Horsley, D'Amaro, Stern and Gregory, is to add an additional $1.2 million to the original sewer
study, and a CN was requested but it was not provided. The reason we did this is because if we do this piecemeal, it's going to cost us well over $3 million. And my -- I want to support all of my colleagues. You know, we've done sewer studies in some districts and I would rather do one allotment in addition to this bill, the late-starter, that provides the full amount of funding which can do all twelve areas that will remain in the study and give us design-ready plans. This way we don't get into everybody protecting their district, which is what we all were elected to do. And we can do it cheaper because we pick one consultant, separate from this area because this one is different. If we pick one consultant to do the twelve areas, we could do it for about $2.4 million, and there are savings because -- there are savings because once they do one environmental impact statement, the rest of them are similar.

So we are confident that with that we can move forward.

This was a meeting that we had and we discussed in the Public Works Committee. We had a private meeting on Friday to go over this and this was the plan we decided to move forward, to make sure all the areas that the Wastewater Task Force suggested would get the full treatment and then we would pursue the funding. So I think there are thirteen areas, they cover at least thirteen or fourteen Legislative Districts, none of which are mine, by the way, so I don't have a dog in this fight. I just think that we should provide all of the funding, all of the funding to get all the plans to be design-ready, so when the Federal Government begins to tell us what we should do, what they have money for, we have everything ready and we can pursue it as we want.

So I think we should move forward with Legislator D'Amaro's bill, because this area will be ready way before anything else we could ever imagine, so we want to be prepared for that. And we should also, when we get to committee, we should move forward with the $1.2 million that will provide enough money to do all of the districts. So I think we are doing good things here. We're going to spend more money if we do this piecemeal. So I respect all of my colleagues' desire to put their own bill in, because I would do the same thing if I had one. But if we vote for 1780, the late-starter, when it's in committee next time, we can provide enough money for all of it and then we can just move forward and everybody can -- every district that's in there can be studied and we can move forward.

P.O. LINDSAY:  
Thank you. Thank you. Okay. We have a motion and a second?

MR. LAUBE:  
Yes, you do.

P.O. LINDSAY:  
Okay. Roll call.

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

LEG. D'AMARO:  
Yes.

LEG. STERN:  
Yes.  
LEG. COOPER:  
Yes.

LEG. GREGORY:  
Yes.

LEG. HORSELY:  
Yes.
LEG. NOWICK:  
Yes.

LEG. KENNEDY:  
Yes.

LEG. BARRAGA:  
Yes.

LEG. ALDEN:  
Abstain.

LEG. MONTANO:  
Pass.

LEG. EDDINGTON:  
Yes.

LEG. LOSQUADRO:  
Yes.

LEG. BEEDENBENDER:  
Yes.

LEG. BROWNING:  
Yes.

LEG. SCHNEIDERMAN:  
(Not Present).

LEG. ROMAINE:  
Pass.

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

P.O. LINDSAY:  
Yes.

LEG. MONTANO:  
Abstain.

LEG. ROMAINE:  
Yes, but I think it should be one study.

MR. LAUBE:  
I just want to double check; Legislator Losquadro, you said yes?

LEG. LOSQUADRO:  
I was a --

MR. LAUBE:  
A pass?

LEG. LOSQUADRO:  
No, I'm a yes.
MR. LAUBE:
Okay, yes. So we've got fifteen (Abstentions: Legislators Alden & Montano - Not Present: Legislator Schneiderman).

P.O. LINDSAY:
Okay. On the accompanying Bond, 1705A, same motion, same second; roll call.

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

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. COOPER:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
No.

LEG. MONTANO:
Abstain.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
(Not Present).

LEG. ROMAINE:
Abstain.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:

P.O. LINDSAY:
Okay. The next CN is 1707 - Local Law requiring disclosure of the Metropolitan Commuter Transportation District Mobility Payroll Tax on real property tax bills.

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Who made the motion? Legislator Losquadro.

LEG. ROMAINE:
Second.

LEG. BARRAGA:
Second.

P.O. LINDSAY:
Second by Legislator Romaine. Okay. Mr. Zwirn, are you versed in this bill?

MR. ZWIRN:
I'm here with the --

P.O. LINDSAY:
Okay.

MR. ZWIRN:
-- Deputy County Attorney, Dennis Brown, so between the two of us --

P.O. LINDSAY:
This creates a separate line for just the County portion; am I correct?

MR. ZWIRN:
Yes.

P.O. LINDSAY:
I mean, this -- the MTA tax has an effect on the towns, on the --

MR. ZWIRN:
Every --

P.O. LINDSAY:
Everything, everything we do.
MR. ZWIRN:
Right.

P.O. LINDSAY:
Everything we do. The Police District, certainly, certainly on the College, certainly on --

MR. ZWIRN:
It's a payroll tax, so any --

P.O. LINDSAY:
School? School tax.

MR. ZWIRN:
Any municipality with a --

P.O. LINDSAY:
Okay.

MR. ZWIRN:
-- staff. Yes.

P.O. LINDSAY:
So what does this -- what does this, you know --

MR. ZWIRN:
Well, this would just --

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

P.O. LINDSAY:
Okay. CN is 1707-09 - Adopting Local Law No. -2009, A Local Law requiring disclosure of the Metropolitan Commuter Transportation District mobility payroll tax on real property tax bills (County Executive).

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Who made the motion? Legislator Losquadro.

LEG. ROMAINE:
Second.

LEG. BARRAGA:
Second.

P.O. LINDSAY:
Second by Legislator Romaine. Okay. Mr. Zwirn, are you versed in this bill?

MR. ZWIRN:
I'm here with the --

P.O. LINDSAY:
Okay.
MR. ZWIRN:
-- Deputy County Attorney, Dennis Brown, so between the two of us --

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This creates a separate line for just the County portion; am I correct?

MR. ZWIRN:
Yes.

P.O. LINDSAY:
Not -- I mean, this -- the MTA Tax has an effect on the towns, on the --

MR. ZWIRN:
Every --

P.O. LINDSAY:
Everything, everything we do.

MR. ZWIRN:
Right.

P.O. LINDSAY:
Everything we do. The Police District, certainly, certainly on the college, certainly on --

MR. ZWIRN:
It's a payroll tax, so any --

P.O. LINDSAY:
School? School tax.

MR. ZWIRN:
Any municipality with a --

P.O. LINDSAY:
Okay.

MR. ZWIRN:
-- staff, yes.

P.O. LINDSAY:
So what does this -- what does this, you know --

MR. ZWIRN:
Well, this would just --

P.O. LINDSAY:
Isn't this going to send a false impression that -- I figured it -- we just figured roughly here it's going to show about $6 on the average tax bill, but that isn't true.

D.P.O. VILORIA-FISHER:
No.

P.O. LINDSAY:
It has a much greater effect than the $6.

MR. ZWIRN:
Right. And going forward, if other jurisdictions would like to, you know, add to the line with us so
that they could be identified, then we would consider that. But this would protect the County, at least from the taxpayer's perspective, to see where this money is not coming into the County and the County is not responsible for imposing the tax.

**P.O. LINDSAY:**
I can appreciate the County Executive's sentiments on this. I think I was as vocal as anybody else here against this horrible tax and what we got for it, it's just I don't know where it ends. You know, we're going to have a tax bill that you're going to roll out and hit the floor, because what happens -- you know, we're talking about a national health care policy now; what happens if that turns out to be a payroll tax to fund that? Are we going to list that separately, too?

**MR. ZWIRN:**
Well, that would be a policy decision made by the Legislature and the County Executive, but possible.

**P.O. LINDSAY:**
Okay. Okay, Legislator Nowick who certainly knows more about the tax bill than I would ever attempt to know.

**LEG. MONTANO:**
Just a quick question because it's late. How do you envision this line going on the tax bill; what will it say?

**MR. ZWIRN:**
It says it on the bill.

**LEG. NOWICK:**
I mean, I -- unlike a lot of other people, I memorize my tax bill.

**MR. ZWIRN:**
It identifies it in the legislation. Go ahead, Dennis.

**MR. BROWN:**
Yeah, we -- one of the -- I'm sorry. One of the amendments we made this morning was that there should be a separate line and it should be entitled -- should bear a heading entitled "New York State MTA Tax".

**LEG. NOWICK:**
Okay, Dennis, just so I know. I'm looking at my tax bill and first you see -- you see the school district first, then it goes down eventually to County General, County Court and then Police District. Would it be after those three, a line that says "New York State Metropolitan" --

**MR. BROWN:**
Either -- that I think is something that ultimately will have to be worked out with the Receivers Association.

**LEG. NOWICK:**
Well, that was the next question; would you please promise me that you will work that out? There seems to be some concern about the wording. I know the tax bills in Smithtown, there is a little room on it, but I don't know about all the other towns.

**MR. BROWN:**
I think that the original thought was that it would be listed -- many of the tax bills, I can't speak for every town, but some of the bills that I looked at, they contained a section that said "other". And I think, for example, last year we did the amendment with respect to the effect of the equalization rate on the taxes, and I think I saw that as a line on one of the bills.
So one of the goals, I think, was to explore the possibility of putting it in that other line if it was available, but the bill does say that it would be stated separate and apart from the County tax.

**LEG. NOWICK:**
And just so I know, this money doesn't go to the County, right?

**MR. BROWN:**
No, I think it's going to the MTA, that's correct.

**LEG. NOWICK:**
All right. So --

**MR. BROWN:**
The taxing district, the mobility tax district.

**LEG. NOWICK:**
So somewhere on the bill it needs to state -- I think it's going to be confusing, but maybe somewhere on the bill it needs to be made clear.

**D.P.O. VILORIA-FISHER:**
It's on the back of the bill.

**LEG. NOWICK:**
Nobody looks at the back of the bill.

**D.P.O. VILORIA-FISHER:**
I know.

**MR. BROWN:**
Yes, there's a --

**LEG. NOWICK:**
Okay.

**MR. BROWN:**
Yeah, there would be a section on the back of the bill. To keep it from rolling out like a Charter, that on the back it says that it would be distributed to the Metropolitan Transit Authority.

**LEG. NOWICK:**
You can even put that on -- that's not too many words, you know, "To be distributed to the Metropolitan" --

**MR. BROWN:**
Well, it's a little bit longer than that.

**LEG. NOWICK:**
Okay.

**P.O. LINDSAY:**
Legislator Viloria-Fisher.

**D.P.O. VILORIA-FISHER:**
Ben or Dennis, I really was very much in favor of this when I first saw it, but as I've thought about it, it makes less and less sense to me. We talk about transparency and letting people know what
we're doing and where their money is going, but if we're only going to do this on the General Fund, and I'm assuming we're only doing it -- what about all those --

MR. BROWN:
It's all the funds that have a payroll; for example, the District Court and the Police District as well.

D.P.O. VILORIA-FISHER:
So all of the lines that Legislator Nowick just mentioned are Police District, Court, the Community College --

MR. BROWN:
We said generally all County funds.

D.P.O. VILORIA-FISHER:
All County funds.

MR. BROWN:
Yes.

D.P.O. VILORIA-FISHER:
Okay. And that still amounts to about $6, for the average?

MR. BROWN:
I can't answer that with firsthand knowledge, but that's what I've heard, yes, about $7.

D.P.O. VILORIA-FISHER:
Okay. And the reason I feel that that's more confusing to the taxpayer and actually minimizes the impact is that even with all of those lines, the amount that the County gets is so much lower than the other levels of government, than school district. If the school district were to itemize it, it would be a much larger number, and if the town were to itemize it.

So what's concerning me is that we've been telling people that this is such an insult to us and such a hardship for us in Suffolk County and they're going to see $6 and it's going to minimize the impact that this is having on them. So I feel that it does the -- it will have the opposite effect of disclosure because it won't really be telling the taxpayer just how hard they're being hit by this imposition.

So I can't support this for that. You know, this is really, really important for us to think about. If we want to get this message out to the public that the MTA tax is onerous, putting $6 on their tax bill as going to the MTA when they don't -- how much is it, Robert?

MR. LIPP:
We did a quick calculation and it's maybe one, two, three cents; maybe one cent or two cents, depending upon -- I did a quick estimate.

D.P.O. VILORIA-FISHER:
It's one or two cents?

MR. LIPP:
Correct.

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

MR. LIPP:
Depending upon the methodology. The methodology we're using, different than theirs, is basically the $3.2 million doesn't go on the property Tax Warrant. What it is is that you have stuff like sales
tax which is approximately a billion dollars in the General Fund, so that you've got -- that's being allocated. If you do the apportionment it's, you know, maybe, if you want to exaggerate, a couple of cents.

**D.P.O. VILORIA-FISHER:**
Okay. So we're talking less than a buck and --

**MR. BROWN:**
No.

**D.P.O. VILORIA-FISHER:**
-- telling people what a great burden this is on their backs.

**MR. BROWN:**
I don't think --

**MR. LIPP:**
It is a burden, though.

**MR. BROWN:**
I really don't think that that's -- I really don't think that that's correct. And not that I work in Budget or BRO and I'm not an economist, but I think the goal is to show what the proportionate impact is of the overall tax on the -- under property taxes.

**D.P.O. VILORIA-FISHER:**
When you say the overall tax.

**MR. BROWN:**
The MTA, the amount that's being assessed for the payroll tax.

**D.P.O. VILORIA-FISHER:**
On which lines? It can't be what we collect in sales tax.

**MR. BROWN:**
No, it's the proportionate impact on the real property tax.

**MR. ZWIRN:**
General Fund.

**D.P.O. VILORIA-FISHER:**
On the real property tax.

**MR. BROWN:**
Yes.

**MR. ZWIRN:**
The General Fund.

**D.P.O. VILORIA-FISHER:**
For General Fund? No, not just General Fund.

**MR. BROWN:**
Of all the funds.

**D.P.O. VILORIA-FISHER:**
All of the funds.
**MR. BROWN:**
It's the proportionate impact that the MTA Tax has on the County on the County property tax.

**D.P.O. VILORIA-FISHER:**
Okay. Six dollars does still seem high; it does seem high.

**MR. BROWN:**
Like I said, I can't answer that question specifically.

**D.P.O. VILORIA-FISHER:**
Okay. Allen, do you know? This is really important because if we want to send the message that this is having an impact on them, we will look ridiculous if we write 15 cents.

**LEG. NOWICK:**
Robert says he knows the answer.

**D.P.O. VILORIA-FISHER:**
He gave me the answer, he said six cents.

**MR. LIPP:**
No, I said about one cent.

**MR. KOVESDY:**
To be --

**D.P.O. VILORIA-FISHER:**
Oh, one cent; excuse me.

**P.O. LINDSAY:**
Go ahead.

**MR. KOVESDY:**
I really -- we didn't calculate. I think the important point is that this is an additional $3 million that the County has to use in substitution of some other service. In other words, I would have to raise -- bear with me, please -- raise taxes, make a cut someplace else to come to the same bottom line, whether it be $51 million for the General Fund or "X" amount for the Police District or so forth. So the idea is just to let people know when the decision is made in the budget that this piece of money came in and handcuffed the County in providing a service one way or the other.

**D.P.O. VILORIA-FISHER:**
Allan, I know that, but you're hurting your message. You're hurting your message if you're writing on a tax line. And if you're honest and you do the calculations correctly, it's going to come out to pennies.

**MR. ZWIRN:**
No, I don't think so.

**D.P.O. VILORIA-FISHER:**
And if you're trying to tell people what -- when you think of the amount that all of those lines add up to and then you do the calculation on what -- from that money goes on to -- I'll just wait till you're finished with your conversation.

**MR. KOVESDY:**
I'm sorry.
D.P.O. VILORIA-FISHER:
If you add up all those lines and then you come to a number and you take that number and calculate the percentage that is going to payroll tax, right, what we're being charged for payroll tax, it really can't come out to very much money and I think you're sending a false message to that taxpayer. You're not saying three million to them, if you were saying three million it would be a different story. You're not giving them a real picture of how this is impacting them because they're not seeing how much school tax is going to go to payroll tax, they're not seeing what their Brookhaven tax is going to payroll tax; you see what I'm saying? It's just not really giving them the picture.

MR. ZWIRN:
This bill is just designed for the County. This is an equivalent to a 6% property tax in the General Fund.

P.O. LINDSAY:
But Ben --

MR. ZWIRN:
It is.

P.O. LINDSAY:
Ben, maybe you're missing something. I think what Vivian is saying is the General Fund, we take in roughly $50 million.

MR. ZWIRN:
Right.

P.O. LINDSAY:
If you're just taking the 3.4 million against the 50 million, you're probably six bucks. But now, if the 3.4 million is also on the Police, on the schools, on the college employees, now you've got to add in the bigger number. What Vivian is saying, you know, what is the Police Tax in the five Police Districts? It's, what, a hundred million dollars; how much is it, Robert, roughly?

MR. LIPP:
The Police District is close to half a billion.

P.O. LINDSAY:
No, but does that all come from real estate taxes?

MR. LIPP:
No, the Police District also has a sales tax.

P.O. LINDSAY:
I know, but what comes from real estate taxes?

MR. LIPP:
Real estate is, off the top of my head, like $450 million in the Police District.

P.O. LINDSAY:
So you have 450, you've got another, you know, 50 in the General Fund; what is the --

MR. LIPP:
But the point --
What is the college?

**MR. LIPP:**
The college is like five and a half million dollars or five million.

**P.O. LINDSAY:**
Okay.

**MR. LIPP:**
But the point I was trying to make is that everything that the General Fund spending amounts to -- if you're just looking at the General Fund, amounts to $2 billion, and obviously, our property tax is not $2 billion.

**P.O. LINDSAY:**
No, but we're -- again, we're down two different pages. What I'm just saying, if the total amount of the payroll tax adds to $3.4 million, you have to divide that into the base. And if it's $500 million, like Robert just said, you're going to be showing a minuscule amount on the tax line. I'm as outraged by the $3.4 million as anybody, but I agree with Legislator Viloria-Fisher, I don't want to minimize it that the State just added this at, "Wait a minute, you know, it's only going to cost you 16 cents" or something like that.

**MR. ZWIRN:**
Well, as I said, this would be the first step and then we would work with the school districts and the other jurisdictions that are also on the tax bill. But at least we would have a line there that would be identified as an entity putting in a tax where we're just collecting it and getting no --

**P.O. LINDSAY:**
Okay.

**MR. ZWIRN:**
-- tanning services.

**P.O. LINDSAY:**
Ben, what we're saying is the line that you're talking about excludes the school districts.

**MR. ZWIRN:**
Right now.

**P.O. LINDSAY:**
Yeah. But if you add in all of the County components that makes up the gross tax bill and compare it against the $3.4 million, it isn't a lot -- it isn't going to show an individual a lot of money. I'm sorry, maybe I'm not getting it, it's too late. Legislator D'Amaro.

**LEG. D'AMARO:**
Can I just ask you or Ben, the 3.4 million is the payroll tax from all funds, County funds, or just the General Fund?

**MR. BROWN:**
I thought that it was just for the General Fund.

**LEG. D'AMARO:**
Well, if it's just the General Fund, then I agree with you, you have to add up all the funds for how much we collect, but the amount paid is not 3.4 million, it would be a lot higher. I mean, what is the Police District paying in payroll tax on MTA?

**P.O. LINDSAY:**
My understanding was it was going to cost Suffolk County $3.4 million on all of our employees.

**LEG. D'AMARO:**
That's what I'm trying to clarify; which is it, do we know?

**MR. BROWN:**
I thought it was for the General Fund. But like I said, I don't -- I'm sorry, I don't work in Budget.

**LEG. D'AMARO:**
Because the Police District would be ten-fold that, I would assume.

**P.O. LINDSAY:**
Right, but I don't think so. I don't know -- okay, go ahead.

**LEG. NOWICK:**
You know, just quickly. We're jumping the gun here. We don't even know the answers, we don't even know what it's going to cost us. Let's assume we go through one year without doing it and if it's such a travesty and so awful, we can institute it next year. We don't even know the numbers, we don't know if it's going to the Police, nobody has the answers. I would not be opposed to waiting, let's see how much it's going to be. Next year we'll have the answers if it's a problem.

**D.P.O. VILORIA-FISHER:**
I'd like to make a motion to table.

**P.O. LINDSAY:**
We have a motion by Legislator Viloria --

**D.P.O. VILORIA-FISHER:**
We can't table.

**MR. NOLAN:**
You can table.

**P.O. LINDSAY:**
You could table it, commit it to committee. Is there a second to the tabling motion?

**LEG. NOWICK:**
I'll second it.

**P.O. LINDSAY:**
Lynn is seconding, okay.

**LEG. D'AMARO:**
Just on the motion, Bill?

**P.O. LINDSAY:**
On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**
Just very quickly.

**LEG. LOSQUADRO:**
On the motion, Bill?

**LEG. D'AMARO:**
Does the commitment -- the tabling and commitment to the committee prevent us from doing the disclosure this year?
LEG. LOSQUADRO:
Yes, that's --

LEG. D'AMARO:
Number one.

MR. ZWIRN:
Pretty much, it would be -- you heard the Receiver of Taxes from Brookhaven; he said by the time
this would be approved, if it was approved at a September meeting, it would be impossible for --

LEG. D'AMARO:
And this is a tax that is being allocated to our property taxes, but the County does not get the
money, the MTA gets the money.

MR. ZWIRN:
That's correct.

LEG. D'AMARO:
Well, even if it's one cent, I'd rather disclose that.

P.O. LINDSAY:
Legislator Losquadro, did you want to weigh in on this?

LEG. LOSQUADRO:
That was just my exact point.

P.O. LINDSAY:
Okay.

LEG. LOSQUADRO:
That, you know, let's just at least take a vote. To commit it is just, you know, an underhanded way
to kill the bill, so let's just vote on it and be done with it.

P.O. LINDSAY:
The point, though, is that if it passes and it shows so minuscule amount on the tax bill, it isn't
sending the right message. This is a very regressive tax.

LEG. LOSQUADRO:
I disagree. I disagree.

P.O. LINDSAY:
Okay, then let's vote. Okay, we have a motion to table and --

D.P.O. VILORIA-FISHER:
I withdraw my motion. We'll just take a vote, up or down.

P.O. LINDSAY:
Okay, the tabling motion has been withdrawn. So we have a motion to approve only.

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

LEG. LOSQUADRO:
Yes to approve.

LEG. ROMAINE:
Yes to approve.

LEG. COOPER:
Yes to approve.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
No.

LEG. HORSLEY:
No.

LEG. NOWICK:
No.

LEG. KENNEDY:
No.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:
No.

LEG. EDDINGTON:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
(Not present).

D.P.O. VILORIA-FISHER:
No.

P.O. LINDSAY:
No.

MR. LAUBE:
Ten.

MR. ZWIRN:
It fails.

**MR. NOLAN:**
It goes to committee.

**P.O. LINDSAY:**
You know, guys, it might be a very worth while idea, but we need more time on something like this because nobody has the answers.

**MR. NOLAN:**
Mr. Clerk, with ten votes it goes to committee, so you send it to committee.

**MR. LAUBE:**
Okay, gotcha.

**P.O. LINDSAY:**
Okay, we have *Resolution 1779-09 - Accepting and appropriating 100% Federal grant funds awarded by the U.S. Department of Justice under the Recovery Act Edward Byrne Memorial Justice Assistance Grant to Suffolk County Departments of Probation, Police, Sheriff, Health, and District Attorney (County Executive).*

**LEG. ROMAINE:**
Motion.

**P.O. LINDSAY:**
Motion by Legislator Romaine. Do I have a second?

**LEG. LOSQUADRO:**
Second for the purposes of discussion, but I actually have a question on this.

**P.O. LINDSAY:**
Second by Legislator Losquadro. Go ahead, ask the question.

**LEG. LOSQUADRO:**
In looking through the breakdown of distribution of this funding, I see something that I don't know if it's duplicative. There's a request in here for $280,000 for a vehicle to use at DWI arrest checkpoint and a Mobile Arrest Processing Center for the Sheriff's Office. I believe the Police Department already has that; why are we purchasing an additional piece of apparatus that we may already have?

**D.P.O. VILORIA-FISHER:**
Daniel, what page are you on?

**LEG. LOSQUADRO:**
Page two, the third WHEREAS clause from the bottom.

**D.P.O. VILORIA-FISHER:**
Oh, okay.

**LEG. LOSQUADRO:**
I believe the STOP DWI units that were a part of the Highway Patrol Unit are some of the only members of Highway Patrol that are still operating, and they continue to do those job functions right now. So I don't want to be, you know, the Oliver Stone Conspiracy Theorist here, but is this -- are we planning to remove the STOP DWI functions from the Police Department? If so, I mean, let's just -- just let us know that. But as Legislator Eddington and I have been talking about, you know, we hate
to find things out after the fact. So I'm curious as to why that is in there, because we -- I believe we have that equipment operating already in the Police Department.

**MR. KOVESDY:**
This is a Federal grant and this is what the Sheriff had asked for --

**LEG. LOSQUADRO:**
That's not my -- I understand that, it says requested. You're able to say, "No, we won't put that in."

**MR. KOVESDY:**
We have received this grant, this is grant money that we have -- that we're bringing in the County. We're not applying for this grant anymore, we have won this grant. This just takes the money that we have gotten and allocates the money; it's already happened, it's a fact that we've got this grant.

**LEG. LOSQUADRO:**
Couldn't we have put $280,000 into some other law enforcement function instead of buying something that we already have?

**MR. KOVESDY:**
I don't --

**LEG. LOSQUADRO:**
I mean, if we're getting $280,000, I mean, this total grant is -- I forget what the total amount is here; it's a lot of money. But $280,000 of that, which is one of, if not the largest, appropriation I see as a single line item of this -- I think the total is 1.318 million and this is almost 300,000 of that -- why are we buying equipment we already have? Even if it's under a grant, I don't care who's paying for it. I mean, we're all sitting here talking about how strapped we are in law enforcement. Why didn't we put in for something that we don't have that we could use for something else? If you don't know the answer to that, just tell me that.

**MR. KOVESDY:**
I don't know. All I can say is that all the law enforcement groups got together and they allocated the money and we work very, very hard to try to bring as much money in a grant. Every single year we get Edward Byrne Grants into the County and we allocate it; it's something that the law enforcement departments get together, allocate the money amongst themselves. As to the conversations that went on between the Police, the Sheriff, Probation, I wasn't part of that discussion.

**LEG. LOSQUADRO:**
Well, listen, I'm certainly not going to turn down money from the Federal Government but, you know, or money that can go towards law enforcement. But if we're putting in for grants and we're getting awarded grants -- and like you said, this is an annual thing we get -- I mean, why in the world are we taking -- why in the world are we not putting in for things that we don't already have and that we can expand our services instead of duplicating them?

**MR. KOVESDY:**
You know, as you --

**LEG. LOSQUADRO:**
That's my view; when I look at this, that's what I see.

**MR. KOVESDY:**
I just want to --

**P.O. LINDSAY:**
Okay. And he doesn't know the answer, okay?
LEG. LOSQUADRO:
And that's fine. I just want to get that out.

P.O. LINDSAY:
So let's take a vote, all right?

MR. KOVESDY:
Thank you, sir.

LEG. LOSQUADRO:
Well --

LEG. ROMAINE:
I'd like to withdraw my approving motion.

P.O. LINDSAY:
Okay.

LEG. ROMAINE:
I didn't get the answers --

P.O. LINDSAY:
Okay.

LEG. ROMAINE:
I thought I would get better answers.

P.O. LINDSAY:
That's fine.

LEG. LOSQUADRO:
And Mr. Chairman?

P.O. LINDSAY:
Yes?

LEG. LOSQUADRO:
Respectfully, that's fine he doesn't have the answers but, you know, when something like this is put before us --

P.O. LINDSAY:
Then vote against it. It's a quarter to eight, you know what I mean?

LEG. LOSQUADRO:
You know, I have been relatively quiet this evening.

P.O. LINDSAY:
Okay, but vote against it.

LEG. LOSQUADRO:
I just thought that was a legitimate question.

P.O. LINDSAY:
Okay. I'm not saying they weren't legitimate questions, but he told you three times he don't know. You know, if --
LEG. LOSQUADRO:
Actually, I said that to him and he just confirmed it, so. That's fine.

P.O. LINDSAY:
Yes, he did; three times he confirmed it. But that's who came up to answer the questions.

LEG. KENNEDY:
Mr. Chair, I'll make a motion to commit to committee then.

LEG. ROMAINE:
I'll second that motion.

LEG. KENNEDY:
That's another way to go ahead and get answers.

LEG. ROMAINE:
Second that motion.

LEG. LOSQUADRO:
Through the Chair? Is there a time -- maybe this is something Budget could answer. Is there a time issue on this in the terms of the accepting of this, that it was brought forward by Certificate of Necessity?

MR. ZWIRN:
There's no time limit.

P.O. LINDSAY:
Do you guys know that? Is this time sensitive, Brendan?

MR. CHAMBERLAIN:
They would like to appropriate the money so it can be used in the -- you know, the operating budget. As they're planning for the 2010 Operating Budget --

P.O. LINDSAY:
Okay.

MR. CHAMBERLAIN:
-- we would like to have the money appropriated.

P.O. LINDSAY:
Okay. I know you'd like to, but if this isn't approved until September 17th, our next meeting, will this cause a hardship in that appropriation?

MR. CHAMBERLAIN:
Well, the CJCC --

P.O. LINDSAY:
Just tell me yes or no. Yes or no, will it cause a hardship?

MR. CHAMBERLAIN:
We feel it might cause a hardship.

P.O. LINDSAY:
Okay, that we won't get the money.

**MR. CHAMBERLAIN:**
I'm not saying we're not going to get the money, but we would like to move forward on this. It's creating several jobs in other departments and we'd like to move forward on the grants so we can move forward on creating the one position that the CJCC has asked for.

**P.O. LINDSAY:**
Okay. We have a motion to commit, and we don't have a motion to approve. I'm going to make a motion to approve so we have both before us.

**LEG. BARRAGA:**
Second.

**P.O. LINDSAY:**
Seconded by Legislator Barraga. Okay, the motion to commit takes precedence; roll call.

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

**LEG. KENNEDY:**
Yes.

**LEG. ROMAINE:**
Yes.

**LEG. COOPER:**
No.

**LEG. D'AMARO:**
No.

**LEG. STERN:**
No.

**LEG. GREGORY:**
Yes.

**MR. LAUBE:**
Horsley?

**LEG. GREGORY:**
Oh, wait, this is to --

**MR. LAUBE:**
This is to send to committee.

**LEG. GREGORY:**
Oh, no; sorry.

(*Roll Call Continued by Mr. Laube - Clerk*)

**LEG. HORSLEY:**
Yes.

**LEG. NOWICK:**
Yes.
LEG. BARRAGA:
No.

LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
No.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
(Not present).

D.P.O. VILORIA-FISHER:
No.

P.O. LINDSAY:
No.

MR. LAUBE:
Eight.

P.O. LINDSAY:
Okay. To approve.

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

P.O. LINDSAY:
Yes.

LEG. BARRAGA:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.
LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
(Not present).

LEG. ROMAINE:
Yes.

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

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

LEG. ALDEN:
Mr. Presiding Officer?

P.O. LINDSAY:
Yes.

LEG. ALDEN:
The last thing you're going to do are the Late Starters?

P.O. LINDSAY:
Late Starters.

LEG. ALDEN:
I have a question. Is tonight the last night we can approve something that would be put on the ballot?

P.O. LINDSAY:
I think --

**LEG. ALDEN:**
Or do we have any other time?

**P.O. LINDSAY:**
I don't think -- I think it's probably too late to get anything on the ballot after tonight. And I think even tonight would have been suspect, no? It would be tight.

**LEG. ALDEN:**
It would be tight.

**P.O. LINDSAY:**
Okay.

**LEG. ALDEN:**
Then you can rule me out of order or whatever, but I think we have to take one more shot at this. In light of the economic problems that we're having, I'm going to make a motion to waive all the rules and discharge IR 1458 to put that proposition on the ballot and let the people decide if they want the $6 million per year to go to stabilize their taxes.

**P.O. LINDSAY:**
I'm going to stir the pot, I'll second that.

(*Laughter From Panel*)

Let's just take a vote on it, okay? We have a motion and a second to -- 1458 has been tabled; you're waiving the rules to take it out of committee and to approve it; so we have a motion and a second to do that.

**LEG. ALDEN:**
This is to discharge it and then we can talk about it.

**P.O. LINDSAY:**
Okay, to discharge it.

**LEG. D'AMARO:**
Roll call.

**LEG. ROMAINE:**
No roll call.

**LEG. BEEDENBENDER:**
Waive the rules, discharge and approve; three votes.

**P.O. LINDSAY:**
Okay, first to waive the rules. Okay, we have a motion and a second. All in favor? Opposed?

(*Opposed Said in Unison*)

**LEG. ALDEN:**
Can I get a roll call?

**P.O. LINDSAY:**
Sure.
MR. LAUBE:
That would help.

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

LEG. ALDEN:
Yes to waive the rules.

P.O. LINDSAY:
Yes.

LEG. COOPER:
No.

LEG. D'AMARO:
No.

LEG. STERN:
No.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
No.

LEG. NOWICK:
No.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. MONTANO:
No to waive the rules.

LEG. EDDINGTON:
No.

LEG. LOSQUADRO:
No.

LEG. BEEDENBENDER:
No.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
(Not present).

LEG. ROMAINE:
No.
D.P.O. VILORIA-FISHER:
No.

MR. LAUBE:
Three.

LEG. ALDEN:
So we don't really have an economic problem in Suffolk County, but that's okay too.

P.O. LINDSAY:
Okay, okay, you got your vote.

All right, I'm going to make a motion to waive the rules and put on the table the following Late Starters: 1764 to Economic Development, Education & Energy; 1765, Economic Development, Education & Energy; 1766, Economic Development, Education & Energy; 1767 to Ways & Means; 1768 to Ways & Means; 1769 to Ways & Means; 1770 to Ways & Means; 1771, Economic Development, Education & Energy; and there's no 72 -- oh, yeah, 72 to Public Safety; 73, Economic Development, Education & Energy; 1774 to EPA; 1775 to Public Safety; 1776 to Ways & Means; 17 -- oh, I'm sorry.

MS. PASTORE:
The next one.

P.O. LINDSAY:
Okay, and it's also -- 1776 is to set the Public Hearing for September 17th, 2:30 at the Rose Caracappa Auditorium in Hauppauge; 1777 is Public Safety and, again, waive the -- set the Public Hearing for September 17th, 2:30 at the Rose Caracappa Auditorium in Hauppauge; 1778, Ways & Means and, again, to set the Public Hearing for September 17th at the Rose Caracappa Auditorium in Hauppauge at 2:30; and 1780 to Public Works. I made the motion. Do I have a second?

LEG. LOSQUADRO:
Second.

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

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

P.O. LINDSAY:
I'll entertain a motion to adjourn.

LEG. BEEDENBENDER:
Motion.

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

P.O. LINDSAY:
Motion by Legislator Beedenbender, second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

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

P.O. LINDSAY:
We stand adjourned.

(*The meeting was adjourned at 7:57 PM*)

{   } - Denotes Spelled Phonetically