

**WAYS AND MEANS, REAL ESTATE TRANSACTIONS  
AND FINANCE COMMITTEE  
OF THE  
SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A meeting of the Ways and Means, Real Estate Transactions and Finance committee of the Suffolk County Legislature was held at the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, NY 11787 on Tuesday **June 17, 2003** in the Rose Y. Caracappa Auditorium at 9:30 A.M.

**Members Present:**

Legislator George Guldi, Chairman  
Legislator Andrew Crecca, Vice Chairman  
Legislator David Bishop, Member  
Legislator Michael Caracciolo, Member  
Legislator Ginny Fields, Member  
Legislator Vivian Vioria-Fisher, Member

**Member Absent:**

Legislator Martin Haley, Member

**Also in Attendance:**

Paul Sabatino, Counsel to the Legislature  
Alexandra Sullivan, Chief Deputy Clerk of the Legislature  
Eben Brofman, Aide to Chairman Guldi  
Ken Knappe, Budget Office of the County Executive  
Christine Costigan, Suffolk County Real Estate  
Meghan O'Reilly, Aide to Presiding Office Postal  
Bill Faulk, County Executive's Office  
Jim Spero, Budget Review Office  
Fred Pollert, Director of Budget Review Office  
Frank Tassone, Aide to Legislator Crecca  
Fred Pollert, Budget Review Office  
Patricia Williams, Human Rights Commission/Nominee  
Vincent Iaria, Director of Probation  
Anthony Piruzzo, Local 282 Teamsters  
Robert Cabble, County Attorney's Office  
Janet Ioli, Deputy Comptroller  
Catherine Stark, County Executive's Office  
All Other Interested Parties

**Minutes taken by:**

Alison Mahoney, Court Stenographer

**Minutes transcribed by:**

Eileen Schmidt, Secretary

**(\*The meeting was called to order at 9:46 A.M.\*)**

**CHAIRMAN GULDI:**

Call the Ways & Means Committee meeting to order. We will begin with a salute to the flag led by Legislator Fields.

**SALUTATION**

Legislator Haley has requested an excused absence. Correspondence to the extent received has been distributed. We have no scheduled presentations but I have several cards, we'll go to the cards first. Lee Lutz is the first card, and then I'm taking them in the order they're stacked.

**MR. LUTZ:**

Good morning, Chairman Guldi and members of the Ways & Means Committee, Counsel Sabatino. I have a written statement which I am distributing copies to each of you and then will be available if you have questions.

The voters of Suffolk County overwhelmingly approved a Campaign Finance in 1998 creating a program of partial public financing of County election campaigns. They voted in favor of a program that has been proven by recent reports on similar programs across to increase diversity of candidates to reduce uncontested elections and a free candidate's time to communicate people with the people they hope to represent. Perhaps most important in light of recent event in Suffolk County and Brookhaven town such programs also reduce the perceptions so many people have today that their representatives maybe representing someone other than them. Whether or not such a perception is accurate it erodes people's confidence in their elected officials and sadly in democracy itself. It is certainly a significant factor if not the leading one in the pitiful voter turnout recorded in this county, state and country every year.

Obviously, a public financing program with all its inherent benefits to the public and candidates cannot function without funding. I would contend that those citizens who in 1998 voted two to one in favor of this program thought it was funded. It is insulting to their intelligence to presume they voted for a program they knew was doomed to fail. Although a referendum the following year to provide adequate funding was defeated, the public was not provided with the information necessary to reach an informed decision. Instead they were faced with a cleverly worded proposal which emphasized the fact that County taxpayers money would be used to fund the program, but which utterly failed to provide the critical detail. That is the amount of taxpayer money required to fund the program -- a less than grand total of about 50 cents per resident per year.

IR 1534 sponsored by Legislator Cooper would address that short coming by providing the public with the opportunity to decide if they are willing to commit 50 cents a year to improving their representation, to reducing the almost universal disdain Americans have for a campaign financing system which they feel has evolved into a play to pay, pay to be heard, pay to prevent harm system of dubious integrity for all parties concerned. Pardon my strong words, but everyone in this room knows that is exactly how most Americans feel. Frankly, I would think that an elected official would be anxious to alter the system that causes his or her constituents to question their

ability to represent them fairly.

The Campaign Finance Board was created to implement and administer a public financing program, among other duties. The Board takes no formal position on how the funding should be provided. It feels that the determination of method is the responsibility of the legislative process. However the Board does strongly support providing a reliable funding mechanism in order to fully implement a system that voters have already approved.

This proposed bill would provide the citizens of Suffolk County the opportunity to impose on themselves the practically invisible burden of 50 cents per year in order to increase the diversity of the candidates seeking to represent them. To reduce the number of uncontested elections; to improve their access to those proposing to represent them, and to reduce the widespread perception that democracy in this country is for sale. I thank you and if you have questions I will do my best to answer them.

**CHAIRMAN GULDI:**

Any questions for the speaker?

**LEGISLATOR VILORIA-FISHER:**

No.

**MR. LUTZ:**

Thank you.

**LEGISLATOR VILORIA-FISHER:**

Thank you, Lee.

**CHAIRMAN GULDI:**

The next card is by Michael Scipio.

**MR. SCIPIO:**

Good morning.

**CHAIRMAN GULDI:**

Good morning.

**MR. SCIPIO:**

Thank you. Bear with me. My name is Mike Scipio and I represent Hamlet Restoration. It's a not-for-profit organization that rehabs houses. Under 1468 there's a parcel that is on the page here to be transferred over to the corporation and I would just like to talk about that for a second. What the corporation does is we take houses that have been boarded up and we rehab them and we sell them to first time buyers at a discounted price. I have done two houses so far and I got a couple of pictures if anybody's interested -- and that particular house and as the house is transferred everything is done in a very short and timely manner all professional. That particular house there I finished in three months sold for \$85,000 it was a fire job totally turned around and done right. The object and the mission of the corporation is to get the blighted houses off the block to -- I guess you would say make the houses that weren't livable livable for first time buyers. It puts the houses back on the tax roll and it's a plus/plus and a win/win for everybody. And that was the reason for me speaking this morning and hopefully that we can clear the way for this next parcel to be transferred. Thank you very much.

**CHAIRMAN GULDI:**

Are there any questions for the speaker? Nobody has any questions. Thank you very much.

**LEGISLATOR VILORIA-FISHER:**

Thank you.

**CHAIRMAN GULDI:**

Third card is Vincent Iaria.

**DIRECTOR IARIA:**

I just wanted to go on record on Resolution 1424 this is repealing costly laws archaic statutes Section 2C repeals the Probation Department's ability to run detention services. I don't know if you wanted to do that; we don't see that as our archaic.

**LEGISLATOR CRECCA:**

Say it again?

**DIRECTOR IARIA:**

Section 2C Chapter 39 of the Suffolk County Code dealing with the establishment and functions of the Division of Detention Services as a Department of Probation is hereby repealed and Suffolk Division of Detention Services abolished. If you wanted to do that you have a problem with New York State County Law 218 A which says the County Executive must designate a detention agency. I believe that that's the section that gives us the power to operate detention and it answers the State rules and regulations from OCFS or Detention Services. That's 1424.

**LEGISLATOR VILORIA-FISHER:**

What section was he reading from? Can you say what section you were reading from?

**DIRECTOR IARIA:**

Sure it's 1424 Section 2 C.

**LEGISLATOR CRECCA:**

And again I apologize; I just got the bill in front of me now, which section of the bill specifically? George was telling me the wrong IR number.

**CHAIRMAN GULDI:**

Blame me.

**DIRECTOR IARIA:**

1424 C.

**LEGISLATOR CRECCA:**

I got it. Thank you. I'm a little behind today.

**LEGISLATOR VILORIA-FISHER:**

Counsel, is this --

**CHAIRMAN GULDI:**

-- yeah, questions, Legislator Vioria-Fisher. Counsel, would you address the comments on the reconciliation of the repeal as provided Subdivision C of the proposed bill and the County Law.

**MR. SABATINO:**

Well, the County Law is one of those few state statutes that is subordinate to local legislation. So that wouldn't be the driving force. The driving force would be whether or not the division in fact exists and if it does anything. So if there is a division of Detention Services that's in existence than that provision may have to be revisited but it's not -- the issue is not Section 218 of the New York County law, the issue is whether or not there is a division.

**DIRECTOR IARIA:**

Well, there is a division.

**CHAIRMAN GULDI:**

Who's in it and what's it do? Keep it simple for me.

**DIRECTOR IARIA:**

It runs Detention Services for Suffolk County; it transports kids to facilities; it -- they're designing the new detention facility.

**CHAIRMAN GULDI:**

Who's in it now, how many personnel do you have in it?

**DIRECTOR IARIA:**

Probably about 20 people.

**CHAIRMAN GULDI:**

Okay. So the sponsor on this is the Presiding Officer. We'll bring your remarks to the attention of the Presiding Officer and seek revision of the bill. Thank you for bringing it to our attention. Any other questions? Next speaker is Mr. Anthony Pirozzi speaking on 1479. Mr. Pirozzi.

**MR. PIROZZI:**

Good morning, honored members of the Ways & Means committee. My name is Anthony Pirozzi and I'm pleased to appear before you as a business agent and trustee of Teamsters Local 282 and also a proud resident of Suffolk County and also affiliated with Long Island Federation of Labor.

The Local 282 Executive Board and its 4,000 plus membership stand firmly behind passage of bill 1479 and we urge every member of the Legislature to support this bill. We thank the committee for its consideration of 1479 and we offer special thanks to our brother, the Honorable William Lindsay for his leadership in promoting this campaign for greater balance in the workplace. Local 282 notes that the neutrality and card check provisions of 1479 will a line procurement practices in Suffolk County with those in the state as a whole. Thus we believe that the passage of 1479 will stabilize and will not disrupt the operation of employers who do business with the County. The neutrality card check rules will preserve employees' free choice on the question of unionization and will protect employees from the threats and coercive tactics practiced by certain unscrupulous employers who seek to do business with the County on the backs of their employees.

Local 282 respectfully submits the bill #1479 strike proper balance among and between the interest of business labor and citizens of this fine County. Local 282 urges adoption of this legislation and we thank you for the opportunity to express our support for this bill 1479 and I have a copy of this statement.

**CHAIRMAN GULDI:**

Thanks. Sir, I want to bring to your attention the fact that 1479 is scheduled for a public hearing before the full Legislature next Tuesday. Because of our procedures and that public hearing not yet having been held, it will have to be tabled here today; we cannot act on it .

**MR. PIROZZI:**

Fine.

**CHAIRMAN GULDI:**

But Tuesday afternoon at 2:30 there would be an opportunity for any interested speaker to speak before the Legislature regarding this -- the full Legislature regarding this issue and the meeting will be held in Riverhead not here.

**MR. PIROZZI:**

Okay, thank you.

**CHAIRMAN GULDI:**

Legislator Fields has a question.

**CHAIRMAN GULDI:**

Sir, one of my colleagues has a question for you could you please, Mr. Anthony Pirozzi.

**LEGISLATOR FIELDS:**

Mr. Pirozzi, I'm over here. Could you just tell me how -- I'm not quite sure why this bill came before or it was even created but can you tell me how the County would interfere -- what would be a way that the County would be interfering in any collective bargaining activities?

**MR. PIROZZI:**

Well, if they prohibit the business agencies and unions to go on to some of these job sites where, you know, the work are being performed, you know, so we do have a chance to organize.

**LEGISLATOR FIELDS:**

Does that happen where they're prohibited from going?

**MR. PIROZZI:**

In certain areas we can't get into.

**LEGISLATOR FIELDS:**

But the County, the County has done that?

**MR. PIROZZI:**

Well, I don't know if the County themselves; sometimes it's the, you know, the people running the jobs. I wouldn't say the County themselves, but a lot of times it's the foremen.

**LEGISLATOR FIELDS:**

But this bill is saying that it's a Local Law to prohibit use of County resources, so I'm just trying to figure out what --

**LEGISLATOR BISHOP:**

-- it doesn't -- it prohibits the County from doing business with companies that take these actions to --

**LEGISLATOR FIELDS:**

-- okay --

**LEGISLATOR BISHOP:**

-- to discourage unions and not a level playing.

**LEGISLATOR FIELDS:**

Okay, thank you. Thanks.

**CHAIRMAN GULDI:**

All right. I don't have any other cards. Does anyone else want to address the committee? I see Mr. Tempera is here; do you have anything you want to volunteer today?

**MR. TEMPERA:**

I will save my comments for later.

**CHAIRMAN GULDI:**

All right, going to the agenda.

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**Tabled Resolutions**

**1021. Adopting Local Law No. –2003, A Charter Law to restore and ensure honesty and integrity to Suffolk County land transactions. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, AND FINANCE (Caracciolo)**

**LEGISLATOR CARACCIOLO:**

When will the Chairman make sometime to sit down with the sponsor and work out the revision we talked about three months ago?

**CHAIRMAN GULDI:**

Yeah, well, I don't have my copy of those changes anymore, I gave them to you; do you still have them?

**LEGISLATOR CARACCIOLO:**

I told you I do.

**CHAIRMAN GULDI:**

I understand the Division has substantial comments on it, too. I haven't seen or heard theirs. I mean, unfortunately, I don't have an hour stretcher I'm constricted to 168 hours a week no matter what I do.

**LEGISLATOR CARACCIOLO:**

I thought you were like Legislator Tonna, you only allocate so many hours a week to your Legislative duties.

**CHAIRMAN GULDI:**

No more than 168.

**LEGISLATOR CARACCIOLO:**

Yeah. Right, okay. Is that like the two piles of messages in the office, too? Careful what you say, George.

**CHAIRMAN GULDI:**

With respect to the bill, sir; what do you want to do?

**LEGISLATOR CARACCIOLO:**

I want to hear comments from the Division of Real Estate.

**CHAIRMAN GULDI:**

Oh, okay.

**LEGISLATOR CARACCIOLO:**

We haven't heard from them yet on the specifics.

**DIRECTOR COSTIGAN:**

We had been waiting for a revised copy. We understand if you want I will give you my original comments, they're substantial.

**LEGISLATOR CARACCIOLO:**

I appreciate that, Chris.

**DIRECTOR COSTIGAN:**

Fine.

**LEGISLATOR CARACCIOLO:**

I always appreciate your input because I know that since the unfortunate events of late, what is it now, 2001, from my perspective you have really stepped into and filled an important position and you continue to do fine work so your comments will be very much looked for. Thank you.

**DIRECTOR COSTIGAN:**

Thank you.

**CHAIRMAN GULDI:**

Motion to table?

**LEGISLATOR CARACCIOLO:**

Yes.

**CHAIRMAN GULDI:**

Second by Legislator Fields. All those in favor? Opposed? **Tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1078. Adopting Local Law No. –2003, A Charter Law to establish a fully independent County Department of Real Estate. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE (Binder)** Legislator Binder has asked that it be tabled. I will make the motion to table.

**LEGISLATOR CRECCA:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Crecca. All in those favor? Opposed? **Tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1094. Adopting Local Law No. –2003, A Charter Law in connection with reduction of number of County Legislature Districts to eleven ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE (Caracciolo, Tonna)**

**LEGISLATOR BISHOP:**

Motion to table subject to call.

**CHAIRMAN GULDI:**

Motion to table subject to call by Legislator Bishop.

**LEGISLATOR VILORIA-FISHER:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Viloría-Fisher. All in those favor? Opposed?

**Tabled subject to call (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1095. Adopting Local Law No. -2003, A Charter Law in connection with reduction of number of County Legislative Districts. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE (Alden, Haley, Towle, Binder)**

**LEGISLATOR BISHOP:**

Motion to table subject to call.

**CHAIRMAN GULDI:**

Same motion, same second, same vote. **Tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1113. Requiring exit interviews for all County employees. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE (Postal)**

**I have a note that the Presiding Officer will be withdrawing or has withdrawn 1113.**

**LEGISLATOR CARACCILO:**

So typical.

**CHAIRMAN GULDI:**

**1148. To authorize and empower performance-based audit of all County Departments, Offices, and Agencies. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE (Bishop)**

**LEGISLATOR BISHOP:**

Motion to table subject to call.

**LEGISLATOR VILORIA-FISHER:**

Second.

**CHAIRMAN GULDI:**

Motion to table subject to call, second by Legislator Viloría-Fisher. All those in favor? Opposed?  
**Tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**LEGISLATOR BISHOP:**

I'm going to shorten this agenda next time.

**CHAIRMAN GULDI:**

You could have just withdrawn it.

**LEGISLATOR BISHOP:**

I am revising it.

**CHAIRMAN GULDI:**

Well, same difference?

**1158. Adopting Local Law No. -2003, A Charter Law to reduce number of County Legislative Districts to eleven. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Caracciolo)**

**LEGISLATOR BISHOP:**

Motion to table subject to call.

**CHAIRMAN GULDI:**

Same motions, same second, same vote. **Tabled Subject to call (Vote: 6-0-0-1 Not Present: Legislator Haley).** Rolling right along here.

**1224. Enforcing reverter clause for 72-h real estate transfers. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Postal)** How are we going on that, your analysis and review of that project?

**DIRECTOR COSTIGAN:**

I received a copy of a letter yesterday from Ms. Postal saying that she was going to revise this substantially.

**LEGISLATOR CARACCILOLO:**

There is a corrected copy out; I received it on the fax this morning at my office.

**MR. SABATINO:**

A corrected copy was filed late last night.

**CHAIRMAN GULDI:**

Could you give us what the corrections are?

**LEGISLATOR CRECCA:**

Can we act on revised copy?

**MR. SABATINO:**

Well, the three fundamental changes. One is to have the Director of Affordable Housing process

the paperwork with regard to the status of reverter clauses for properties being transferred into the Affordable Housing Programs. The second major component is to impose a penalty clause on towns and villages that do not submit the annual reporting information that they're currently required to file under County Law regarding the use of the properties that are transferred to them for affordable housing; the penalty would be they would become ineligible to receive future 72-h transfers until such time until they came into full compliance. The third compliance is for non-affordable housing situation which would mean towns, villages, schools, State, Federal government, whoever would receive properties in non-affordable housing situation they also would have to submit an annual report regarding the status of the properties and compliance with the reverter clause and a penalty for them would also be ineligibility for future 72-h transfers in the event that they didn't comply with reporting requirements. Those are the three fundamental changes.

**CHAIRMAN GULDI:**

I'm going to make a motion to table --

**LEGISLATOR CRECCA:**

-- second --

**CHAIRMAN GULDI:**

-- for one cycle so the division has an opportunity to review, analyze and report to us on the impact of the changes, okay? Second by Legislator Crecca. Discussion? All those in favor? Opposed?

**Tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1226. Adopting Local Law No. –2003, A Charter Law to reform Early Retirement Incentive Program process to ensure real cost savings. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Fields)**

**LEGISLATOR FIELDS:**

Motion to table.

**LEGISLATOR VILORIA-FISHER:**

Second.

**CHAIRMAN GULDI:**

Motion to table by Legislator Fields, second by Legislator Viloría-Fisher. All those in favor? Opposed? **Tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1231. To implement Space Management Reform. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Fields)**

**LEGISLATOR FIELDS:**

I'm going to table this one more time, we're working on something.

**LEGISLATOR VILORIA-FISHER:**

Second.

**CHAIRMAN GULDI:**

Same motion, same second, same vote. **Tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1410 Authorizing use of Suffolk County Smith Point Park for Bay Area Civic Association Carnival/Concert show. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Towle)**

**LEGISLATOR BISHOP:**

Motion to table subject to call.

**LEGISLATOR VILORIA-FISHER:**

Counsel, there are three --

**LEGISLATOR CARACCILO:**

-- events --

**LEGISLATOR VILORIA-FISHER:**

-- resolutions here sponsored by Legislator Towle; what do we do?

**LEGISLATOR CRECCA:**

The date passed on this already, didn't it, it says May 29th, June 8<sup>th</sup>. I don't mean to interrupt I'm just.

**LEGISLATOR VILORIA-FISHER:**

There are two others, I'm just wondering do they need a new sponsor, what happens?

**MR. SABATINO:**

No. The rule is that any legislation that was actually laid on the table prior to May 29th for which Legislator -- former Legislator Towle was the sponsor continue subject to six month rule.

**LEGISLATOR VILORIA-FISHER:**

Okay.

**MR. SABATINO:**

Anything that was going to be laid on the table on or after that date they fall by the wayside in the absence of a sponsor.

**LEGISLATOR VILORIA-FISHER:**

Okay.

**CHAIRMAN GULDI:**

I had a motion to table subject to call, do I have a second on that?

**LEGISLATOR FIELDS.**

I'll second the motion.

**CHAIRMAN GULDI:**

Second by Legislator Fields. All those in favor? Opposed? **1410 is tabled subject to call (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1422 Adopting Local Law No. –2003, A Charter Law to Reform Charter Revision Commission for good government purposes. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Fisher)**

**LEGISLATOR VILORIA-FISHER:**

I'd like to make a motion to approve.

**LEGISLATOR CARACCILO:**

Explanation.

**CHAIRMAN GULDI:**

Legislator Caracciolo asks for an explanation from Counsel.

**MR. SABATINO:**

Okay. 1422 amends existing legislation. We currently have a Charter Law that's on the books that provides for a Charter Revision Commission to meet every ten years. That composition currently consists of five legislative appointments, five County Executive appointments and five joint, Presiding Officer and County Executive appointments for a total membership of 15. So that's what the law currently is.

The change here would be that, number one, at least five of those members would have to be in one of the following categories. A representative from NYPIRG, a representative from Common Cause, a representative from the League of Women Voters, a representative from the Nassau-Suffolk Neighborhood Network and a representative from a nationally recognized public interest organization. So five out of the 15 would be from at least -- at least five out of 15 would be from those categories. The second change is that five of the 15 members would now be appointed by the County Legislature instead of those five appointments that I mentioned before, that are joint Executive/Presiding Officer appointments. The third major change would be that the scope of the Charter Revision Commission would be broadened to include a separate report which would be distinct from the normal Charter Revision analysis that they're doing which would deal exclusively with the issue of evaluating Suffolk County's operating budget, the community college budget, the Capital Budget for the purpose of making recommendations regarding, you know, budgetary items such as management reform or technology efficiencies or cost savings, items of that nature.

**LEGISLATOR CARACCILO:**

Mr. Sabatino, when was the report from the last Charter Revision Commission completed?

**MR. SABATINO:**

It was completed in I think it was May of 1997.

**LEGISLATOR VILORIA-FISHER:**

Is it seven?

**LEGISLATOR CARACCILO:**

And the next Charter Revision Commission would meet when?

**MR. SABATINO:**

Well, the next Charter Revision Commission because that's -- it's ten years from when the previous one was composed so I believe that that one was composed probably in 1995 or 1996. So the next one will be coming up in 2005 or 2006.

**LEGISLATOR CARACCILO:**

So there's plenty of opportunity to deal with the composition of this commission, A. B, my recollection of previous commission reports and recommendations is that very little if none of their recommendations have ever received serious consideration by the Legislature and that's because when you're dealing the business of government a lot of their ideas while they may be noteworthy, Legislators find very difficult to enact, you know, brief forms like consolidating the Office of Treasurer and Comptroller. Former Legislator Levy and I have sponsored that legislation long before the commission proposed to do the same and there isn't a political will around this horseshoe to do that.

So while I think there are some changes here that are commendable and while I might be inclined to support that, I think it's quite premature given the fact that this commission won't be called for at least another two to three years to pursue this at this time. I think what the Legislature should do is go back and look at the last Charter Revision Commission Report and look at some of the excellent recommendations that were made and then and in the previous one in the late '80's

**LEGISLATOR VILORIA-FISHER:**

Actually, to answer your question, Legislator Caracciolo, with regards having that balance, okay, if you'll notice under each category it's five members appointed by the Presiding Officer one of whom shall meet criteria in that paragraph four.

**LEGISLATOR CARACCILO:**

Uh-huh.

**LEGISLATOR VILORIA-FISHER:**

So there's that choice of four members that are the Presiding Officer's choice.

**LEGISLATOR CARACCILO:**

Right.

**LEGISLATOR VILORIA-FISHER:**

And then one member of that group would be from that advocacy -- one of those advocacy groups and the same holds true under B which is the five members appointed by the County Executive and two of whom would be from those advocacy groups and C, again, which is the joint choice you have two shall meet the criteria of that fourth paragraph which is that group of advocacy individuals. And I agree with you, I think that you run the risk of making political choices, okay, when you have the Charter Revision. The reason I presented this introduced this is because I feel that having people from the advocacy groups might be a pull away from just making politically expedient decisions and maybe it could be a voice of somebody who is not in the political {milure}. And so I think we're saying the same thing.

Why introduce it now? I believe that by the time we get the group together, by the time we set up the committee we're already almost at the end of our 2003 cycle, you know, as far as meetings are concerned. We will be into 2004 as we start to put this group together. If we need to have it done two years hence I think 2005 you need to have the group put together so I think it will take awhile to get the group put together. So I'm trying to anticipate having beginning the process and so I don't think that it's premature at this point to introduce this.

**LEGISLATOR CARACCILO:**

Okay. The only observation I would make is that since we will be -- the voters will be electing a new County Executive in the fall that perhaps that individual when elected would also like some input on this matter. But bottom-line is one, the commission does its work and the commission has done good work it's really incumbent upon the members of the Legislature to take a hard look at it quite honestly that really has never taken place.

**LEGISLATOR VILORIA-FISHER:**

You bring up a good point that I'd like to ask Counsel about that. When a new County Executive is elected, would he then have the ability to choose his own members?

**MR. SABATINO:**

Well, the one -- the one certitude is that the next County Executive, whoever that will be, will be making appointments under the old statute or new one. So clearly, whether you do the amendment or you don't do the amendment, the role of the County Executive to be played will be played by the next County Executive.

**LEGISLATOR VILORIA-FISHER:**

Okay, Legislator Caracciolo?

**LEGISLATOR CARACCIOLO:**

Uh-huh, okay. And Counsel, just to recap, how many appointments under this proposal would the County Executive have?

**LEGISLATOR VILORIA-FISHER:**

Five.

**MR. SABATINO:**

The existing law the County Executive has five but plus he or she jointly picks with the Presiding Officer another five and the PO picks five. The change would be that the five that are formally joint PO/Executive appointments would be converted into legislative appointments; so it would be five, five and five.

**LEGISLATOR CARACCIOLO:**

Gotcha. Thank you.

**LEGISLATOR CRECCA:**

Mr. Chairman was I next?

**CHAIRMAN GULDI:**

Yeah. Legislator Crecca is next.

**LEGISLATOR CRECCA:**

Legislator Fisher,

**LEGISLATOR VILORIA-FISHER:**

Yes.

**LEGISLATOR CRECCA:**

Question for you, a couple of questions. Why under the bill, under the changes you have for the Presiding Officer's appointments you have one has to meet criteria, correct?

**LEGISLATOR VILORIA-FISHER:**

Yes.

**LEGISLATOR CRECCA:**

And then for the County Executive, two have to meet criteria why the distinction between the two of those? I mean, if there was there may not have been much of a reason behind that.

**LEGISLATOR VILORIA-FISHER:**

I think it's just -- I suppose giving more weight to the Legislative Branch, that's basically my sense.

**LEGISLATOR CRECCA:**

Actually, but under this proposal we have 10 appointments under the Legislative Branch as opposed to the County Executive's five. So it's already weighted heavily in our favor.

**LEGISLATOR VILORIA-FISHER:**

So yes, but the intent is to weight it more in the favor of the Legislature.

**LEGISLATOR CRECCA:**

The other question I have for you is there were five groups or four groups plus criteria for a fifth group and I'm not -- I have to apologize, I'm not familiar with all of these groups, but if you could quickly go through the rationale behind there's the league is common cause Nassau-Suffolk Neighborhood Network NYPIRG and then a publicly acknowledged and nationally recognized public interest organization.

**LEGISLATOR VILORIA-FISHER:**

That's just a broad --

**LEGISLATOR CRECCA:**

-- that last one obviously is a broad I don't know what that means, but I mean on the other ones why NYPIRG, why Nassau-Suffolk Neighborhood Network?

**LEGISLATOR VILORIA-FISHER:**

Well, I felt that they were all advocacy groups that advocate for good government issues.

**LEGISLATOR CRECCA:**

Okay, yeah. Can you --

**LEGISLATOR VILORIA-FISHER:**

-- it is on. It's not picking me up?

**LEGISLATOR CRECCA:**

No, I heard you. And why do we have them reporting on the budget, what was the reason for that change? I'm just asking this is I took a look at the bill and -- how powers and duties there's a separate report on the budget. One of my concerns is that it's a great idea, I just don't know if these people will have the expertise or ability to do that.

**LEGISLATOR VILORIA-FISHER:**

Well, I believe in making the appointment we would look at what is required of the committee and in so doing make the appropriate appointments. So with 15 appointments I think that as

Legislators, the Presiding Officer and County Executive, we would choose those people that we feel could bring to the table an understanding of budgetary issues. And don't forget that the budget, the operating budget is policy statement as well as fiscal statement and so those advocacy groups can bring to the table the issue, the policy issues that we want to see in our budget, but we would be -- it would be incumbent upon the Legislature and Presiding Officer and County Executive to those choose those people who would know something about the operating budget as well so that there would be a balance in the makeup.

**LEGISLATOR CRECCA:**

I would request especially if we don't act on it today that possibly on A and B since we have five appointments that are going to be subject to those provision that possibly we consider not requiring or make it even at least between the Presiding Office and the County Executive, make it one and one instead of one and two. And I guess I tend to have a preference, but I'm going to keep an open mind on it to have I like the idea of Presiding Officer and County Executive having to jointly choose five members. It sort of forces the two of them to sit down and agree on five people, you know, I mean in the particular circumstances if it was being done tomorrow it's also good you have a Democrat and Republican. And I think it's, you know, fairly different political views so it would sort of I think it would create some good choices. So I would just recommend that you consider leaving three of the joint appointments, but possibly leaving criteria on also that you're talking about.

**LEGISLATOR VILORIA-FISHER:**

Mr. Chair.

**CHAIRMAN GULDI:**

Go.

**LEGISLATOR VILORIA-FISHER:**

Because of all the questions I'm going to withdraw my motion to approve and make a motion to table, at least for one session so that we can -- so that we can discuss it and work with my colleagues.

**LEGISLATOR CRECCA:**

Yeah, I think the intent behind the bill is good just so you understand. I look forward to being able to support it.

**CHAIRMAN GULDI:**

All right. Legislator Bishop, you are still on the list; you want to speak on the issue now?

**LEGISLATOR BISHOP:**

It's probably more important to speak now than later.

**LEGISLATOR VILORIA-FISHER:**

Is there a second on the tabling?

**LEGISLATOR CARACCILO:**

Yes.

**LEGISLATOR FIELDS:**

I would table, second.

**LEGISLATOR BISHOP:**

I want to consider the following, that in my opinion, while I'm sympathetic to nearly every organization that you put on your list, I think the fact that you are limiting the search for large segment of the body to those organizations ultimately will have the effect of severely limiting the pool of people it can serve. For example, I want to just go through NYPIRG right.

**LEGISLATOR VILORIA-FISHER:**

Yes.

**LEGISLATOR BISHOP:**

I don't -- to my knowledge I know of nobody in my district that is active in NYPIRG; League of Women Voters there's no chapter in my section of the County. Neighborhood Network is Nassau based and I know they're active in Brookhaven and out east, but not in my area of the County.

**LEGISLATOR VILORIA-FISHER:**

I see.

**LEGISLATOR BISHOP:**

What's the other two?

**LEGISLATOR VILORIA-FISHER:**

We'll at least one appointment to the commission should be a member of a publicly acknowledged and nationally recognize public interest organization. That's a broader.

**LEGISLATOR BISHOP:**

That's a better -- that's broader brush and I think that's a better way to do it than to name the specific organizations.

**LEGISLATOR VILORIA-FISHER:**

Well, actually that is one of the ways it's doing it; that's the fifth choice.

**LEGISLATOR BISHOP:**

I know, but it's only for one spot.

**LEGISLATOR VILORIA-FISHER:**

Yes. But it doesn't -- let me just explain it says five members to be appointed one of whom shall meet the criteria of subsection 4 of this paragraph. So it doesn't -- the legislation doesn't call for a member of that paragraph who hasn't -- who represents different groups of that paragraph; it could be anyone of those five choices.

**LEGISLATOR BISHOP:**

I see.

**LEGISLATOR VILORIA-FISHER:**

So that fifth choice can be repeated three times.

**LEGISLATOR BISHOP:**

Okay.

**LEGISLATOR VILORIA-FISHER:**

Okay? So that's the reason that's put in there so that no one is limited to only those groups that I

happen to have thought of.

**LEGISLATOR BISHOP:**

Good.

**LEGISLATOR VILORIA-FISHER:**

Because I don't assume that I know all of the advocacy groups for good government.

**LEGISLATOR BISHOP:**

Fine. Good. Thank you.

**CHAIRMAN GULDI:**

Legislator Fields stepped out of the room, but the point I wanted to make and one concern I have is, there's nothing in the legislation to prevent all five of the members appointed through this process to come from the same group.

**LEGISLATOR CRECCA:**

No. According to the way it's written though it says at least one member shall be from the League of Women Voters.

**LEGISLATOR VILORIA-FISHER:**

I'm sorry, I may have been mistaken.

**MR. SABATINO:**

I think people are confusing two different ideas. The reason for the one, two and two is that arithmetically you have to get to five so two are given to the Legislature two are given to the County Executive and one to the Presiding Officer so that you can get to the five minimum requirement. It can go beyond five, but you have to get to those five.

**CHAIRMAN GULDI:**

Right, but Counsel my point is, is there anything in the bill to prevent all five of those people coming from, for example, the League of Women Voters?

**MR. SABATINO:**

Yes. You have to have at least one from each.

**LEGISLATOR VILORIA-FISHER:**

Mr. Chair, I made an error in my response to Legislator Bishop because it has to be one from each of those. I made a mistake and said -- I misspoke and said that it didn't have to be one from each.

**LEGISLATOR BISHOP:**

All right, that is a concern.

**LEGISLATOR CRECCA:**

The other problem is that if I could just jump in is that the way the bill is written you could have a problem because if the County Executive and the Legislature aren't coordinating every appointee you're not --

**LEGISLATOR VILORIA-FISHER:**

-- you have two from one --

**LEGISLATOR CRECCA:**

Yeah. So I really think that we need to be more specific --

**LEGISLATOR VILORIA-FISHER:**

-- more coordination -

**LEGISLATOR CRECCA:**

-- or just be more specific that League of Women Voters is going to be appointed by the Legislature and this organization and this one has to be appointed by the County Executive and things like that. So, you know, I think we need to make it clear because there will be times unfortunately when the two branches of the government may not communicate well and we don't want to hold up the commission appointment on moving forward because of a stalemate I think I heard that.

**LEGISLATOR FIELDS:**

That's why it needs to be -- should be passed now, it will take that long.

**LEGISLATOR CRECCA:**

Oh, okay. That's not what I thought you said all right that's fine. Yeah, that's true.

**LEGISLATOR VILORIA-FISHER:**

Actually, that was the point I had made to Legislator Caracciolo's initial question which is that it might be premature. It will take awhile to put this together especially since there is that need to cooperate among the different branches. So we've made note of all of the comments and I'd be happy to get any further input and continue to work on this because I think it's a very important piece of legislation.

**CHAIRMAN GULDI:**

Legislator Caracciolo is getting antsy. Is there anybody else who would like to speak on this issue?

**LEGISLATOR VILORIA-FISHER:**

Motion to table.

**LEGISLATOR CRECCA:**

Second.

**CHAIRMAN GULDI:**

Motion to table by Legislator Fisher, second by Legislator Crecca. All those in favor? Opposed?

**Tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1423 Adopting Local Law No. --2003, A Charter Law authorizing partial County funding of voluntary public financing for County elections through County contract processing fee. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Fisher)**

**LEGISLATOR CARACCIOLO:**

Motion.

**CHAIRMAN GULDI:**

Motion to approve --

**MR. SABATINO:**

The public hearing was recessed.

**CHAIRMAN GULDI:**

Public hearing has been recessed. Motion to table by myself.

**LEGISLATOR VILORIA-FISHER:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Fisher. All those in favor? Opposed? **Tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1424 Adopting Local Law No. --2003, A Local Law to streamline County government by repealing costly laws, archaic statutes, superfluous boards, and duplicative commissions. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Postal)** We heard from Mr. Iaria before. I'll make a motion to table.

**LEGISLATOR FIELDS:**

Motion to table.

**CHAIRMAN GULDI:**

Motion to table, second by Legislator Fisher -- Legislator Fields. All those in favor? Opposed? **Tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1425 To ensure League of Women Voters representation on Reapportionment Commission. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Fisher)** Legislator Fisher, you want to withdraw this? What do you want to do with this? I think it's a little moot, a little post mature.

**LEGISLATOR VILORIA-FISHER:**

Actually --

**CHAIRMAN GULDI:**

-- actually, we won't need it until 2013.

**LEGISLATOR VILORIA-FISHER:**

Well, at the rate that we work on reapportionment it may not be premature.

**LEGISLATOR CRECCA:**

The bill talks about the 2000 Census so I think we should probably --

**LEGISLATOR VILORIA-FISHER:**

-- yes.

**MR. SABATINO:**

The bill actually deals with both. There was 2000 as well as prospective because of timing filed that you're uncertain as to the process. So it would apply to the future if you wish to establish

that policy for the future.

**CHAIRMAN GULDI:**

So is there a motion?

**LEGISLATOR VILORIA-FISHER:**

Yes, I'm going to make a motion to approve.

**LEGISLATOR CARACCIOLO:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Caracciolo. All in favor?

**SPEAKER:**

(inaudible)

**CHAIRMAN GULDI:**

It puts the League of Women Voters represent on Reapportionment Commission.

**LEGISLATOR VILORIA-FISHER:**

I'm hoping that that would make it so that we maintain Reapportionment Commission.

**LEGISLATOR CRECCA:**

That's my question is, is there anything codifying the Charter Law or otherwise that requires the appointment of a Reapportionment Commission?

**MR. SABATINO:**

No. That's why the legislation is drafted from the standpoint of whatever reapportionment commission that might take place if any be it either by legislation or by Presiding Officer's selection this would require that whatever that progression is at least incorporate a representative.

**LEGISLATOR VILORIA-FISHER:**

Any official commission.

**LEGISLATOR CRECCA:**

Can I make a suggestion to Legislator Fisher? I would be willing to sit down with you and cosponsor a piece of legislation possibly to set up some parameters for future redistricting and this might be – maybe we can do something more comprehensive than what is here.

**LEGISLATOR VILORIA-FISHER:**

Actually, I would like to start with this and then do something more comprehensive.

**LEGISLATOR CARACCIOLO:**

You have ten years.

**LEGISLATOR CRECCA:**

Yeah, we do have ten years.

**LEGISLATOR VILORIA-FISHER:**

We do have ten years. Well, would you like to put that on a piece of literature, Andrew? Hopefully, you don't want to be here that long.

**LEGISLATOR CRECCA:**

I assume term limits will still be in effect and I won't be able to be here ten years.

**LEGISLATOR BISHOP:**

Here's the problem as I see it if I may. None of us will be around when the next redistricting comes. The legislation will be forgotten then someone will discover it and challenge the process that the new batch of legislation –

**CHAIRMAN GULDI:**

-- that's not true; in 30 years Paul Sabatino will still be here. It's a life sentence.

**LEGISLATOR BISHOP:**

Why don't we leave redistricting to next batch of Legislators that will be doing it?

**LEGISLATOR CRECCA:**

That's actually a pretty good point.

**LEGISLATOR VILORIA-FISHER:**

I will tell you why because I don't think that the next batch of Legislators --

**LEGISLATOR FIELDS:**

-- I'm taking Counsel with me --

**LEGISLATOR VILORIA-FISHER:**

-- will have experience what we just experienced which was a very frustrating sloppily put together process. And I think the people of Suffolk County deserve more than that. At least this is assuring that there will be an advocate for good government who is involved in the process. That was something that was sorely lacking in this recently experienced debacle that we had here in the Reapportionment Committee.

**LEGISLATOR FIELDS:**

Motion to approve?

**LEGISLATOR VILORIA-FISHER:**

Yeah.

**LEGISLATOR FIELDS:**

I will second the motion.

**CHAIRMAN GULDI:**

it's been seconded. All those in favor? Opposed? Approved.

**LEGISLATOR BISHOP:**

I will abstain.

**CHAIRMAN GULDI:**

Oh, one abstention. **Approved (Vote: 5-0-1-1 Abstention: Legislator Bishop - Not Present:**

**Legislator Haley).**

**LEGISLATOR CRECCA:**

He doesn't have a League of Women Voters representative in his district anyway.

**CHAIRMAN GULDI:**

**1429 Amending the 2003 Capital Budget and Program and appropriating funds in connection with litigation related to the Forensic Sciences Medical and Legal Laboratory (CP 1109). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)**

**LEGISLATOR CARACCILO:**

Motion.

**CHAIRMAN GULDI:**

Legislator Caracciolo is making a motion. I'll second the motion and put the following on the record. We tabled this at the last time. This provides ongoing funding for litigation to recover claims with respect to the construction at the -- actually, against surety bond for the construction of Forensic Sciences Lab. The questions that we asked were Commissioner Bartha called me because they have both a -- they have conflicts this morning and can't be here for the meeting, He briefed me on the status of the litigation and informed me that the billing on this is reviewed not only by the Department of Public Works but also by Mr. Gable (sic) of the Law Department and they told me that Mr. Gable (sic) wouldn't be here in order to explain the litigation. Now I see him in the audience.

**LEGISLATOR VILORIA-FISHER:**

Cable.

**CHAIRMAN GULDI:**

Cable, Gable, Gable, whatever; come on down. Is it true that you have no knowledge and information on this subject?

**MR. CABLE:**

At the moment that's correct.

**CHAIRMAN GULDI:**

The first question I had one of the things that came up on the record at the last meeting, Mr. {Sinricks} litigation on behalf of the County against the surety bond company and I was told that you Mr. Gable (sic) review his invoices; is that correct?

**MR. CABLE:**

I review most of the invoices of outside Counsel, I can't tell you specifically whether I have seen any recently on this one, I have to look, I just don't recall.

**CHAIRMAN GULDI:**

Okay. Counsel, you said you had a technical question.

**MR. SABATINO:**

This is being paid from the 5-25-5 account and representation was made on the floor of the Legislature at the last meeting that we had exhausted the pay-as-you-go money. I just want to

be sure that this would still be available money and that's really a budgetary question.

**CHAIRMAN GULDI:**

Yeah. Are you coming forward to address the budgetary question? Are we going to pay this with no money?

**MR. KNAPPE:**

No, the statement that was made on the record was including this pending legislation.

**CHAIRMAN GULDI:**

All right, so this is allocated.

**LEGISLATOR BISHOP:**

This is to pay the lawyer how much?

**CHAIRMAN GULDI:**

The amount of this is authorization is \$50,000 though I understood from Mr. Bartha that that should take us through the pending discovery and the scheduled mediation. And I don't understand, I guess we're appropriating funds in anticipation of billing obviously they can't be disbursed until the billing is approved by both DPW and the Law Department. Technical question, Counsel you said you wanted to raise?

**MR. SABATINO:**

No, we just did it.

**CHAIRMAN GULDI:**

All right, so that was a technical question, budgetary question not a technical question.

**CHAIRMAN GULDI:**

Now that we don't have a quorum.

**MR. SABATINO:**

That's technical problem.

**CHAIRMAN GULDI:**

That's a technical problem we'll have to take a brief recess until some of my colleagues return.

**LEGISLATOR VILORIA-FISHER:**

They're getting coffee; they were so excited by the dialogue.

**CHAIRMAN GULDI:**

I just wish they would learn to contain themselves. Mr. Crecca is here, we do have a quorum. Fields is back.

**CHAIRMAN GULDI:**

On motion to approve, all those in favor? Opposed? **It's approved (Vote: 5-0-0-2 Not Present: Legislators Bishop & Haley).**

**CHAIRMAN GULDI:**

**1440 Authorizing use of Cathedral Pines County Park by Parents for Megan's Law for their fundraising event. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS &**

**FINANCE (Co. Exec.)**

**LEGISLATOR CRECCA:**

Motion.

**CHAIRMAN GULDI:**

Motion by Legislator Crecca.

**LEGISLATOR CARACCILOLO:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Caracciolo. Any questions on the correspondence resolution? All those in favor? Opposed? **Approved (Vote: 5-0-0-2 Not Present: Legislators Bishop & Haley).**

**1452 Sale of County owned real estate pursuant to Section 72-h of the General Municipal Law, Incorporated Village of Head of Harbor (0801-005.00-02.00-034.019). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)**

Do we have the individual resolution on this Counsel? (Bishop is back)

**MR. SABATINO:**

1452 the problem last time was that the reverter clause was -- the deadline for the reverter clause was missing, that was the issue.

**CHAIRMAN GULDI:**

Has that been corrected?

**MR. SABATINO:**

And also at that time there wasn't a village resolution attached as backup so there were two issues actually. Now in terms of --

**CHAIRMAN GULDI:**

-- the village resolution is now attached.

**DIRECTOR COSTIGAN:**

Mr. Chairman, this is the one where it's already a road.

**CHAIRMAN GULDI:**

I see.

**DIRECTOR COSTIGAN:**

And we're simply transferring title to the road to the village; there's no action for the village to take.

**CHAIRMAN GULDI:**

There's no reason for reverter clause cause it's already developed as a road.

**DIRECTOR COSTIGAN:**

Right.

**MR. SABATINO:**

Okay, now we have the village resolution.

**CHAIRMAN GULDI:**

Yeah. A copy of the village resolution is attached to my copy.

**LEGISLATOR VILORIA-FISHER:**

Motion to approve.

**CHAIRMAN GULDI:**

Second by Legislator Viloría-Fisher. Discussion?

**LEGISLATOR CRECCA:**

No.

**CHAIRMAN GULDI:**

All those in favor? Motion to approve and place on the consent calendar.

**LEGISLATOR CRECCA:**

Good idea, Mr. Chairman.

**CHAIRMAN GULDI:**

Actually, we should review the ones we've already approved for consideration of consent calendar. That one is approved and placed on consent calendar. **(Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1440 Authorizing use of Cathedral Pines County Park by Parents for Megan's Law for their fundraising event. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)** I will make a motion to place it on consent calendar, second by Legislator Crecca. All those in favor? Opposed?

**MR. SABATINO:**

By the way, there was a corrected copy on 1440 which corrected the error from the last meeting.

**CHAIRMAN GULDI:**

Okay.

**1455 Sale of County-owned real estate pursuant to 72-h of the General Municipal Law (Town of Brookhaven). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)** We table this Counsel, for the same reverter reason?

**MR. SABATINO:**

No. The same concern that was raised, no deadline and the other problem that was that the town board resolution said that the property was going to be used for drainage affordable housing and municipal purpose but the County said in this resolution that the property was going to be for drainage purposes so there was just a technical issue again with regard to reconciling. The request differed from what the approval is.

**DIRECTOR COSTIGAN:**

We did clarify this property as adjacent to existing sump. And again, I don't think there's anything for the town to do; its runoff and just absorption of the water. It's not where a structure is going to be constructed.

**CHAIRMAN GULDI:**

All right we'll get to that. Any questions on 1455 which is what is before us now? We have a motion to approve by myself and place on consent calendar, second by Legislator Crecca. Discussion? All those in favor? Opposed? Actually, Legislator Caracciolo, you want to make a motion on 1425 to place it on the consent calendar?

**LEGISLATOR CRECCA:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Crecca. All those in favor? Opposed? 1425 is on the consent calendar. That was page two.

**1468 Authorizing conveyance of parcel to Town of Babylon, for transfer to Hamlet Restoration Corp. Inc. (Section 72-h, General Municipal Law). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Postal)** We tabled this last time for lack of reverter Counsel

**LEGISLATOR FIELDS:**

No, resolution I think town resolution.

**MR. SABATINO:**

The last time the town board resolution was not available but in the intervening period the town resolution has been filed.

**CHAIRMAN GULDI:**

Motion to approve and place on the consent calendar.

**LEGISLATOR FIELDS:**

Second.

**CHAIRMAN GULDI:**

Second my Legislator Fields. All those in favor? Opposed? **Approved and placed on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1469 Authorizing use of Smith Point County Park property by Mastic Beach Fire Department, Inc., for Fourth of July fund drive. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Towle)**

**LEGISLATOR VILORIA-FISHER:**

Motion.

**LEGISLATOR VILORIA-FISHER:**

Motion to approve.

**CHAIRMAN GULDI:**

Legislator Foley has asked for a motion to approve. I will make a motion to approve and place on the consent calendar, second by Legislator Viloría-Fisher. Question by Legislator Fields.

**LEGISLATOR FIELDS:**

It says here the County of Suffolk shall receive consideration the total amount of one dollar.

**CHAIRMAN GULDI:**

Where are you reading from?

**LEGISLATOR CRECCA:**

The first RESOLVED clause.

**LEGISLATOR FIELDS:**

No it's WHEREAS clause, the fourth WHEREAS clause.

**LEGISLATOR CRECCA:**

It's also in the first RESOLVED too.

**LEGISLATOR BISHOP:**

Giving them the land for --

**LEGISLATOR FIELDS:**

I'm not sure, you know, that the County should be in the position of only receiving a dollar a day for the use.

**LEGISLATOR BISHOP:**

Is that where they station themselves at the toll booths?

**LEGISLATOR CARACCILO:**

Yes.

**LEGISLATOR BISHOP:**

I have a problem with that.

**LEGISLATOR CARACCILO:**

So do I.

**CHAIRMAN GULDI:**

All right, so we have a motion to approve than rather than a motion to place on the consent calendar.

**LEGISLATOR CARACCILO:**

Motion to table.

**LEGISLATOR CRECCA:**

If we table it it will never happen guys.

**CHAIRMAN GULDI:**

Motion to table by Legislator Caracciolo. Is there a second?

**LEGISLATOR BISHOP:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Bishop. On the motion to table.

**LEGISLATOR BISHOP:**

On the motion I mean, if you want the rationale for the motion to table community fire departments receive their money from within their taxing jurisdictions and then they do fund-raising from within their community. What this is is that the fire department is stationing itself at the tollbooth for a regional facility and it's I think of, you know, inappropriate authorization for us.

**LEGISLATOR CRECCA:**

Can I make a suggestion because of the timeliness of it? I would ask my colleagues to support a motion to discharge without recommendation and let it go before the full Legislature so that this group at least has their day?

**LEGISLATOR BISHOP:**

No, because they don't belong.

**LEGISLATOR CRECCA:**

It's just my recommendation.

**LEGISLATOR VILORIA-FISHER:**

I disagree because it is a fund-raiser for fire department; I have seen this done in other municipalities.

**LEGISLATOR CRECCA:**

They do it in St. James, too.

**LEGISLATOR BISHOP:**

They probably do it at the St. James Beach, right, for the community beach. This is a County beach, I'm sorry.

**LEGISLATOR VILORIA-FISHER:**

Well, I disagree I don't think it's inappropriate. There are volunteer fire departments it's the people are not coerced to give their -- it's a voluntary giving so I'm going to oppose the motion to table.

**CHAIRMAN GULDI:**

I'll oppose the motion to table as well. The fact that it's regional facility frankly I don't think matters. I mean people, make a decision as to whether or not to contribute and I don't think they're a --

**LEGISLATOR BISHOP:**

-- so can I -- could I have Babylon come down one day there?

**CHAIRMAN GULDI:**

Sure. Absolutely.

**LEGISLATOR BISHOP:**

So every day we'll have fire department stationed there on a rotating basis?

**LEGISLATOR CRECCA:**

Well, I don't think every day would be --

**CHAIRMAN GULDI:**

-- I think that would impact your ability to raise funds there.

**LEGISLATOR FIELDS:**

Can I --

**CHAIRMAN GULDI:**

-- just a moment, but frankly all local fire departments all over the east end raise money this way and frankly those of us who are taxpayers in the district encourage them to solicit contribution from people who are visiting and using the area serviced by the fire department.

**LEGISLATOR FIELDS:**

Can I ask the process?

**LEGISLATOR CARACCIOLO:**

Go ahead, I'm sorry.

**LEGISLATOR FIELDS:**

The process of what happens. I mean, do you drive over and you hit a toll booth and you are stopped you go to pay your money and then someone says, "Would you like to contribute money?"

**CHAIRMAN GULDI:**

No. The toll booths are inactive, there

**LEGISLATOR CARACCIOLO:**

Okay. The resolution in the first RESOLVED clause -- Mr. Chairman, may I?

**CHAIRMAN GULDI:**

Yes, Legislator Caracciolo.

**LEGISLATOR CARACCIOLO:**

In the first RESOLVED clause indicates that for the purpose of hosting a fund drive by standing at the toll booths with a sign requesting the public to help save you.

**LEGISLATOR FIELDS:**

Help us save you.

**LEGISLATOR CARACCIOLO:**

That's quite misleading. I mean, first of all, this is a local fire department as Legislator Bishop pointed out. I mean, this is -- people are going to feel obligated --

**LEGISLATOR BISHOP:**

-- absolutely --

**LEGISLATOR VILORIA-FISHER:**

-- Mr. Chair --

**LEGISLATOR CARACCIOLO:**

-- to come into a County park to make contribution and I just don't think that's right. If you

want to provide them with the site and then at the site they go around with a basket and request, you know, funds that's a different story. But when you have basically a toll booth and it says that in the resolution.

**LEGISLATOR CRECCA:**

Toll booth? Is that Towle?

**MR. SABATINO:**

Something that might be helpful is this was done last year.

**LEGISLATOR CARACCIOLO:**

It doesn't make it right.

**MR. SABATINO:**

No, no, I'm getting to a point which is at the time when the request was made I had some other concerns that you raised and I asked for more detail so that at least there'd be full disclosure as to what was taking so that language with regard to how it was being done, you know, was done because I requested specificity --

**LEGISLATOR CARACCIOLO:**

-- it's in the resolution and so we're all aware of how it's done.

**MR. SABATINO:**

Yeah. I just wanted to communicate that, but also the idea would be that it might help in deliberations to find out whether or not it was successful last year. I don't know the answer to that question.

**LEGISLATOR BISHOP:**

They asked for it again.

**LEGISLATOR CARACCIOLO:**

How would you quantify success?

**MR. SABATINO:**

Somebody would have to contact --

**LEGISLATOR CARACCIOLO:**

-- how much money was raised? But that doesn't speak to the method and the means and that's really what I find objectionable and I think that what Legislator Bishop finds objectionable.

**LEGISLATOR FIELDS:**

It --

**CHAIRMAN GULDI:**

Legislator Vioria-Fisher is next on the list and then Legislator Fields.

**LEGISLATOR VILORIA-FISHER:**

In answer to your concern, Legislator Caracciolo, if you look at the first WHEREAS it says WHEREAS the Mastic beach fire department responds to over 100 calls at the Smith Point County Park. So it's in their fire department district they are impacted by it okay.

**LEGISLATOR CARACCILO:**

May I respond?

**LEGISLATOR VILORIA-FISHER:**

They have to use their resources for those responses and I don't think it's inappropriate for them to say we are here to save you because if somebody has a heart attack on that beach and somebody calls for help that fire department will be there.

**LEGISLATOR CARACCILO:**

And the local taxpayers with all due respect are taxed to provide those services because local resident as well as residents from everywhere else use that public facility. It's no different than, you know, Jones Beach State Park beaches and other County facilities. The only thing I find objectionable is the fact that these people stand at a toll booth basically implies to the people coming in that, you know, make a contribution. That --

**LEGISLATOR VILORIA-FISHER:**

-- that is --

**LEGISLATOR CARACCILO:**

-- that's strong-arm tactic that I find a little bit going over board. You want to permit them to use the facility to go around as is often times the case is, you know, in other jurisdiction; that's different story.

**LEGISLATOR BISHOP:**

You know I'm just going to take an even harder line. I don't know of parks that operate in a way that authorizes groups to come on and solicit the people that are enjoying the park. You don't see it national parks, you don't see State park.

**CHAIRMAN GULDI:**

Long Island Heritage put them all over the place.

**LEGISLATOR BISHOP:**

I just think it's a bad line to cross because how are you going to say no to any other group? All these, you know, every group that fights a particular disease or assist children in need I mean it's endless and you're going to provide everyone of them an opportunity to solicit.

**LEGISLATOR VILORIA-FISHER:**

No.

**LEGISLATOR CRECCA:**

The difference here though is there's a nexus between this fire department and this County park since they do actually respond and it's in their service area so that's the difference.

**CHAIRMAN GULDI:**

You can apologize now Legislator Fields is next Legislator Fisher has the floor.

**LEGISLATOR CRECCA:**

I apologize to Vivian Viloría-Fisher and to Ginny Fields.

**LEGISLATOR VILORIA-FISHER:**

It's okay, I gave it up.

**LEGISLATOR FIELDS:**

I think that if this were changed to having solicitation on the site meaning on the beach in the parking lot or somewhere just like all the other Parents for Megan's Law. We passed a bill to have them solicit money or have a fund-raiser at a park at a site and I think this should follow the same kind of fund-raising techniques that all of the not for profits or fire departments follow. And we have had other fire departments use the actual, you know, parking lot or the beach or the park and I think that this shouldn't be any different than that.

**CHAIRMAN GULDI:**

On the motion to table.

**LEGISLATOR BISHOP:**

I just --

**LEGISLATOR CRECCA:**

Just take a vote on the table.

**CHAIRMAN GULDI:**

You're not done?

**LEGISLATOR BISHOP:**

I'm not done.

**CHAIRMAN GULDI:**

Go ahead. Legislator Caracciolo wants to hear everything you have to say on the subject.

**LEGISLATOR BISHOP:**

That I don't believe that changing the authorization to allow them to go through the park and solicit people is an improvement, it may even be more of a

**LEGISLATOR VILORIA-FISHER:**

-- more of a strong-arm --

**LEGISLATOR BISHOP:**

-- yeah. More of a strong arm but more of an intrusion. I think to compare it to the groups that we allow to use the parks for fund-raisers is also not correct because they bring in the people and I think that's swell that should be encouraged. This is different; these are people using --

**LEGISLATOR CRECCA:**

-- as well you are hanging out at Target too much.

**LEGISLATOR BISHOP:**

I'm a whole prewar thing I'm doing these days.

**LEGISLATOR CARACCILOLO:**

Mr. Chairman, put me on the list.

**CHAIRMAN GULDI:**

Legislator Caracciolo you're next.

**LEGISLATOR BISHOP:**

I'm not done. I don't want to see that change made and I don't want to see this line crossed. I think that a hundred calls is not too burdensome and if they really need money from the County for the hundred calls then they should get member item money from the Legislator who represents the area when that Legislator comes to exist.

**LEGISLATOR CARACCIOLO:**

Mr. Chairman, inquiry for Counsel.

**CHAIRMAN GULDI:**

Legislator Caracciolo.

**LEGISLATOR CARACCIOLO:**

Paul, could this resolution be amended by another Legislator as cosponsor?

**CHAIRMAN GULDI:**

Legislator Foley could amend it.

**LEGISLATOR CARACCIOLO:**

I'd like to amend it. We have a deadline tomorrow.

**CHAIRMAN GULDI:**

It's too late.

**LEGISLATOR CARACCIOLO:**

Why is it too late?

**CHAIRMAN GULDI:**

The deadline for corrected copies was five o'clock last night.

**LEGISLATOR CARACCIOLO:**

Last night?

**CHAIRMAN GULDI:**

Yes, Monday eight day rule all of that stuff.

**LEGISLATOR CARACCIOLO:**

Okay. Is there any way we could make a --

**CHAIRMAN GULDI:**

CN

**LEGISLATOR CARACCIOLO:**

All right, maybe through a CN. We could requests a CN and I would support the resolution for discharge without recommendation if the CN came over on Tuesday that permitted use of the Smith Point County Park as Legislator Fields enumerated without people being stationed at the toll booths. I mean, that's what I find objectionable.

**LEGISLATOR CRECCA:**

Motion to discharge without recommendation.

**CHAIRMAN GULDI:**

Yeah, but the motion to tabling takes priority.

**LEGISLATOR CRECCA:**

I just want to do that so we get that motion and a second.

**LEGISLATOR VILORIA-FISHER:**

Okay. I will second that so that we can get it out.

**CHAIRMAN GULDI:**

We have a motion to table.

**LEGISLATOR CARACCIOLO:**

Now wait a minute. I am not going to support the motion unless there is a commitment to come over with a CN. I don't want it to get to the floor and then find out no, we're not going to issue a CN.

**LEGISLATOR VILORIA-FISHER:**

Legislator Caracciolo, if I could just address that. I believe the reason it's at the toll booth is because people are stopping there and I know that you --

**LEGISLATOR FIELDS:**

(Inaudible).

**LEGISLATOR VILORIA-FISHER:**

-- as they're going in they're slowing down as they go in and so --

**LEGISLATOR CARACCIOLO:**

-- do we still have toll booths I think that's valid question.

**LEGISLATOR CRECCA:**

They don't collect a toll there.

**LEGISLATOR CARACCIOLO:**

No. We don't collect a toll any longer.

**LEGISLATOR VILORIA-FISHER:**

People slow down there anyway. It's a natural place to slow down.

**LEGISLATOR CARACCIOLO:**

I'm going to withdraw my suggestion and I'm going to vote against it.

**VICE-CHAIR CRECCA:**

I keep we're going to keep going in circles here. I think all the arguments have been made and we should just take a vote except that we don't have George. So what I would ask is that we're going to pass over this and go to next resolution. When George comes back we'll take a vote.

**LEGISLATOR BISHOP:**

Are you the Vice-Chair?

**VICE-CHAIR CRECCA:**

Yes. I would be happy to abdicate to somebody else.

**LEGISLATOR VILORIA-FISHER:**

This is 5K race.

**LEGISLATOR FIELDS:**

Go to the next one, that's interesting.

-

**Introductory Resolutions: Real Estate**

**VICE-CHAIR CRECCA:**

1485.

**LEGISLATOR CARACCILO:**

No, no, 1471.

**VICE-CHAIR CRECCA:**

Oh, 1471, I already had I'm sorry.

**LEGISLATOR VILORIA-FISHER:**

It's Smith Point Park again.

**VICE-CHAIR CRECCA:**

**1471 Authorizing use of Smith Point County Park property in 2003 by Bay Area Civic Association and William Floyd Summit for a 5 km race. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Towle)**

**LEGISLATOR CARACCILO:**

Motion to table.

**LEGISLATOR VILORIA-FISHER:**

Wait a minute. Why do you want to table this one?

**VICE-CHAIR CRECCA:**

Lets hold on as second, hold on. 1471 is before us, is there a motion to approve? I'll make a motion to approve for the purposes of discussion, seconded by Legislator Fisher. On the motion, Legislator Caracciolo.

**LEGISLATOR CARACCILO:**

I have no questions.

**VICE-CHAIR CRECCA:**

Legislator Fisher.

**LEGISLATOR VILORIA-FISHER:**

Why did you want to table it, was there --

**LEGISLATOR CRECCA:**

Thank God you are back.

**CHAIRMAN GULDI:**

I don't get treated that way at home.

**LEGISLATOR CRECCA:**

I skipped over 1469 we were done with discussion so you can vote on it. We're on 1471, which is a motion to approve by myself and second by Legislator --

**CHAIRMAN GULDI:**

-- except that Legislator Foley has asked that that be tabled.

**LEGISLATOR CARACCILOLO:**

Thank you.

**LEGISLATOR VILORIA-FISHER:**

Okay.

**CHAIRMAN GULDI:**

Now you are really glad I'm back.

**LEGISLATOR CRECCA:**

So I'll withdraw my motion to approve. Make a motion to table, second by Legislator Fisher. All those in favor? Opposed? **1471 is tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).** George take it over.

**CHAIRMAN GULDI:**

I want to point out to you that I'm back. We have to have your meds checked. 1469, on the motion to table. All those in favor of tabling?

**LEGISLATOR CARACCILOLO:**

Aye.

**LEGISLATOR FIELDS:**

Aye.

**CHAIRMAN GULDI:**

That's two.

**LEGISLATOR BISHOP:**

On tabling, yes.

**CHAIRMAN GULDI:**

That's three. Motion to table fails. All those opposed? **Motion to table fails (Vote: 3-3-0-1 In Favor: Legislators Bishop, Caracciolo & Fields - Opposed: Legislators Guldi, Crecca & Fisher - Not Present: Legislator Haley).** On the motion to discharge without recommendation.

**LEGISLATOR CARACCILOLO:**

Roll call.

**CHAIRMAN GULDI:**

With five us of us? No, I'm going do it my way okay, Mike.

**LEGISLATOR CARACCIOLO:**

I can request a roll call.

**CHAIRMAN GULDI:**

You can and I can do it my way anyway.

**LEGISLATOR CARACCIOLO:**

No, no, wait a minute. You have to do a roll call.

**CHAIRMAN GULDI:**

All those in favor?

**LEGISLATOR CARACCIOLO:**

No, no, no. Wait a moment. You have to do a roll call.

**CHAIRMAN GULDI:**

All right.

**MR. SABATINO:**

His request for roll call you have to.

**CHAIRMAN GULDI:**

Legislator Caracciolo we'll start with you.

**LEGISLATOR CARACCIOLO:**

No.

**CHAIRMAN GULDI:**

Discharge without recommendation. Legislator Crecca.

**LEGISLATOR CRECCA:**

Yes.

**CHAIRMAN GULDI:**

I'm a yes.

**LEGISLATOR FIELDS:**

Pass.

**CHAIRMAN GULDI:**

Legislator pass Fields.

**LEGISLATOR VILORIA-FISHER:**

Yes.

**LEGISLATOR BISHOP:**

No.

**LEGISLATOR FIELDS:**

No.

**CHAIRMAN GULDI:**

**Motion to discharge without recommendation fails, 3-3 (Vote: In favor: Legislators Guldi, Crecca & Fisher - Opposed: Legislators Bishop, Caracciolo & Fields - Not Present: Legislator Haley).**

**LEGISLATOR CARACCIOLO:**

Motion to approve for the purposes of defeating.

**LEGISLATOR BISHOP:**

It's defeated now.

**CHAIRMAN GULDI:**

It can also fail for lack of a motion. Lack of a second to your motion also causes it to fail. So far I think it's failed every way possible. Okay.

**LEGISLATOR CARACCIOLO:**

I withdraw my motion then.

**CHAIRMAN GULDI:**

All right. 1461 Legislator Crecca took the pleasure tabling before he gave me back the microphone. We're going now to the Real Estate resolutions, thank goodness.

**Introductory Resolutions:**

**Real Estate**

**1485 Implementing Brownfield Policy for Poulos Property in Eastport, Town of Brookhaven (SCTM Nos. 0200-686.00-04.00-019.000; 0200-686.00-04.00-019.001; 0200-686.00-04.00-019.002; 0200-686.00-04.00-020.000 and 0200-723.00-02.00-029.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Caracciolo) Motion to table by myself.**

**LEGISLATOR BISHOP:**

Why? It's Caracciolo's motion.

**LEGISLATOR CARACCIOLO:**

Yes, this is different resolution.

**CHAIRMAN GULDI:**

No. Wait a minute.

**LEGISLATOR CRECCA:**

I'm sorry.

**CHAIRMAN GULDI:**

This is different than the one that's been in?

**LEGISLATOR CARACCILO:**

That's correct, the resolution by Legislator Towle, Counsel could address that.

**CHAIRMAN GULDI:**

I thought this involved the same parcel.

**LEGISLATOR CARACCILO:**

No. This requires the County utilize its Brownfield policy to clean up the site.

**LEGISLATOR BISHOP:**

Which requires them to do it on every site, but it's one of the most ignored policies in the County. So tell me about the site, if you would.

**CHAIRMAN GULDI:**

I'll tell you about the site.

**LEGISLATOR CARACCILO:**

It's in George's district.

**CHAIRMAN GULDI:**

It's in my district and it was the subject of a resolution sponsored by Legislator Towle because there is a proposal that has been approved by the Suffolk County Planning Commission to take this six acre site worth approximately \$600,000, a \$100,000 an acre. It's adjacent to the railroad tracks behind the business district of Eastport. The site's history is that it had been duck processing plant built in the 40's abandoned as such taken over and used as illegal solid waste management or solid waste transfer site. The operator of that site left it fully packed with among other things waste paper; it was the site of several fires and vandalism. The Town of Brookhaven did some clean up on the Brownfield on it. The present developer has in his application would clean-up the Brownfield at his own cost and expense, but was seeking abatement of penalties and interest and assessments for the past clean-up by the town.

**LEGISLATOR BISHOP:**

Right.

**CHAIRMAN GULDI:**

The reason that he was seeking those waivers of interest and penalties is because the clean-up cost as projected approximates the value of the parcel. We have very longstanding outstanding taxes on this parcel because we don't want to become the owner of it because of the Brownfield problems and that's the status of it on that. Now, what I was waiting for from the -- from the proposed developer was copies of their title work on the two lots because there seemed to be a mapping problem with respect to the parcel you know and the tax bills. There's almost a crazy quill of paper work on this. I have not received it to my knowledge or he reviewed that and in addition suggested that he go to the Town of Brookhaven to abate this special assessment for its past clean-up because we don't have the power to abate that. We only have the power to abate penalties and interest. I believe that the outstanding taxes were in the order of four to \$600,000 is my recollection. So we're sitting as far as I was concerned we're waiting for a developer who is going to clean it up at his own expense and pay us the back taxes in the order of four to \$600,000 to go forward with development proposal which is the Suffolk County Planning Commission not only are wholeheartedly endorsed but recommended to the Town of Brookhaven that they give them additional concessions for density because the proposed project meets the need in the area.

**LEGISLATOR BISHOP:**

Even after that lengthy dissertation I have questions.

**CHAIRMAN GULDI:**

Go ahead.

**LEGISLATOR BISHOP:**

First and foremost, is this approved by the DEC as private party clean-up? You know it's premature.

**CHAIRMAN GULDI:**

Well, yeah. Basically I don't think they've got the approval for private party clean-up because at the moment have title to the parcel because they haven't closed on the parcel pending --

**LEGISLATOR BISHOP:**

-- you don't get the title first --

**CHAIRMAN GULDI:**

-- they don't own the parcel, they don't have the abatement.

**LEGISLATOR BISHOP:**

Nobody owns it, right it's abandoned?

**CHAIRMAN GULDI:**

Well, it's not really abandoned; there's still an owner out there although they made an arrangement. Then there's a series of judgments and liens against them it as well. Ms. Costigan, you want to get in here?

**LEGISLATOR BISHOP:**

I've got this in my district.

**DIRECTOR COSTIGAN:**

I don't know where to start, but the tax map numbers that are shown in the title for starters are all wrong. This is --

**CHAIRMAN GULDI:**

Right ,

**DIRECTOR COSTIGAN:**

They have been merged and merged and merged. There are really only three parcels here; the parcels owned by two corporations. The parcels are owned by two corporations, Eastport Properties Inc. and Eastern Resource Recovery.

**LEGISLATOR BISHOP:**

What do you mean owned? How do you mean owned?

**DIRECTOR COSTIGAN:**

I mean, they hold the title.

**LEGISLATOR BISHOP:**

They pay taxes on them?

**DIRECTOR COSTIGAN:**

No. They hold the deed. The deed is in their name.

**LEGISLATOR CRECCA:**

We haven't taken this property yet?

**DIRECTOR COSTIGAN:**

No. We won't take it because of its --

**LEGISLATOR BISHOP:**

-- it didn't go into bankruptcy?

**DIRECTOR COSTIGAN:**

I couldn't say about their finances but their name is on the deed.

**LEGISLATOR BISHOP:**

Usually in a Brownfield it's -- if you went after them they would say they don't own it they didn't pay the taxes for X amount of years, you know, it's in that netherworld.

**DIRECTOR COSTIGAN:**

It is in that netherworld, they would say that they don't own it. They'd say that they have no money to clean it up or be responsible and they are indeed inactive corporations. They have no other assets other than this asset, which is probably, has a negative worth.

**CHAIRMAN GULDI:**

Right. There are judgments and liens against them and the parcels in addition.

**DIRECTOR COSTIGAN:**

Right. But we do know who owns it.

**LEGISLATOR BISHOP:**

And along comes somebody new who wants to develop it and pay for the clean up.

**CHAIRMAN GULDI:**

Correct and pay for the clean-up and satisfy judgement creditors and pay us the taxes and etc.

**LEGISLATOR BISHOP:**

Well, I don't know if they want to pay us the taxes, but they probably won't.

**DIRECTOR COSTIGAN:**

The previous resolution implied yes, along came somebody who wanted to clean it up and have taxes and penalties waived. This resolution not only waives it not shifts to us the clean-up costs --

**CHAIRMAN GULDI:**

-- but we end up swallowing the taxes.

**DIRECTOR COSTIGAN:**

But we end up swallowing the taxes caused it suggests that it will then be sold at auction and of

course this person may not buy it at all at that point.

**LEGISLATOR BISHOP:**

Right. If you have a private party that willing to come in and pay for the clean-up that's the preferred method, but the problem is you have State agency DEC which will do everything they can to frustrate their effort.

**CHAIRMAN GULDI:**

I understand they've been in contact discussion with the DEC and have a understanding that has not been reduce to a permit. They're willing to take that risk; I think what we should do is clean-up waiver of interest and penalties resolution and let them have the deed.

**LEGISLATOR BISHOP:**

Has anybody done Phase I on this; do we know what's underneath?

**CHAIRMAN GULDI:**

There is phase I done and there are problems and that's the basis of this four to six.

**LEGISLATOR BISHOP:**

What's rough estimate of clean-up costs.

**CHAIRMAN GULDI:**

Approximately equal to market value of six acres of residential property as its zoned in the area.

**LEGISLATOR CARACCILOLO:**

I take objection to that because I have correspondence as recently as Friday which I shared with Legislative Counsel and I did not see anything that quantifies the clean-up costs; are you aware of that Paul?

**MR. SABATINO:**

Not in the document that was presented to you.

**LEGISLATOR CARACCILOLO:**

That document, Legislator Bishop, raises more questions than answer and I have subsequently written back to Mr. Minei as of yesterday requesting additional information. So at this time I'll make a motion to table because this is not as simple an issue to deal with either waiver of interest and penalties because those representations I don't agree with it. I think ultimately we need more facts and then we can proceed in an orderly fashion. I'll make a motion to table.

**CHAIRMAN GULDI:**

On the motion to tabled second by Legislator Crecca. Question by Legislator Fields and then Legislator Vilorio-Fisher.

**LEGISLATOR FIELDS:**

Am I correct in hearing that this resolution shifts the burden of the clean-up to Suffolk County?

**CHAIRMAN GULDI:**

Yep.

**LEGISLATOR FIELDS:**

And then in the last WHEREAS on the first page it talks about the environmental bond act where

there's \$200 million State program --

**LEGISLATOR CARACCILO:**

-- that's right --

**LEGISLATOR FIELDS:**

-- which is almost used up?

**LEGISLATOR CARACCILO:**

Not according to Counsel.

**LEGISLATOR FIELDS:**

Yeah. I understand there's hardly any money left in it.

**MR. SABATINO:**

This is the Brownfield component. The last time we addressed it which under Legislator Bishop's leadership in fact the only people that are applying for the money are the people upstate. There was a substantial amount of money available that's why Legislator Bishop had pushed through legislation to establish a countywide policy to tap into that money, but the last meeting I attended which was about a year ago we learned that the applications were never filed even though his legislation directed it.

**LEGISLATOR BISHOP:**

Our Health Department is just no excuse; abysmal when it comes to this.

**LEGISLATOR FIELDS:**

Before we would pass this I would reach out to the state and find out exactly how much money is left in that Brownfield's because even though maybe we're not using it I think upstate did start to use it.

**LEGISLATOR CARACCILO:**

Absolutely.

**LEGISLATOR FIELDS:**

So we need to know if there's any money because if we take on this amount it's going to be crazy.

**LEGISLATOR BISHOP:**

What's going to be crazy?

**LEGISLATOR CARACCILO:**

Motion to table.

**CHAIRMAN GULDI:**

Legislator Vioria Fisher is next.

**LEGISLATOR VILORIA-FISHER:**

Actually it was exactly the same issue whether or not we're using state monies for clean-up because of what Ms. Costigan had said with regard to the County bearing the burden of the clean-up.

**LEGISLATOR CRECCA:**

We need more information so let's get the right people here to answer the questions that we have.

**CHAIRMAN GULDI:**

On the tabling motion, all those in favor? Opposed? **Tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1486 Adopting Local Law No. –2003, to restrict land transactions with members of the Suffolk County Planning Commission. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Fields) Legislator Fields.**

**LEGISLATOR FIELDS:**

I'm going to make a motion to approve.

**MR. SABATINO:**

There's a public hearing, Mr. Chairman.

**LEGISLATOR FIELDS:**

Motion to table if you would.

**CHAIRMAN GULDI:**

Second the motion. All those in favor? Opposed? **Tabled for a public hearing (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1488 Rescinding authorization to sell County owned property pursuant to Local Law 16-1976, Vergie Lee Green a/k/a Vergie Lee Carpenter (0100-057.00-03.00-058.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)**

**LEGISLATOR CARACCILO:**

Explanation.

**LEGISLATOR FIELDS:**

I will second.

**CHAIRMAN GULDI:**

This is in '01, how long ago was this approved and to what extent did correspondence have we had with the perspective purchaser that they have failed to meet the payment obligations?

**DIRECTOR COSTIGAN:**

This is a circumstance where the previous approval was based on the strength of their loan commitment to refinance and the refinancing would pay the taxes. The loan commitment has fallen through in that a DSS lien has surfaced. They have no intention re-pursuing a loan commitment so they have acknowledged.

**CHAIRMAN GULDI:**

Correspondence is how current? I mean, the consequence of course will be that we continue to take title to this premise. Would they become a tenant in the premise at that point?

**DIRECTOR COSTIGAN:**

Yes, yes. I don't have the date of our last correspondence.

**CHAIRMAN GULDI:**

Any motions?

**DIRECTOR COSTIGAN:**

The application, their application however was in November of '01, so they've had two years to --

**LEGISLATOR CRECCA:**

-- in other words, we're not going to sell it to them.

**LEGISLATOR FIELDS:**

Right.

**LEGISLATOR CRECCA:**

So then why don't we just table it subject to call?

**MR. SABATINO:**

No, no, you want to rescind -- you want to do this to get the property -- put the property back on the auction block.

**LEGISLATOR CRECCA:**

Oh, it's rescinding the authorization I'm sorry, I apologize.

**MR. SABATINO:**

It's repealing it.

**LEGISLATOR CARACCILO:**

Motion.

**CHAIRMAN GULDI:**

Motion by Legislator Caracciolo, second by Legislator Crecca. Should we put this on the consent calendar?

**LEGISLATOR CRECCA:**

Yes. I would, Mike, would you amend the motion to put on the consent calendar?

**LEGISLATOR CARACCILO:**

Yes.

**CHAIRMAN GULDI:**

All those in favor? Opposed? **Approved and put on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1489 Rescinding authorization to sell County owned property pursuant to Section 215 of the New York County Law, Al Grimes (0200-480.00-01.00-018.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)** What's the status on this one?

**DIRECTOR COSTIGAN:**

Again, this was on the strength of a mortgage commitment and the lender had advised us that they had missed calculating our first mortgage, which was opened, and they withdrew their commitment.

**LEGISLATOR CARACCIOLO:**

Same motion.

**LEGISLATOR CRECCA:**

Same second.

**CHAIRMAN GULDI:**

When was this one approved this was a resolution of 2001?

**DIRECTOR COSTIGAN:**

This dates back three years to September.

**CHAIRMAN GULDI:**

Same motion, same second, same votes. **Approved and placed on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1490 Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Federal Deposit Insurance Corp. (0100-169.00-01.00-003.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)** Oh, good, another one of these.

**DIRECTOR COSTIGAN:**

Yes, this is -- in this instance the FDIC has a law, there's an applicable law here where the corporation is exempt from taxation and therefore we had essentially no right to take it in the first place. However they have made payment as a gesture of good will and they have --

**CHAIRMAN GULDI:**

-- that's a first, isn't it ?

**DIRECTOR COSTIGAN:**

Yes, they have paid based on their -- essentially their schedule of fees and payments and it's higher than the outstanding taxes, so I recommend this.

**CHAIRMAN GULDI:**

Motion to approve and place on the consent calendar by myself, second by Legislator Caracciolo. All those in favor? Opposed? Take the money. **Approved and placed on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley).**

I just got a note that one of the members of the Human Rights Commission is here, Ms. Patricia Hill William. Could you please come forward; is there any other re-appointee waiting? No, just yourself. Come on up. I'm going to make a motion to take 1525 out of order.

**LEGISLATOR CRECCA:**

Second.

**CHAIRMAN GULDI:**

It's re-appointment to the Human Rights Commission. Thank you for coming down. Anyone have questions? Legislator Caracciolo, you got the attendance?

**LEGISLATOR CRECCA:**

You didn't take a vote on the motion to take it out of order.

**CHAIRMAN GULDI:**

On the motion to take it out of order, All those in favor? Opposed? It's now before us.

**1525 Approving the reappointment of Patricia Hill Williams as a member of the Suffolk County Human Rights Commission. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)** Motion to approve by myself, second by Legislator Vioria-Fisher. All those -- on the motion, do you have anything you want -- why do you want to continue doing this? And thanks for coming down.

**MS. HILL-WILLIAMS:**

Thank you very much for taking me out of order, I appreciate it. I am committed to the Human Rights Commission. I have served for many years there. I'm committed to education as you know that's been my life at the State University and I believe that the only way to improve the situations that we encounter daily is through education. So truly I'm committed, that's why I'd like your consideration for reappointment.

**CHAIRMAN GULDI:**

I'm going to amend my motion to approve and place it on the consent calendar so the second is amended. Discussion? Questions?

**LEGISLATOR CRECCA:**

I just want to thank, Ms. Williams, for your service in the past and thank you for your future service to the commission. You and the other volunteers who do this should be commended from all of us. Thank you.

**MS. HILL-WILLIAMS:**

Thank you.

**CHAIRMAN GULDI:**

All those in favor? Opposed? **Approved and placed on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley). \*\*SEE CHANGE BELOW\*\***

**LEGISLATOR BISHOP:**

I certainly support the nominee and I support the Human Rights Commission, but we have a member of the Legislature who consistently votes against any appointment and if you put it on the consent calendar --

**CHAIRMAN GULDI:**

-- they'll have to read the consent calendar and ask for it to be removed.

**LEGISLATOR BISHOP:**

I mean, that's not the point of the consent calendar, it's not to hide things, it's to create --

**CHAIRMAN GULDI:**

I think it's not to hide things, but I think it's incumbent on any member of the Legislature to read it.

**LEGISLATOR BISHOP:**

Once you start down that path then you're, you know.

**LEGISLATOR CARACCILO:**

You sound like me, Dave.

**CHAIRMAN GULDI:**

What path is that?

**LEGISLATOR CRECCA:**

Slippery slop.

**LEGISLATOR BISHOP:**

The path of hiding something that you know somebody wants to vote against.

**CHAIRMAN GULDI:**

No, I don't hide against anything. I actually operate perhaps mistakenly from the presumption that everyone on the Legislature reads. I'm on the assumption that everyone on the Legislature reads the consent calendar.

**LEGISLATOR BISHOP:**

That's clever, but you know what you're doing. You know that the consent calendar is presumed to be bills that are none controversial to have unanimous consent. You know when this came that it doesn't have unanimous consent, yet you want --

**LEGISLATOR VILORIA-FISHER:**

-- we should just approve this.

**CHAIRMAN GULDI:**

I don't know any such thing, but besides that if you don't want it on the Consent Calendar --

**LEGISLATOR BISHOP:**

-- you served with the guy what six years and he's voted against every appointment to the Human Rights Commission. Caracappa votes against every one of them.

**CHAIRMAN GULDI:**

I didn't know that.

**LEGISLATOR VILORIA-FISHER:**

Mr. Chair?

**LEGISLATOR BISHOP:**

I go on the presumption that you are paying attention.

**LEGISLATOR VILORIA-FISHER:**

Mr. Chair, because we have within our committee someone who's opposed to I believe we should reconsider it and just make a motion to approve rather than --

**CHAIRMAN GULDI:**

-- all right reconsider the motion to approve and placed on the Consent Calendar. Motion by Legislator Fisher.

**LEGISLATOR CARACCILO:**

Opposed.

**CHAIRMAN GULDI:**

Second on the reconsideration by Legislator Bishop. All those in favor? Opposed? Legislator Caracciolo is opposed.

**LEGISLATOR VILORIA-FISHER:**

Motion to approve.

**CHAIRMAN GULDI:**

Motion to approve by Legislator Fisher, second by Legislator Bishop.

**LEGISLATOR BISHOP:**

Absolutely.

**CHAIRMAN GULDI:**

All those in favor? Opposed? **It's now approved and not on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley).** Does that make you happy?

**LEGISLATOR BISHOP:**

It doesn't make me happy, it will make Joe Caracappa happy.

**LEGISLATOR CRECCA:**

(inaudible)

**LEGISLATOR BISHOP:**

I don't want to oppose the nomination.

**LEGISLATOR VILORIA-FISHER:**

Is that true?

**LEGISLATOR CRECCA:**

Only one Legislator out of 18 --

**LEGISLATOR BISHOP:**

-- but I support her, I think she's doing a great job.

**CHAIRMAN GULDI:**

Yes, I understand that. Let's back to **1491 Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Sherri Ann Levy, Administratrix D.B.N. of the Estate of Mary Norftil (0200-602.00-01.00-002.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)**

This is of right?

**DIRECTOR COSTIGAN:**

It is. All payments have been made.

**CHAIRMAN GULDI:**

Motion to approve and place on the consent calendar by myself, second by Legislator Crecca. All those in favor? Opposed? **Approved and placed on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1492 Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Desmond Dsouza (0100-155.00-02.00-019.002). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)**

**DIRECTOR COSTIGAN:**

This was a timely response to a Mennonite notice and ordinary.

**CHAIRMAN GULDI:**

Motion, same motion, same second, same vote. **Approved and placed on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1493 Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Donald C. Muller and Patricia Muller (0200-051.00-07.00-006.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)**

**DIRECTOR COSTIGAN:**

This is the prior owner. It's an ordinary redemption; all payments have been made.

**CHAIRMAN GULDI:**

Of right?

**DIRECTOR COSTIGAN:**

Yes.

**CHAIRMAN GULDI:**

Same motion, same second, same vote. **Approved and placed on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1494 Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Raymond H. Farmer, (0200-852.00-04.00-015.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE Co. Exec.) Of right?**

**DIRECTOR COSTIGAN:**

Yes, its prior owner, all payments have been made.

**CHAIRMAN GULDI:**

Same motion, same second, same vote. **Approved and placed on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1495 Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Ida Marie Rice, as sole owner pursuant to a judgment of Divorce entered in the Supreme Court of the State of New York, County of Suffolk, on May 24, 2002 under Index No. 00-21318 (0200-978.10-03.00-015.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)**  
Of right?

**DIRECTOR COSTIGAN:**

This is of right.

**CHAIRMAN GULDI:**

Same motion, same second, same vote. **Approved and placed on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1496 Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Marcia Attridge and William Attridge (0500-287.00-03.00-019.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)** Of right? All of these are of right ? All Local 16?

**DIRECTOR COSTIGAN:**

Yes, this is of right, but we haven't collected the money.

**CHAIRMAN GULDI:**

But you won't close unless you do?

**DIRECTOR COSTIGAN:**

We won't close unless we do.

**CHAIRMAN GULDI:**

Same motion, same second, same vote. **Approved and placed on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**DIRECTOR COSTIGAN:**

They're able to pay now because the wife is out of jail from shooting her husband.

**LEGISLATOR CRECCA:**

Oh, well that's good.

**CHAIRMAN GULDI:**

They no doubt will be able to pay with the money they saved on divorce lawyers; isn't that right, Mr. Crecca?

**LEGISLATOR CRECCA:**

I would agree with that.

**1498 To convey title to County-owned real property pursuant to Section 215, New York State County Law, David K. Blachly (0400-281.00-01.00-112.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)**

**LEGISLATOR CARACCILO:**

Explanation.

**MR. SABATINO:**

This is surplus property; this is different section of 215 this allows direct sale to a property owner when the property is no longer necessary for the roadwork. So you don't need the normal two-thirds vote and you don't need to go to auction. In this case the property was appraised at 1500 and the property owner is willing to pay 1500.

**CHAIRMAN GULDI:**

And there were six adjacent owners. So it's a motion to approve and place on the Consent Calendar --

**LEGISLATOR CARACCILO:**

(inaudible)

**CHAIRMAN GULDI:**

No, no.

**DIRECTOR COSTIGAN:**

It's 38 by 199 by 7 by 95 by 15.

**LEGISLATOR CARACCILO:**

Point two two acres not 22 acres.

**CHAIRMAN GULDI:**

No, it's odd-shaped parcel.

**LEGISLATOR CRECCA:**

It's really odd-shaped.

**DIRECTOR COSTIGAN:**

It's very thin and very long.

**CHAIRMAN GULDI:**

One of the adjacent land owners.

**CHAIRMAN GULDI:**

Motion to approve and place on the consent calendar by Legislator fields second by myself. All those in favor? Opposed? **Approved and placed on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1499 Sale of County-owned real estate pursuant to Local law 13-1976, Ronald Knapfel and Donald Knapfel (0400-095.00-01.00-052.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)** We had two bidders; the price is 21,000 the appraisal on this was how much?

**MR. SABATINO:**

Ten thousand.

**CHAIRMAN GULDI:**

Motion to approve and place on the Consent Calendar by myself.

**LEGISLATOR FIELDS:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Fields. Discussion? All those in favor? Opposed? **Approved and placed on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1507 Appropriating funds in connection with the acquisition of land for drainage improvements on C.R. 76, Townline Road, Towns of Islip and Smithtown (CP 5039). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)**

**LEGISLATOR CRECCA:**

That's me.

**CHAIRMAN GULDI:**

Is that yours? Legislator Crecca, what's your pleasure?

**LEGISLATOR CRECCA:**

I make motion to approve that.

**CHAIRMAN GULDI:**

\$13,200.

**LEGISLATOR CRECCA:**

You could put the Y on this.

**LEGISLATOR VILORIA-FISHER:**

I will second that.

**CHAIRMAN GULDI:**

Motion to approve and place on the consent calendar by Legislator Crecca second by --

**LEGISLATOR VILORIA-FISHER:**

Myself.

**LEGISLATOR FIELDS:**

Is this near Motor Parkway?

**LEGISLATOR VILORIA-FISHER:**

It's not too far.

**LEGISLATOR CRECCA:**

Yeah, but Townline doesn't intersect with Motor Parkway.

**LEGISLATOR FIELDS:**

It does not?

**LEGISLATOR CRECCA:**

No, it does not.

**LEGISLATOR VILORIA-FISHER:**

Except Computer Associates it becomes Blydenburgh down there.

**LEGISLATOR CRECCA:**

Yeah.

**LEGISLATOR FIELDS:**

Okay.

**CHAIRMAN GULDI:**

Motion to approve and place on the consent calendar by Legislator Crecca second by Legislator Fields.

**MR. SPERO:**

Mr. Chairman, there's a bond on this, it would be a companion bond resolution.

**CHAIRMAN GULDI:**

Motion to approve. We're going to do a bond for \$13,200?

**MR. SPERO:**

(Shook head yes).

**CHAIRMAN GULDI:**

Okay. Motion to approve by Legislator Crecca, second by Legislator Fields. All those in favor? Opposed? **Approved (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1541 Authorizing the grant of an easement by the County of Suffolk to Verizon New York, Inc., on property in the Hamlet of Bay Shore, Town of Islip (SCTM No. 0500-419.00-03.00-p/o 70 and 74.2). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Alden)** I don't have this bill. Could someone give me specifics on this one?

**DIRECTOR COSTIGAN:**

You had previously approved a lease of a vacant parcel in downtown Bay Shore to the Chamber of Commerce in Bay Shore and they're going to I believe intend to put a park there. There's a overhead wire and a pole that runs across the back of the piece and it looks awful and Verizon has agreed to sink the wires.

**LEGISLATOR VILORIA-FISHER:**

That's good.

**CHAIRMAN GULDI:**

This is the easement to permit the underground?

**DIRECTOR COSTIGAN:**

That's right.

**LEGISLATOR FIELDS:**

I will make the motion to approve.

**CHAIRMAN GULDI:**

Motion to approve and place on the consent calendar by Legislator Fields, second by Legislator Vilorio-Fisher. All those in favor? Opposed? **Approved and placed on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**Introductory Resolutions: Finance**

**Finance**

**1487 Making a certain technical correction to Omnibus Budget Adopting Resolution No. 964-2002. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Crecca) Legislator Crecca?**

**LEGISLATOR CRECCA:**

Well, actually am I the sponsor? Oh, I know why because it's my resolution. Motion to approve and place on the consent calendar.

**CHAIRMAN GULDI:**

What is -- this is a change from -- what's the technical correction?

**LEGISLATOR CRECCA:**

In listing in the last resolution we had listed improperly some organizations that were to grants.

**LEGISLATOR CARACCILO:**

Commack Little League South.

**LEGISLATOR CRECCA:**

No, it's actually transfer --

**CHAIRMAN GULDI:**

-- the Youths Experiencing Art Project.

**LEGISLATOR CRECCA:**

No. It changes it from Commack Little League North and Commack Little League South two separate lines in there to Youths Experiencing Art Project.

**CHAIRMAN GULDI:**

It's the same project?

**LEGISLATOR CRECCA:**

No. It's a different project; it was just an error.

**MR. SABATINO:**

Same dollar amount it's just reallocating it internally.

**CHAIRMAN GULDI:**

Okay. Motion to approve and place on the consent calendar by Legislator Crecca second by myself. All those in favor? Opposed? **Approved and placed on the consent calendar (Vote:**

**6-0-0-1 Not Present: Legislator Haley).**

**1497 To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature. Control #705-2003. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)** This is ministerial correction of tax errors on tax bills. This is Babylon -- Brookhaven group with total amounts involved seems to be in the order of hundred -- no. That's ministerial. I'm going to make a motion to approve and place on the consent calendar.

**LEGISLATOR VILORIA-FISHER:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Viloría-Fisher. All those in favor? Opposed? **Approved and placed on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**Introductory Resolutions: Other**

**1477 To reform oversight of Suffolk Employee Medical Health Plan (EMHP). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Guldi)** Now it's Mr. Tempera's turn. Well, come on down.

**MR. TEMPERA:**

I swore I would never do this, this is the last time.

**CHAIRMAN GULDI:**

Yeah, I know and this proves that you don't learn, but that's all right.

**MR. TEMPERA:**

I brought somebody different with me.

**CHAIRMAN GULDI:**

The side bets had it covered.

**MR. TEMPERA:**

You knew that we couldn't just sit back and not have comments with regard to this.

**CHAIRMAN GULDI:**

I'd love to hear your comments on this.

**MR. TEMPERA:**

Well, it's really we're going back to 1992 and the same comments that were made back in 1992 remain the same today. This resolution is --

**CHAIRMAN GULDI:**

-- I wasn't here in 1992.

**MR. TEMPERA:**

I heard you say that earlier. This resolution has been deemed in 1992 by the County Attorney's Office by our Labor Counsel a violation of the Tailor Law. In addition, it's a violation of all nine collective bargaining agreements.

Secondly, I take exception certainly as the co-chair and as a management representative on the committee. I think you give the unions -- although I don't know, I won't speak for them -- give you their position way too much credit to management to be able to put them under our thumbs because you seem to imply, or I don't think you've implied, you have actually stated that while management is inept and couldn't oversee the fiscal operations of the Employee Medical Health Plan, that the unions tried their best to provide oversight, but had a different responsibility to their membership.

**CHAIRMAN GULDI:**

That's not what I said at all. What I said is that they prevented management from punting this whole program into a unfavorable situation. I commend their role in administering this program.

**MR. TEMPERA:**

I'm reading from WHEREAS clause, "Although union members of the later have acted to prevent the mismanagement of the fiscal operation of planned fiduciary responsibilities --

**CHAIRMAN GULDI:**

-- that's correct. Well, they've acted to prevent mismanagement their responsibilities do lie to their members and that's correct. With respect to the Tailor Law argument, frankly, I've analyzed that argument and I've heard Mr. Greene state it and I've analyzed the opinions on it and I think it's a lot of hooey. The bottom line is that this program and the management of this program is the administration of a fiscal program to see to it that the payments under those collective bargaining agreements are made as when and how appropriate. It's a fiscal operation --

**MR. TEMPERA:**

What you're missing here --

**CHAIRMAN GULDI:**

-- the oversight of the benefit program.

**MR. TEMPERA:**

What you are missing here is this is a negotiated agreement with all the unions. You have if the union -- if the Legislature acts on this resolution it'll be found to be illegal by New York State PERB it is a unilateral change in a term and condition of employment.

**LEGISLATOR CRECCA:**

I think we should --

**MR. TEMPERA:**

You are prohibited by law from going this direction. It has been --

**CHAIRMAN GULDI:**

-- by taking the -- by changing the management reps. who oversight of a fiscal operation. I think that argument is so thin as to --

**MR. TEMPERA:**

-- bring it on, bring it on because I guarantee it the Tailor Law is so clear on this issue that you have lost in the past when the Legislature acted to change from a health insurance standpoint the rolling open enrollment period it was found to be illegal a unilateral change in the terms and conditions --

**CHAIRMAN GULDI:**

-- that doesn't change any of the benefits. This does not change any benefit one iota.

**MR. TEMPERA:**

It changes the collective bargaining agreement.

**CHAIRMAN GULDI:**

That doesn't impact collective bargaining at all. How tell me how -- tell me how -- what change --

**MR. TEMPERA:**

-- there are nine unions that have negotiated --

**CHAIRMAN GULDI:**

-- tell me what it changes in the collective bargaining agreement.

**MR. TEMPERA:**

There are nine unions and the County that have agreed to a memorandum --

**CHAIRMAN GULDI:**

-- please answer the question I asked.

**MR. TEMPERA:**

-- that sets the makeup of the committee as nine representatives appointed by the County Executive and each of the union's president or their designated alternate. That is what's been negotiated between the County and each of their unions. This piece of -- this piece of legislation, this resolution unilaterally changes that term and condition of employment.

**CHAIRMAN GULDI:**

By how? What's it change? It changes who the identity of nine management representatives are?

**MR. TEMPERA:**

It changes the negotiated agreement before the County --

**CHAIRMAN GULDI:**

-- how? Please answer the question, Jeff. The question is what does it change? How does it change?

**MR. TEMPERA:**

It changes the makeup of the committee.

**CHAIRMAN GULDI:**

It's still nine and nine. It's still union and management. What's it change ?

**MR. TEMPERA:**

It's changing a term and condition of employment that has been negotiated with the unions.

**CHAIRMAN GULDI:**

You're giving me conclusion; I'm asking you for a fact.

**MR. TEMPERA:**

It changes the makeup of the committee that has been negotiated with each of the unions.

**CHAIRMAN GULDI:**

The committee makeup is nine management and -- I looked at it, it's nine management and nine union and this changes who? This takes the nine management representatives out of one office and spreads them through the management side of the County.

**MR. TEMPERA:**

And you don't believe that that's a change in what the member --

**CHAIRMAN GULDI:**

-- the identity of the members of the committee are you telling me that if you want to change one of nine members of your management team, someone retires it's subject to collective bargaining?

**MR. TEMPERA:**

Absolutely, by collective bargaining it is the County Executive's choice to put a member on that committee, that's number one. Number two; you have changed the responsibilities under the committee. Number three, you have changed --

**CHAIRMAN GULDI:**

-- hold on --

**MR. TEMPERA:**

-- the agreed upon RFP procedure which has been the subject of a --

**CHAIRMAN GULDI:**

-- actually there is no change in RFP at all .

**MR. TEMPERA:**

If I am not mistaken you set up a separate committee to deal with the RFP procedure included in this resolution which is already been the subject of an arbitration that ruled in favor of the unions that the committee has the soul right to oversee the RFP process.

**CHAIRMAN GULDI:**

And you're telling me that the County Executive --

**MR. TEMPERA:**

-- go ahead. --

**CHAIRMAN GULDI:**

You're telling me that the County Executive by negotiating with the unions that he and his nine representatives shall be the only oversight of the County's fiscal operation of millions of dollars a program?

**MR. TEMPERA:**

The committee --

**CHAIRMAN GULDI:**

-- did that binds the entire County government that the Comptroller and the Legislature has no right to exercise its Charter Law prerogatives with respect to that; is that what you are saying?

**MR. TEMPERA:**

I am telling you that the committee has responsibility over the oversight of the EMHP.

**CHAIRMAN GULDI:**

The committee?

**MR. TEMPERA:**

The committee.

**CHAIRMAN GULDI:**

We're not changing that.

**MR. TEMPERA:**

A joint labor management committee comprised of nine members appointed by the County Executive and each of the nine union presidents.

**CHAIRMAN GULDI:**

Okay. When was that agreement ratified by this legislative body?

**MR. TEMPERA:**

That agreement and I have to go back to what has occurred in votes on each of the union contracts from 1992 to the present, but the health insurance has been included in the contracts from the October I believe it is 1992 agreement that was reached. Legislators were approached back in 1992 by Dave Greene when the original 1031 of '91 was deemed by the County Attorney's Office and by the Labor Counsel to be in violation of the Taylor Law. You make the misstatement in your resolution that there has been confusion between this 12-person committee and the 18-member committee. Let me make this clear. There has been no confusion since 1992, October of 1992 there is has been an 18 member Labor Management Committee that has overseen the health benefits. The 12-member committee has never met since probably early 1992 when it was discussed that it was a violation of the Taylor Law. There's been no confusion for the past ten plus years. It was deemed to be a violation the Legislature -- and even Dave Greene made mention in your meetings that it was deemed to be illegal back in '92 and that he spoke with several Legislators who were involved in this. Ellen, I don't know if you --

**MS. SCHULLER-MAUK:**

I just want to echo what Jeff has said. From the union standpoint we see this as violation of our collective bargaining agreements. We think --

**CHAIRMAN GULDI:**

-- well, maybe you can answer my question; how? I don't consider what we just have been rationale dialogue.

**MS. SCHULLER-MAUK:**

The memorandum of agreement clearly states that the composition of the committee is composed of nine union representatives and nine members selected by the County Executive. It's very explicit and it gives all of the duties that you list here and that is also in the memorandum of agreement.

**CHAIRMAN GULDI:**

The County Executive can't change that? He can't change the nine members? Are you are saying that that is -- that can't be changed?

**MS. SCHULLER-MAUK:**

-- the County, but the County Executive appoints not the Legislature.

**CHAIRMAN GULDI:**

And how is that -- how does the Taylor Law impact on that? So I'm completely at a loss. It seems that we're wheeling the Taylor Law in a mythic sense. The Taylor Law is about negotiations; we're not changing terms and benefits.

**MR. TEMPERA:**

Yes, you are.

**CHAIRMAN GULDI:**

We're talking about administering fiscal program that spends a huge amount of County taxpayer's money and providing multi levels of oversight on it, okay. The County Executive is the executive he doesn't set policy for the County that's not his job.

**MR. TEMPERA:**

And in negotiations --

**CHAIRMAN GULDI:**

-- excuse me, I was speaking --

**MR. TEMPERA:**

-- the Legislature's role is simply to approve what the County Executive negotiates --

**CHAIRMAN GULDI:**

-- or disapprove --

**MR. TEMPERA**

-- for approve or disapprove for financial reasons only. Those items that have no financial impact do not even have to come over to the Legislature.

**CHAIRMAN GULDI:**

We've had disputes about that in the past.

**LEGISLATOR CARACCILO:**

Mr. Chairman?

**CHAIRMAN GULDI:**

Mr. Tempera can I get Ms. Mauk's answer to my question before you jumped in I was speaking to her?

**MS. SCHULLER-MAUK:**

The unions negotiate with the County Executive and under that arrangement we determine what, you know, what not only what our benefits are, but also the structure by which we get the benefits. This was negotiated with the County Executive. This resolution in effect is saying that

the Legislature in affect can impose certain operations on the unions to deal with their benefits, but we do not negotiate with the Legislature.

**CHAIRMAN GULDI:**

What in this resolution poses anything on the unions at all?

**MS. SCHULLER-MAUK:**

Well, one is that you are requiring that the unions have representation on this committee. We have representation on the other committee. Are you saying then that we're supposed to be at two meetings per month for oversight? We have a committee that we operate with and that's part of our collective bargaining agreement. That's what binds us and that's the process by which we use to deal with the discussion of our benefits and how the benefits are being handled and dealt with. Now you're creating a super structure that in effect is attempting to require unions to participate in it.

**CHAIRMAN GULDI:**

This super structure being?

**MS. SCHULLER-MAUK:**

The structure that you're creating out of this resolution.

**CHAIRMAN GULDI:**

It's the same 18-member committee, isn't it the same function?

**MS. SCHULLER-MAUK:**

No, it's a different committee that we negotiated.

**MR. TEMPERA:**

Legislator Guldi, do you have the opinions that were issued in 1992 by the County Attorney's Office?

**CHAIRMAN GULDI:**

Yes, I have reviewed those.

**MR. TEMPERA:**

And by Labor Counsel in addition --

**CHAIRMAN GULDI:**

-- yes, I have.

**MR. TEMPERA:**

-- to the November 19th letter to then Comptroller Joe Caputo cause I think it very clearly stands out --

**CHAIRMAN GULDI:**

-- I read it, I understand every word of it; I disagree with it wholeheartedly.

**MR. TEMPERA:**

Okay. You may disagree --

**CHAIRMAN GULDI:**

-- I disagree. I think they're totally without legal basis.

**MR. TEMPERA:**

Well, then you have the option to push the issue and the unions have the option to stake out their position in collective bargaining.

**CHAIRMAN GULDI:**

I know that and if you'd stop interrupting I would like to discuss that with the unions okay. The question I have is you understand we ended up with a huge brouhaha mostly a brouhaha about what was going on with this committee not because of the unions participation in fact there's absolutely no basis for criticism of the unions participation, but because of our own personnel and their roles in it okay. The fact is --

**MR. TEMPERA:**

I take exception to that. I'm sorry, you cannot take exception --

**CHAIRMAN GULDI:**

-- Mr. Tempera, if you interrupt again I'm going to ask you to be removed from the room. I'm trying to speak to another witness and if you disagree with my opinion you will have plenty of opportunity to say that.

**MR. TEMPERA:**

Let's just state the facts.

**CHAIRMAN GULDI:**

Please stop interrupting, sir. Okay.

**MR. TEMPERA:**

Let's just state to the facts.

**CHAIRMAN GULDI:**

I can state my opinion any time I want.

**CHAIRMAN GULDI:**

I'm going to ask you to step away from the table and go sit in the audience.

**MR. TEMPERA:**

George, I'm here to provide information to the committee.

**CHAIRMAN GULDI:**

I understand why you are here and I'm trying to talk to someone else.

**LEGISLATOR CRECCA:**

Can I recommend that we take a five-minute recess?

**CHAIRMAN GULDI:**

Yes.

**LEGISLATOR CRECCA:**

Thank you.

(\*The meeting was recessed at 11:32 A.M.\*)

(\*The meeting was reconvened at 11:43 A.M.\*)

**CHAIRMAN GULDI:**

Mr. Tempera, if I may.

**MR. TEMPERA:**

Yes, sir.

**CHAIRMAN GULDI:**

Look, you have every right to state your opinion here I will give you every opportunity. However, it's incumbent upon me and this institution to maintain decorum and procedure and I will require you to follow those procedures.

**MR. TEMPERA:**

That's fine.

**CHAIRMAN GULDI:**

If you have anything else to say with respect to the issue, please say so now. Do you have anything else to say?

**MR. TEMPERA:**

I think I'm on the record with my position. Thank you.

**CHAIRMAN GULDI:**

Your position's on the record. Thank very much for your comments. Are there any other questions for Mr. Tempera? Okay, Mr. Tempera there are no other questions for you. Thank you very much.

**MR. TEMPERA:**

Thank you.

**CHAIRMAN GULDI:**

Ms. Mauk, if I may. The bill itself, I'm trying to understand the concerns you are articulating respect to it. I have no intention of moving the bill today in any event. I do want an opportunity to and I understand you called my office yesterday.

**MS. SCHULLER-MAUK:**

Yes, I did.

**CHAIRMAN GULDI:**

Do you want you an opportunity to fully air your concerns, but the concern I still want to get to the substance of the concern we have in that the need for fiscal by our fiscal people oversight not by the -- I wholeheartedly believe that the collective bargaining of the unions is and should be conducted totally in accordance with the terms and conditions of the Taylor Law. At the same time we are a self-insurer. This isn't the administration of County funds and the disbursement thereof; that requires fiscal oversight. We have been criticized for not providing that. I suspect

that we can find a common ground to not interfere with the unions right's in any manner yet still reach some level of assurance that the fiscal oversight of the disbursement of money is provided.

My concern -- I'm very concerned with the union's positions but I don't understand it. So I'd like you to explain it to me.

**MS. SCHULLER-MAUK:**

All right. You know one of my concerns and I don't understand the reason for this resolution. One of the things I think became clear in terms of the hearings that were had in terms of the EMHP situation was that there was an accounting error and the accounting error was committed by a consultant. It wasn't a fly by night consultant; this was an international consultant that had a very good reputation. It was an error that was made -- I think they even testified to that effect. That can happen whether you have seven oversight committees; whether you have all the fiscal watchdogs whether they're County employees or not County employees; these things happen. As soon as we found it out and it wasn't just the unions it was all of the members of the committee immediately took actions to correct that situation. We fired the consultant; we brought in a new consultant. We turned information over to the County Attorney over to the District Attorney and we wanted to move to make sure that the records were clear.

We also agreed that, you know, that we had to find exactly what the right numbers were and that's why we agreed and we want to the fiscal committee of the County to have an independent auditor look at the numbers so that we could come up with numbers by which we could make our judgements. That's what we have been doing all along assuming the consultant's numbers in the past had been correct numbers. And we try to exercise good judgement and it wasn't just unions versus management. This is a collaborative a truly a labor management type of committee and that's what we had all bargained for. Now on this committee in the past there had been a representative from the Comptroller's Office sitting as a voting member of the committee. In addition, there had also been members from the Comptroller's Office who had participated in the open sessions of the meeting when we went into executive session as none voting members. Because again they were getting information, they could have done audits as we were moving along. We had talked to them previously about doing audits so the fact that it was not done in the past doesn't mean that you now have to create a supper structure in order to do that, you know, going forward. But again, I think that this resolution is somewhat misguided in terms of setting up again another committee that will supercede the one that we've contractual agreed to. It also contains elements in here and there is a section in here where it talks about, "the contract award shall be subject to the approval by the County of Suffolk via duly enacted resolution of the County of Suffolk."

We did have an arbitration in terms of whether the rules of the EMHP for selecting vendors was appropriate or the County's SOP the arbitration was won by the unions and it is the selection of vendors process that's in our bylaws that is the one that is used. So that's an error right there. We do have an arbitration award standing on that particular one. Again, I think that I do think that we ought to sit down and we ought to talk about this issue and talk about again the history of EMHP the history of collective bargaining that structured it and come to, you know, a resolution that's consistent with the collective bargaining process.

**CHAIRMAN GULDI:**

I look forward to that dialogue. This was essentially an effort to bring to a conclusion the lengthy discussion and voluminous testimony we've had on the issue. And I'd look you to forward to me a copy of that arbitration decision that you just referred to.

Fred Pollert if I may, with respect to the audit that was just discussed just mentioned do we have an any -- what's the status of that audit; have we received any recommendation and etcetera? You do serve on the Audit Committee?

**MR. POLLERT:**

Yes. Actually, I'm the Chairman this year. There was an Audit Committee meeting two weeks ago. The draft phase to audit was presented to the committee, there were a few recommended changes by the Law Department those are being incorporated by Ernst & Young and I believe that the final report will be available probably at the end of this week or at the beginning of next week and it will be distributed to all the Legislators.

**CHAIRMAN GULDI:**

Okay. Frankly, there are a number of questions. I am going to make a motion to table the resolution pending those discussions, but -- and rather than protract this until we have those discussions I'll go to other Legislators who asked to be recognized. Legislator Viloría-Fisher is next.

**LEGISLATOR VILORIA-FISHER:**

This is to either Ellen or Jeff. Okay, you both maintained that this violates the Taylor Law. From our perspective, we're looking at a process that began in 1992-93 between the County Executive and the labor unions which excludes the Legislature. How could the Legislature -- what would the process be through which or by which the Legislature can reenter this process, according to your opinions?

**MR. TEMPERA:**

Well, again, what we're going back to here is the collective bargaining process and the role of the Legislature. And the collective bargaining process is one of approving financial outlays. Back in 1992 what was found to be illegal was the Legislature unilaterally setting up this oversight committee. In negotiations with the unions, the Legislature can always make recommendations to the County Executive's Office, to my office with regards to request for changes in the collective bargaining process. And that's something that we always take to the table with the unions; sometimes we're successful, sometimes we're not.

In terms of an oversight role with regards to EMHP, Fred can tell you we've already had discussions in the past as to what documents he receives and what documents he doesn't receive. And he's made requests to get -- receive financial documents that are given out at the committee and committee has no objection to that. We are not and haven't been operating in a vacuum and we do not operate secretively.

**LEGISLATOR VILORIA-FISHER:**

Jeff, have those -- that sharing of documents with Budget Review have those occurred after there had been a red flag raised or has that been a part of the process throughout?

**MR. TEMPERA:**

Fred can answer it better than I can. I think there was for a long period of time going back to '91 Fred had received documents and for a period of time it had stopped. Fred brought it to my attention recently that he hadn't been receiving the documents and we've given direction to --

**LEGISLATOR VILORIA-FISHER:**

-- okay, so that's problematic then. Fred, you had not been getting any information what was going on in the committee until there was time that there was a red flag raised and there were issues?

**MR. POLLERT:**

Yes, that is correct.

**LEGISLATOR VILORIA-FISHER:**

Okay.

**MS. SCHULLER-MAUK:**

If I just might interrupt for a moment. I don't remember what year it was but I believe Legislator Tonna at one point had requested documentation and I believe that there were several boxes that were brought over to the Legislature dealing with EMHP documents. And I think there have been maybe a couple of requests along --

**LEGISLATOR VILORIA-FISHER:**

-- what I'm seeing here is that now wouldn't it make sense, you're calling it oversight. I'm saying if there were of the nine members who were not the union members, if some of those members were people who represent or report back to the Legislature so that we don't have reports only when there's a special request or oversight by Budget Review only when there's a red flag raised? That there be through collective bargaining through an agreement Legislature as part of the ongoing committee so that the Legislature has a piece of this?

**MR. TEMPERA:**

I understand your request. It's something that we would and I would obviously have to take back to the Exec's Office and discuss with them but part of the problem and this is not anything aimed at any Legislator and please don't take it that way. The unions are a group of nine that vote as one and there are many times that the unions will take a position and I applaud them that in all of my years I've been on this committee since 1992 there have probably been two possibly three tie votes if that many over the ten years ten plus years that we have served on the committee. This has truly been a cooperative committee that votes are taking with regards to what is right and you talk about fiduciary responsibility on behalf of the unions I think everybody although we are not required, but we're not true fiduciary; this is not a trust fund. We all act with that same responsibility. My belief is what happens with management is when you separate management out into separate competing areas the unions have always said that when they had people who hasn't been directly answerable back to the Exec's Office on there the threat had always been we have our tenth vote. They're able to better lobby people outside of a block. And again, I say this with all respect it's something that the unions have acted appropriately, but when you dilute the vote of management you're always putting the possibility that the unions could control a vote through their efforts on the outside. I can't put it any simpler than that.

**LEGISLATOR VILORIA-FISHER:**

Okay. Well, I don't agree with that characterization, but what I was asking not a request, but what I was looking for was you have expressed opposition to the resolution as being a method of achieving a goal of having the Legislature have a more active part. So what I was simply saying what in your view would be a more legal process of doing it not a request to the County Executive to allow the Legislature in. So in the dialogue that I assume will be -- that I know will be occurring after today, I believe that we will find a process because I believe that the Legislature should be part of this process.

**CHAIRMAN GULDI:**

Legislator Crecca is next.

**LEGISLATOR CRECCA:**

Actually, I'll just refraining from commenting on the merits of the bill, but just -- it sounds like you are going to do that, suggest to the sponsor that obviously sit done with members from the unions as well as County Exec's staff and figure out their concerns and whether or not they need addressing in your bill or not so.

**CHAIRMAN GULDI:**

Okay. Mr. Tempera I feel constrained to reply to two of the remarks you just made in response to Legislator Fisher. On the one being that you are not true fiduciary cause this is not a trust fund; I respectfully disagree. The money is taxpayer money like all money that's taxpayer money we are true fiduciary with respect to it not just the Legislature, but every employee of the County Executive's Office. And I urge you to rethink your position with respect to fiduciary responsibilities in that regard. And also with -- as my colleagues said in terms of the argument that if somehow dilutes the management vote to have representatives of the Comptroller or the Budget Review Office or even the Legislature in the management team I respectfully accept to that. In fact I think I'm almost embarrassed to hear that the management group votes as one; if it votes as one, there's no reason for nine people there.

**MR. TEMPERA:**

Well, didn't say that. I said over the ten plus years that I think everyone has acted responsibly and hasn't voted as one where we have only had I think three tie votes in that period of time. And while -- and again, I'm not a lawyer, I don't profess myself to be a lawyer. I said that the management team has acted with that same fiduciary responsibility and it was my understanding that we aren't true fiduciary since we don't sit on trust fund, but clearly we have acted on that matter over all of my years sitting on the committee.

**CHAIRMAN GULDI:**

You don't have to sit on trust fund to be fiduciary. If you are dealing with public money and have the ability to disburse it you are a fiduciary.

**MR. TEMPERA:**

That's fine.

**CHAIRMAN GULDI:**

Okay. I'm -- however, if you want to put together a series of meetings to discuss your concerns on the bill and talk about revising that, I will be glad to I mean, if you are still here at the end of meeting I will talk to you then; otherwise I'll get in touch or we'll be in touch with each other promptly to do that, okay?

**MS. SCHULLER-MAUK:**

Okay.

**CHAIRMAN GULDI:**

Thanks for coming down.

**MR. TEMPERA:**

Thank you.

**CHAIRMAN GULDI:**

Motion to table 1477 by myself second by Legislator Fisher. Discussion? All those in favor? Opposed? **1477 is tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1479 Adopting Local Law No. –2003, A Local Law to prohibit use of County resources to interfere with collective bargaining activities of unions in Suffolk County. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Lindsay)** It's funny how those end up next to each other on the agenda, isn't it? Motion to table for public hearing.

**LEGISLATOR CRECCA:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Crecca. All those in favor? Opposed? **Tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1480 To amend 2003 rules of the County Legislature in connection with the order of business. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Postal)** I've got a request from the Presiding Officer to table this resolution. Motion to table by myself. Is there a second to tabling?

**LEGISLATOR CRECCA:**

Yes, I would love to second that motion.

**CHAIRMAN GULDI:**

Second by Legislator Crecca. Discussion? All those in favor? Opposed? **Tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1500 Authorizing the sale of surplus County car (showmobile) to Town of Southampton. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Guldi)** I will make a motion to approve and place on the consent calendar. This is the showmobile that the County has essentially surplused and is taking out of service. The Town of Southampton is taking it as is and will use it to meet some of their own needs and perhaps reduce the frequency with which it borrows the other equipment.

**LEGISLATOR FIELDS:**

Does anyone know the condition of this vehicle?

**CHAIRMAN GULDI:**

I was advised that it had been stripped of its components and was beyond its useful life.

**LEGISLATOR FIELDS:**

Okay.

**CHAIRMAN GULDI:**

I was surprised that Southampton wanted it, but they're willing to take it and undertake it's restoration for their purposes since it will be used more locally and won't be across the road for such great distances. It may have some more utility to them than us. I'll make a motion to approve and place on the consent calendar. Is there a second?

**LEGISLATOR VILORIA-FISHER:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Viloría-Fisher. Discussion? All those in favor? Opposed? **Approved and placed on the consent calendar (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1501 Approving a settlement of litigation between the County of Suffolk and First American Real Estate Solutions. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)** Do we need executive session to discuss this?

**MS. DeJONG:**

Yes, we do.

**CHAIRMAN GULDI:**

We'll hold it till the end of the calendar.

**1518 Approving the appointment of William T. Murphy II to Police Operations Aide in the Suffolk County Police Department. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)** This is obviously a nepotism waiver of conflict. What's the relationship, Counsel?

**MR. SABATINO:**

This is the son of Deputy Inspector in the Police Department, that's why the anti-nepotism provision applies. This person is being appointed to Police Operation Aid position.

**CHAIRMAN GULDI:**

Is that a competitive position or is that a discretionary or is it a provisional?

**MR. SABATINO:**

I don't know, I don't recognize it as being one of the Civil Service one's, but I'm not the expert on those titles.

**MR. KNAPPE:**

Without having the resolution in front of me, I do believe that it is Civil Service competitive position.

**CHAIRMAN GULDI:**

Okay. Yeah, it says so actually Civil Service competitive examination. Motion to approve and place on the consent calendar by myself.

**LEGISLATOR BISHOP:**

He passed the exam in other words?

**LEGISLATOR FIELDS:**

Did he pass the exam? I'm going to make a motion to table until we have maybe someone here that --

**MR. KNAPPE:**

-- there wouldn't be any way to promote him if he didn't pass and was reachable on the Civil Service list; it would be a moot point as far as Civil Service goes if that was the case.

**CHAIRMAN GULDI:**

Except that it says, the first WHEREAS says the position is not being filled pursuant to a Civil Service competitive exam. I don't know if that's from the overriding statute or not.

**MR. KNAPPE:**

Then it would be appointed pending a Civil Service test being issued for the individual. Let me get my copy of the resolution.

**LEGISLATOR FIELDS:**

I think I would rather make a motion to table and hear from Civil Service on this one.

**LEGISLATOR CRECCA:**

Can I make a suggestion?

**CHAIRMAN GULDI:**

The resolution doesn't seem to answer the question, I mean, I just read it.

**LEGISLATOR CRECCA:**

Can I make a suggestion?

**CHAIRMAN GULDI:**

Legislator Crecca.

**LEGISLATOR CRECCA:**

Rather than hold it up, why don't we -- first of all, I wouldn't regardless have it put on consent calendar. Second of all, I would make a motion to discharge without recommendation, bring it to the floor, and ask either the Chairman to have somebody from Civil Service come to the General Meeting and explain this to us. They can do it during that portion --

**LEGISLATOR BISHOP:**

Second.

**LEGISLATOR FIELDS:**

Why, what's the rush? Why can't we have them come before the committee so that --

**LEGISLATOR CRECCA:**

-- we're not meeting again till August 5th.

**LEGISLATOR BISHOP:**

And because if the person passed an exam and earned this promotion --

**LEGISLATOR CRECCA:**

-- he should get it.

**LEGISLATOR VILORIA-FISHER:**

It's his job.

**LEGISLATOR BISHOP:**

Legitimately, well, it's legitimate either way, but if they did it by examination --

**MR. SABATINO:**

-- actually, I just realized it can't be Civil Service position because if it's Civil Service competitive exam the anti-nepotism law doesn't apply. I mean, it just hit me okay.

**LEGISLATOR BISHOP:**

Okay, in that case table it.

**MR. SABATINO:**

It's when you're not making Civil Service competitive examine appointments --

**CHAIRMAN GULDI:**

-- I disagree. I'm still inclined to support the discharge.

**LEGISLATOR CRECCA:**

And what's your reason?

**CHAIRMAN GULDI:**

My reason for supporting the discharge is that you're talking about a job the department wants to fill a position a person wants to take. Frankly, I don't know about anyone else but to wait the six or eight weeks between our meeting cycle when you're not working is a substantial imposition on the individual and on our vacant position. If you want more information we can get it by Tuesday. Frankly, I'm going to make -- hold on, you're back on your feet?

**MR. KNAPPE:**

I was just going to make a request to the Legislature to discharge without recommendation. We'll make sure we have the information available for you at Tuesday's meeting. If not, I will request the Legislature to table the resolution at that time.

**LEGISLATOR BISHOP:**

Let's face it, the anti-nepotism law in this County -- I was in court the other day I was in the Clerk's Office in the courthouse and there's a list that says, "Do not assign County cases." And there were about eight judges underneath it. Presumably that's because all eight judges have children in the County Attorney's Office. So I mean, you know, everything goes through and so we have these laws that have disclosure, but ultimately we're paper tigers.

**CHAIRMAN GULDI:**

Disclosure is the objective though.

**LEGISLATOR BISHOP:**

No, discouragement is the objective. Disclosure is not the objective.

**LEGISLATOR CRECCA:**

You think because people are related they shouldn't be allowed to work for the County?

**LEGISLATOR FIELDS:**

There should be oversight.

**LEGISLATOR BISHOP:**

Andrew, I wouldn't hire my child into my office and I assume you wouldn't put your child in your office.

**LEGISLATOR CRECCA:**

He's seven so it would probably violate some labor laws too.

**CHAIRMAN GULDI:**

I don't know, David, some of us feel that way, but then again, we don't have the genetic advantages that you have.

**LEGISLATOR CRECCA:**

Bottom line is that if this is -- we should make a determination whether it's legitimate hiring or not. And if it is, we shouldn't hold it up. I agree with George for six or eight weeks. I'm not saying approve it.

**CHAIRMAN GULDI:**

The only reason this is before us at all because the individual is the subject of the appointment that happens to be related to a member of the Police Department.

**LEGISLATOR BISHOP:**

Oh, it just happens.

**LEGISLATOR FIELDS:**

Yeah, but what's wrong with going through the committee process. So what if it slows it down? They put it in, they knew what date it was, no one's here to respond to it. So they know the rules, they know the deal, they know the plan. So if it's -- if they thought it was just going to go through no one had to respond that's their problem not ours.

**LEGISLATOR CRECCA:**

What is the question I don't understand? It's not a Civil Service job.

**LEGISLATOR FIELDS:**

The question is that we have the ability to ask questions and get answers and if there are questions we have the responsibility of taking the time -- that's the whole purpose of.

**LEGISLATOR CRECCA:**

Yeah, but at 1 o'clock we're going to have Commissioner and I know that's not at this committee, but Commissioner Gallagher is going to be here and a host of other --

**LEGISLATOR FIELDS:**

-- we want Civil Service here, too.

**LEGISLATOR CRECCA:**

Why if it's not a Civil Service position why would you have Civil Service here?

**LEGISLATOR FIELDS:**

Oh, that's if we're not Civil Service?

**LEGISLATOR CRECCA:**

Can I make a suggestion? If we discharge without recommendation I think Legislator Bishop, you sit on Public Safety?

**LEGISLATOR BISHOP:**

Yes.

**LEGISLATOR CRECCA:**

As do I. I think that we can make inquiry either publicly or privately and find out what's behind this and certainly make sure the appropriate people are there to answer our questions on Tuesday. So, you know, A, if it's an important position we shouldn't leave it vacant for two months; if it's not an position, we can make that determination on Tuesday.

**LEGISLATOR FIELDS:**

If it's so important, why aren't they here?

**LEGISLATOR CRECCA:**

I don't know, Ginny. I don't know what the controversy is about this so.

**LEGISLATOR FIELDS:**

I'm going to make a motion to table.

**LEGISLATOR BISHOP:**

It doesn't strike you as peculiar?

**LEGISLATOR CRECCA:**

What?

**LEGISLATOR BISHOP:**

That discretionary jobs in the Police Department go to children of brass, that's just all right?

**LEGISLATOR CRECCA:**

I mean --

**LEGISLATOR BISHOP:**

You're saying what's controversial.

**LEGISLATOR CRECCA:**

It happens right here at the Legislature, David. You want us to what?

**LEGISLATOR BISHOP:**

Who? What?

**LEGISLATOR CRECCA:**

Do you really want me to -- I mean --

**LEGISLATOR BISHOP:**

-- it doesn't happen in my family.

**LEGISLATOR CRECCA:**

You know I don't have a relative who's an employee of the County either, that doesn't mean --

**LEGISLATOR FIELDS:**

I made a motion to table.

**CHAIRMAN GULDI:**

I have a motion to table; I got a motion to discharge without recommendation which has been seconded. There is no second on the motion to table. On the motion to discharge without recommendation, all those in favor?

**LEGISLATOR CARACCILOLO:**

Yes.

**LEGISLATOR FIELDS:**

I'm opposed.

**LEGISLATOR BISHOP:**

Opposed.

**CHAIRMAN GULDI:**

Legislator Fisher is in favor, Legislator Fields and Legislator Bishop are you opposed? Okay.

**LEGISLATOR BISHOP:**

Viloria-Fisher to you.

**CHAIRMAN GULDI:**

Viloria-Fisher to me; I'll never get that right although I'll try.

**LEGISLATOR BISHOP:**

We're all undergoing training.

**LEGISLATOR VILORIA-FISHER:**

No, actually you've gotten it right most of the day.

**CHAIRMAN GULDI:**

It's so shocking, isn't it? It's hard enough for me to get Legislator Fields and Fisher sorted out.

**LEGISLATOR VILORIA-FISHER:**

Well, you see it should help you to know that I'm Viloria-Fisher.

**LEGISLATOR CARACCILOLO:**

Motion on the next one.

**CHAIRMAN GULDI:**

**The motion to discharge without recommendation is approved (Vote: 4-2-0-1 Opposed: Legislators Bishop & Fields - Not Present: Legislator Haley).**

**1521 Approving the reappointment of Rabbi Steven A. Moss as Chair of the Suffolk County Human Rights Commission. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)**

**LEGISLATOR FIELDS:**

Motion to table.

**CHAIRMAN GULDI:**

Rabbi Moss sent a note in. Rabbi Moss has said that he won't be able to appear today because of prior commitments that conflicted with the scheduled meeting.

**LEGISLATOR CRECCA:**

I'm going to second the motion to approve. He's in my district, I can tell you too that I don't think there's anybody in the horseshoe who hasn't -- seen Rabbi Moss and spoken to him.

**LEGISLATOR FIELDS:**

-- actually, you're right; I'll second that --

**LEGISLATOR CRECCA:**

-- seen Rabbi Moss and spoken to him.

**LEGISLATOR FIELDS:**

You know you're right.

**LEGISLATOR CRECCA:**

He's been at this Legislature many times.

**CHAIRMAN GULDI:**

Motion to approve and second.

**LEGISLATOR FIELDS:**

He actually has.

**LEGISLATOR CRECCA:**

And the words of Mike D'Andre, he's a fine American.

**LEGISLATOR FIELDS:**

Well, this is one particular person that serves on the board that we see on a regular basis and I think you're right, every Legislator has had the ability to meet with him. I'll second the motion.

**CHAIRMAN GULDI:**

All those in favor? Opposed? **Approved (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**LEGISLATOR CRECCA:**

Consent calendar?

**CHAIRMAN GULDI:**

We don't want hear Dave Bishop's speech about the Consent Calendar again.

**1522 Approving the reappointment of Alice T. Cone as a member of the Suffolk County Human Rights Commission. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)**

**LEGISLATOR FIELDS:**

I'll make a motion to table.

**CHAIRMAN GULDI:**

Motion to table by Legislator Fields. Legislator Caracciolo?

**LEGISLATOR FIELDS:**

1523 also.

**CHAIRMAN GULDI:**

Legislator Caracciolo, you advised me that you got attendance report of the committee. Could you fill us in?

**LEGISLATOR CARACCIOLO:**

I do not have it with me but my recollection is the members were good attendees but they appeared to be. I didn't look at it that closely, quite frankly. So I'll second the motion to table.

**CHAIRMAN GULDI:**

Motion to table and second. All those in favor of tabling Mrs. Alice T. Cone? All those opposed? I'm opposed. It's tabled (Vote: 5-1-0-1 Opposed: Legislator Guldi - Not Present: Legislator Haley).

Actually, I was approached -- I was approached by Jim Stephens as to whether or not they were required to be here, I told him I didn't require their presence and asked that he check with the other members of the committee. I know that he provided Legislator Caracciolo with the attendance, that was the one that --

**LEGISLATOR CARACCIOLO:**

-- then let me -- I will reconsider 1522.

**LEGISLATOR CRECCA:**

Withdraw your motion.

**CHAIRMAN GULDI:**

No, it's already been voted on.

**LEGISLATOR BISHOP:**

Has anybody digested the attendance? Do all these re-appointee's --

**LEGISLATOR CARACCIOLO:**

-- I'll take a look at it and I'll make copies for everybody for Tuesday.

**LEGISLATOR BISHOP:**

But we're voting now.

**LEGISLATOR CARACCIOLO:**

Well, we're going to discharge without recommendation and we'll have until Tuesday.

**CHAIRMAN GULDI:**

Motion to reconsider.

**LEGISLATOR BISHOP:**

Counsel's not happy with that.

**MR. FAUK:**

Mr. Chairman, I have a copy of the attendance record.

**CHAIRMAN GULDI:**

Could you bring it up please?

**LEGISLATOR BISHOP:**

Give it to our attendance officer, Legislator Caracciolo.

**LEGISLATOR FIELDS:**

What happened to having members come before the Legislature so that we could maybe ask them questions?

**LEGISLATOR CARACCIOLO:**

Reappointments?

**LEGISLATOR FIELDS:**

Yes. We've talked about reappointments for two years.

**LEGISLATOR CARACCIOLO:**

Well, I think that varies from committee to committee. I mean, I know Legislator Haley when he chaired committees, it was his practice not to.

**LEGISLATOR FIELDS:**

He doesn't do a lot of things, but you know he's not even here.

**CHAIRMAN GULDI:**

I did not know if the members of the committee wanted to see and hear from these people at all. When I was approached on the issue I asked them to check with the individual members. I personally have no need to see any of these reappointments.

**LEGISLATOR BISHOP:**

They all show up --

**CHAIRMAN GULDI:**

-- in fact, I'm looking for -- there are a few excused absences, there are a few absences. In terms of, let me check. Alice T. Cone, present January, present February, excused April and May, present in June, present in September, October, November and excused in December in 2002. In 2003 she was present in January, excused February, present in March, excused in May.

**LEGISLATOR FIELDS:**

Two out of four.

**LEGISLATOR BISHOP:**

If you get excused.

**LEGISLATOR CRECCA:**

May I be excused?

**CHAIRMAN GULDI:**

I can't think of any excuse for you. Legislator Caracciolo, did you make a motion to reconsider the tabling? Is that correct?

**LEGISLATOR CARACCIOLO:**

I did, yeah.

**CHAIRMAN GULDI:**

I'll second the motion to reconsider the tabling. All those in favor? Opposed?

**LEGISLATOR BISHOP:**

I guess now --

**CHAIRMAN GULDI:**

It's now reconsidered (Vote: 6-0-0-1 Not Present: Legislator Haley).

**LEGISLATOR BISHOP:**

I guess now we'll have to deal with the issue of what we consider good attendance.

**LEGISLATOR CARACCIOLO:**

Well, I think when you look at the numbers the chairman recited I think it was one out of three meetings missed, so that's not good attendance record for 15, 16 months.

**LEGISLATOR FIELDS:**

Two out of four.

**CHAIRMAN GULDI:**

Two, three, four, five, six, seven, eight presence's and four -- no, five excused absences.

**LEGISLATOR CARACCIOLO:**

That's not good a good attendance record.

**LEGISLATOR FIELDS:**

Not even 50% percent.

**LEGISLATOR VILORIA-FISHER:**

No, that's more than 50.

**CHAIRMAN GULDI:**

Eight present and five excused absences.

**LEGISLATOR FIELDS:**

Oh, 13, five out of eight.

**CHAIRMAN GULDI:**

Five out of 13. Motion to discharge without recommendation by myself.

**LEGISLATOR CRECCA:**

I'll second that.

**LEGISLATOR BISHOP:**

Is that typical?

**LEGISLATOR FIELDS:**

I am opposed. I would like to see these people, I really would.

**LEGISLATOR CARACCIOLO:**

I think Legislator Fields makes a good point. In this instance you have an individual that has missed five out of 13 meetings and it's has excused. Now maybe it's business conflicts. Maybe they're not legitimate maybe there's illness, we don't know, maybe they're not legitimate; I think we should find out.

**LEGISLATOR BISHOP:**

I hate to be mean to the person because they're volunteering.

**LEGISLATOR CARACCIOLO:**

What do you mean? These are important positions.

**LEGISLATOR BISHOP:**

I agree.

**LEGISLATOR FIELDS:**

Then maybe we should never interview people that are appointed and re-appointed.

**LEGISLATOR BISHOP:**

Just talking out loud.

**LEGISLATOR FIELDS:**

Motion to table.

**CHAIRMAN GULDI:**

Motion to table -- wait, wait, we have reconsidered the other tabling, so we're not permitted from tabling. We have yet another motion to table.

**LEGISLATOR CARACCIOLO:**

Then given the facts as recited by the chair, I would have to reconsider my previous motion and make a motion to table.

**CHAIRMAN GULDI:**

You're re- reconsidering.

**LEIGISLATOR BISHOP:**

It's tabled right?

**CHAIRMAN GULDI:**

Motion to table by Legislator Fields, second by Legislator Caracciolo. All those in favor? Opposed? I'm still opposed. **Tabled (Vote: 5-1-0-1 Opposed: Legislator Guldi - Not Present: Legislator Haley).**

**1523 Approving the reappointment of James L. Stephens as a member of the Suffolk**

**County Human Rights Commission. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)** Jim Stephens has been --

**LEGISLATOR CARACCILO:**

-- just tell us how many meetings he missed.

**CHAIRMAN GULDI:**

Actually, he didn't -- he was only a member for 12 meetings he missed two excused absences he attended ten.

**LEGISLATOR FIELDS:**

But I'm not -- may I? I don't think it's just excused -- absences --

**CHAIRMAN GULDI:**

-- well, with respect to Mr. Stephens, I know him. He's here regularly.

**LEGISLATOR FIELDS:**

No, no, I just want to make another point. What about the lady that took the time out of her busy day to come here, what kind of example is that, you know, to us? We listen to her she came here she spoke to us, but the other ones what, they just assume we're going to rubber stamp it and that they're on?

**LEGISLATOR BISHOP:**

He didn't assume he called the Chairman.

**LEGISLATOR FIELDS:**

Well, he has an excuse.

**CHAIRMAN GULDI:**

He actually approached us during the meeting.

**LEGISLATOR FIELDS:**

Not him, but I mean all the rest of them.

**CHAIRMAN GULDI:**

He actually approached me during the meeting and asked me who I wanted here. I said to check with the other members. As far as I was concerned, his attendance was not required.

**LEGISLATOR FIELDS:**

He didn't check with me; other members of this committee, you mean?

**CHAIRMAN GULDI:**

Yes.

**LEGISLATOR FIELDS:**

He never reached out to me. Did anybody else?

**LEGISLATOR VILORIA-FISHER:**

I make motion to approve.

**LEGISLATOR CRECCA:**

Second.

**CHAIRMAN GULDI:**

I'm going to second the motion.

**LEGISLATOR VILORIA-FISHER:**

I think based on that response from Chair, I don't think people should have to start to try to find who the members are and this is a man whom we've seen come to the Legislature to advocate for what he sees as human rights.

**LEGISLATOR CRECCA:**

Call the --

**CHAIRMAN GULDI:**

-- all those in favor? Opposed?

**LEGISLATOR CRECCA:**

This is on the motion to approve?

**CHAIRMAN GULDI:**

On the motion to approve. Abstentions? **It's approved (Vote: 6-0-0-1 Not Present: Legislator Haley).** 1525

**LEGISLATOR CRECCA:**

No, 1524.

**CHAIRMAN GULDI:**

**1524 Approving the reappointment of Nayyar Imam as a member of the Suffolk County Human Rights Commission. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.) Hold on a second.**

**LEGISLATOR FIELDS:**

Motion to table.

**LEGISLATOR VILORIA-FISHER:**

I do have to say that he came when he was appointed I remember he came and spoke very well.

**CHAIRMAN GULDI:**

Basically Mr. Imam was just appointed in 2003. He was here two months ago; there've been two meetings since he was appointed and he was present at one and excused at the other. He was here, he's a new member. I'm going to make a motion to approve.

**LEGISLATOR CRECCA:**

Second. I was on the committee when he came before us, I believe.

**CHAIRMAN GULDI:**

Motion to approve and second. All those in favor? Opposed? Abstentions? **Approved (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1525 we did earlier.**

**1526 Approving the reappointment of Rachel Davis as a member of the Suffolk County Human Rights Commission. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)**

**CHAIRMAN GULDI:**

Davis missed one in '03 and attended six. Had one excused absence and two absences in '02.

**LEGISLATOR CARACCILOLO:**

Motion to table.

**CHAIRMAN GULDI:**

Motion to table by Legislator Caracciolo.

**LEGISLATOR FIELDS:**

I will second it.

**CHAIRMAN GULDI:**

Second by Legislator Fields. Discussion? All those in favor? I'm opposed.

**LEGISLATOR BISHOP:**

Opposed.

**CHAIRMAN GULDI:**

**It's tabled (Vote: 4-2-0-1 Opposed: Legislators Guldi & Bishop - Not Present: Legislator Haley).**

**1528 Authorizing certain technical corrections to Adopted Resolution No. 16-2002. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Co. Exec.)**

This is one amount?

**MR. SABATINO:**

It is confusing. The backup makes reference to four parcels but the change seems to talk about two; frankly, I couldn't reconcile it.

**LEGISLATOR FIELDS:**

Motion to table.

**LEGISLATOR CRECCA:**

Second.

**CHAIRMAN GULDI:**

It's the Presiding Officer's resolution at the request of the County Executive, so that makes it yours; straighten it out, okay?

**MR. FAUK:**

(Shook head yes).

**CHAIRMAN GULDI:**

Motion to table by -- who made the motion I'm sorry? Motion to table by Legislator Fields, second by Legislator Crecca. All those in favor? Opposed? **Tabled (Vote: 6-0-0-1 Not Present:**

**Legislator Haley).**

**1534 Adopting Local Law No. –2003, A Charter Law amending County Campaign Public Finance Program to allow and facilitate partial County funding for all County Elections. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Cooper) Motion to table for a public hearing.**

**LEGISLATOR VILORIA-FISHER:**

We already had the public hearing, didn't we?

**CHAIRMAN GULDI:**

No, it's a new resolution we couldn't have. Motion to table for public hearing by myself, second by Legislator Viloría-Fisher. All those in favor? Opposed? **Tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**1542 Approving appointment of relative of County Employee at Suffolk County Community College (Betsy Pollert). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Postal)**

**LEGISLATOR VILORIA-FISHER:**

Motion to approve.

**CHAIRMAN GULDI:**

As I said the poor woman being married to Fred Pollert has enough burdens as it is. I'll second the motion to approve and place it on the consent calendar.

**LEGISLATOR CARACCILOLO:**

Hold it. Just because she's Fred's wife.

**CHAIRMAN GULDI:**

She's a employee at the Community College.

**LEGISLATOR VILORIA-FISHER:**

Adjunct Professor at the community college.

**LEGISLATOR CARACCILOLO:**

Okay, so this is just complying with the nepotism law.

**CHAIRMAN GULDI:**

Correct.

**LEGISLATOR BISHOP:**

What does she teach?

**LEGISLATOR VILORIA-FISHER:**

Does she teach English? I can't remember.

**LEGISLATOR FIELDS:**

She has biochemistry, physiology, genetic and cell biology.

**LEGISLATOR VILORIA-FISHER:**

You're looking at resume; I guess she doesn't teach english I guess it's science.

**CHAIRMAN GULDI:**

She probably could teach English, too.

**LEGISLATOR VILORIA-FISHER:**

She probably could.

**LEGISLATOR CARACCIOLO:**

From a former Spanish teacher that's not bad.

**CHAIRMAN GULDI:**

Motion to approve and place on the consent calendar being made by myself and seconded by?

**LEGISLATOR FIELDS:**

I don't know about consent calendar.

**LEGISLATOR VILORIA-FISHER:**

I think the regular calendar.

**CHAIRMAN GULDI:**

Motion to approve by myself.

**LEGISLATOR FIELDS:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Fields. Discussion? All those in favor? Opposed? **Approved (Vote: 6-0-0-1 Not Present: Legislator Haley)**. At least now maybe she will be able to teach nights and have something to do, Fred never gets home.

**1546 Electing a permanent exemption from sales and compensating use taxes for receipts from retail sales of, and consideration given or contracted to be given for, certain clothing and footwear. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE (Caracciolo)** Oh no, this is back.

**LEGISLATOR CARACCIOLO:**

Well, no.

**CHAIRMAN GULDI:**

Have we got the form now from the State, Counsel?

**LEGISLATOR CARACCIOLO:**

No, that's what we don't have.

**MR. SABATINO:**

The day after the meeting I immediately faxed up IR1546 with a request that the State indicate either approval or disapproval and we've not had a response yet.

**CHAIRMAN GULDI:**

Given the lack of response and time deadlines wouldn't it be prudent to enact it anyway?

**LEGISLATOR CARACCIOLO:**

That's right.

**LEGISLATOR CRECCA:**

Well, I'll make a motion to discharge without recommendation so we can discuss it on the floor and get full input. We have until Tuesday to gather more information.

**CHAIRMAN GULDI:**

And in the event that the State does get back to us, we certainly could and will request a CN for an amended corrected copy from the County Executive.

**LEGISLATOR CARACCIOLO:**

Thank you Mr. Chairman. I will make that motion.

**CHAIRMAN GULDI:**

Motion to discharge without recommendation by Legislator Crecca, second by Legislator Caracciolo. All those in favor? Opposed? **Discharge without recommendation. (Vote: 0-1 Not Present: Legislator Haley).**

**Tabled Sense Resolutions:**

**SENSE 34-2003**

**Memorializing resolution requesting State of New York to authorize a public health and human services safety transfer tax for Suffolk County. (P.O. Postal) ASSIGNED TO WAYS & MEANS, FINANCE & REAL ESTATE TRANSACTIONS** The Presiding Officer has asked me to make a motion to table.

**LEGISLATOR CARACCIOLO:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Caracciolo. All those in favor? Opposed?  
**Tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**Sense 41 has been withdrawn by the Presiding Officer.**

**LEGISLATOR CARACCIOLO:**

Now I can't permit this opportunity to pass without some commentary. I mean, what happened to the urgency that the Presiding Officer had?

**LEGISLATOR BISHOP:**

Oh, the tears.

**LEGISLATOR CARACCIOLO:**

The plea she made at the last meeting that Senator Johnson would be terribly upset if we didn't take action on this Memorialize Resolution and now it's withdrawn?

**MR. SABATINO:**

That was the Home Rule Message.

**LEGISLATOR CARACCILO:**

Oh, the Home Rule, but it had to do with the extension of sales tax.

**MR. SABATINO:**

Right, but the Home Rule Message would trump the Memorializing Resolution.

**CHAIRMAN GULDI:**

So it's irrelevant.

**MR. SABATINO:**

It's irrelevant because you adopted the Home Rule Message, the Memorializing Resolution is no longer moot.

**LEGISLATOR CARACCILO:**

Okay. I gotcha. I stand corrected.

**LEGISLATOR BISHOP:**

What was the bottom line after all that, after we sorted it out, Paul?

**MR. SABATINO:**

I faxed a letter the very next morning and I haven't gotten back a response.

**LEGISLATOR BISHOP:**

We still don't know.

**MR. SABATINO:**

I think I know what's going on in terms of strategy. I think they're waiting until after the 19th and we'll see what happens.

**LEGISLATOR CARACCILO:**

What's magic about the 19th?

**LEGISLATOR BISHOP:**

They go out of session.

**MR. SABATINO:**

That's when the State's leaving. My suspicion is that the Governor's is going to sue the State Legislature to attack his -- the entire budget. So I think they're dragging their feet in the intervening period, but I may be wrong it's just that we've never gotten this level of non cooperation in the past.

**LEGISLATOR CARACCILO:**

It's nice to see Republicans getting along at the State level.

**LEGISLATOR CRECCA:**

We've always had a much lower level of non-cooperation in the past.

**CHAIRMAN GULDI:**

**42-2003**

**Memorializing resolution requesting State of New York to expand Suffolk County**

**Judicial Facilities Agency. (Nowick & P.O. Postal) ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE** Motion to table?

**LEGISLATOR CRECCA:**

You're making a motion to table?

**CHAIRMAN GULDI:**

I'm making a motion to table.

**LEGISLATOR CRECCA:**

I make a motion to approve and list me as a cosponsor.

**CHAIRMAN GULDI:**

It's still not -- the reason I'm making a motion to table is that it's still not been corrected and it doesn't provide any mechanism for capturing the tax savings to be realized, but merely would result in reduction of the reimbursement rate to the County. Ostensibly what it would do to County taxpayers it would generate a \$50 million savings of which County taxpayers could anticipate receiving less than two. It's not done right.

**LEGISLATOR CRECCA:**

In what way isn't it done right? I apologize, but I don't understand.

**CHAIRMAN GULDI:**

There is no mechanism and once you create an independent -- one you create a mechanism for the agency to charge market rates and capture the reimbursements there is no mechanism for the agency to use it for any other governmental purpose. There being none, there is no way that that tax savings could ever be generated except by reducing rents and thereby concomitantly reducing the reimbursement rates.

**LEGISLATOR CRECCA:**

But if we were paying less rent wouldn't we tax less?

**CHAIRMAN GULDI:**

No because the facilities that are not currently owned or the reimbursed facilities and from the extent that we --

**LEGISLATOR CRECCA:**

-- we get less reimbursement.

**CHAIRMAN GULDI:**

The extent we'd charge less rent we get less reimbursement.

**LEGISLATOR CRECCA:**

Right. So we'd get -- so the State -- it would cost the State less money and it would cost the County less money and that's what you're opposed to?

**CHAIRMAN GULDI:**

Yes. Because I'm opposed to the fact that you're taking \$50 million of savings and turning it into less than \$2 million for County taxpayers under the GFA that was opposed by --

**LEGISLATOR CRECCA:**

-- taxpayers didn't realize that saving either because it went to affordable housing.

**CHAIRMAN GULDI:**

No. Actually, if you read the whole bill ultimately --

**LEGISLATOR CRECCA:**

-- I did read the whole bill, George --

**CHAIRMAN GULDI:**

-- ultimately it goes to offsetting education expenses after the affordable housing --

**LEGISLATOR CRECCA:**

-- correct, if there's no money left over after affordable housing, correct.

**CHAIRMAN GULDI:**

After the affordable housing limits are met.

**LEGISLATOR CRECCA:**

Right.

**CHAIRMAN GULDI:**

Okay. This has no mechanism at all for capturing the savings. I'm making the motion to table.

**LEGISLATOR FIELDS:**

I will second.

**CHAIRMAN GULDI:**

Motion to table and second. Motion to approve has no second. The motion to table is before us

**LEGISLATOR BISHOP:**

I will second the motion to approve.

**LEGISLATOR CRECCA:**

There is a second on it.

**LEGISLATOR VILORIA-FISHER:**

Jim, I have a question about.

**LEGISLATOR BISHOP:**

I don't think they're mutually exclusive.

**CHAIRMAN GULDI:**

It's not a mutual exclusion argument; it's the fact that the bill isn't tailored correctly. The bill provides no mechanism for capturing the savings for the benefit of Suffolk County taxpayers.

**LEGISLATOR CRECCA:**

It's a Memorializing Resolution; it doesn't have to have all the details in it.

**CHAIRMAN GULDI:**

Yes, it does.

**LEGISLATOR VILORIA-FISHER:**

I want to ask Budget Review for their opinion on that.

**LEGISLATOR CARACCILO:**

I agree with you, George, if you don't put the detail in there --

**CHAIRMAN GULDI:**

-- if you don't put the detail trust me you don't get money.

**MR. SPERO:**

The purpose of the bill is to expand the power of the JFA and to allow the JFA to issue bonds for the construction of facilities, which the County would lease, back from the JFA. And the whole point of doing this is to preserve the reimbursement for Federal and State aid particularly in the health and social service areas and for the County in lieu of leasing buildings because if we construct our own building if the County constructs and owns it's own building the reimbursement formulas change. So it's always been more beneficial for the County to lease a building which is really patently ridiculous.

**LEGISLATOR VILORIA-FISHER:**

Now what about the issue that George is raising because I'm not following that argument. We're still getting the leasing reimbursement back.

**MR. SPERO:**

Right. So we could have an arm's length transaction with the JFA as a captive agency to the County which would technically own the building, but it would be the County actually backing the bonds of the JFA through lease agreements.

**CHAIRMAN GULDI:**

No actually you can't -- well, the lease agreements would back it. The County can't back the bonds you'd eliminate the independence and wouldn't qualify for the reimbursement.

**MR. SPERO:**

That's right, it would be JFA bonds backed by lease agreements with the County.

**CHAIRMAN GULDI:**

But Jim, the criticism I'm making is that once the money goes to the JFA it has to stay there's under this version. There's no way that the benefit's of that realized reimbursement rate go anywhere except into agency -- can't spend it

**MR. SPERO:**

No. The agency spends it to pay off the bonds that we only give them the amount of money they need to repay whatever the bonds are they're not going to make a profit.

**CHAIRMAN GULDI:**

Right, but once we do that under the lease the reimbursable rents would have to be reintroduced and would result in reduction of the reimbursement rates. So the savings would flow not to the benefit of Suffolk County taxpayers but to the benefit of New York State taxpayers.

**MR. SPERO:**

Well, to both because New York State benefits because the lease rates would be more advantageous than we could get through a private developer.

**CHAIRMAN GULDI:**

Yeah, but the point is it's an inferior mechanism to the mechanism that was provided in JFA which captures 100% of the reimbursable rent and market value. And then uses it for other governmental purposes; there are no other governmental purposes that could be furthered by this modified agency.

**MR. SPERO:**

No, the purpose is not to have market value rent but have a below market rent.

**CHAIRMAN GULDI:**

Right, but once you go to a below market rent you reduce the reimbursement rate dollar for dollar or seventy-five cents per dollar depending on the rate.

**MR. SPERO:**

That's correct, but you're still saving money.

**CHAIRMAN GULDI:**

Instead of saving \$50 million over life of the program you would save ultimately once you capitalize your structures you would save only the non-reimbursed portion.

**MR. SPERO:**

No, you save on the whole amount. The rate is the same, the reimbursement rates are the same whether you lease it or --

**CHAIRMAN GULDI:**

-- no, the reimbursement rates are based on percentage of your rent.

**LEGISLATOR CRECCA:**

George, Paul is going to blow up if you don't let him speak.

**CHAIRMAN GULDI:**

Yeah, I know we'll let him speak; just like Mr. Tempera he has to wait his turn. Go ahead.

**LEGISLATOR VILORIA-FISHER:**

Excuse me. I think I had the floor Mr. Chair when you jumped in.

**CHAIRMAN GULDI:**

When I jumped? I jumped in on Mr. Crecca, not on you.

**MR. SABATINO:**

I just wanted to interject I think there might be some confusion. If I'm following the argument correctly, I think that the Chairman's concern was that there was an inability for the agency to be the beneficiary of State or Federal aid.

**CHAIRMAN GULDI:**

No, that's not it.

**MR. SABATINO:**

If that's the argument, the legislation does cover that. I mean, it did from day one. It provides for the --

**CHAIRMAN GULDI:**

That's not the argument. Let's take the -- let's just take the one component, let's talk about emergency shelter housing that cost us \$24 million last year of which emergency shelter housing correct me Fred if I'm wrong, is virtually 100% reimbursed, is it not?

**MR. POLLERT:**

It's roughly 85%.

**CHAIRMAN GULDI:**

85% reimbursed, so we spent \$24 million on it in '02, we're looking at \$30 million on it in '03, okay. If the agency, if the modified facilities agency builds those shelters and operates them and advertises the costs over 20 years and does so at a savings of say 80% of the current costs which easily realizable the reimbursement rate would go from the 85% of \$30 million to 85% of the reduced costs of those facilities which would be 85% of what did I say, 20, which is going to be \$6 million. Okay?

**MR. SPERO:**

Still saving money.

**CHAIRMAN GULDI:**

So 85% of \$6 million is a lot less money than 85% of \$30 million if instead you go with the concept that was incorporated in the GFA even if you wanted to do it through JFA even if you find the concept of meeting the affordable housing needs in the County to be an anathema to you politically or for some other reason you should structure the agency so that the full amount of the re-capturable savings since you can get -- the agency can qualify for market rate reimbursement can be used for other government purpose to reduce the burdens on Suffolk County taxpayers not simply eliminate it. So I feel conceptually the bill is deficient.

**MR. SABATINO:**

From a concept -- if the argument is conceptual two totally different concept from the standpoint I thought that you were raising a legal concern that there wasn't a mechanism to secure the aid.

**CHAIRMAN GULDI:**

No, no. It's not a mechanism to secure the aid. There's not a mechanism to take the benefits of the reimbursements and to essentially offset the other governmental needs of the people of Suffolk County and thereby ultimately reduce their tax burdens. So the reason I am opposing this bill in this version is because it fails to do that; it takes a good concept and waters it down effectively by 75 or 80%. Okay? We have a motion to table and a second before us. All those in favor of tabling? Opposed?

**LEGISLATOR CRECCA:**

Opposed.

**LEGISLATOR BISHOP:**

Opposed.

**LEGISLATOR CARACCIOLO:**

Opposed.

**LEGISLATOR VILORIA-FISHER:**

Opposed.

**CHAIRMAN GULDI:**

We have four opposed and two in favor. **Tabling fails (Vote: 2-4-0-1 In Favor: Legislators Guldi & Fields - Not Present: Legislator Haley).**

**LEGISLATOR BISHOP:**

Unless, Mr. Chairman, you are going to tell me that it's a question of the approach that you and Legislator Lindsay, and to a lesser extent myself, worked on or this unless it's either or situation that I am going to support this.

**CHAIRMAN GULDI:**

Well, except that this doesn't work.

**LEGISLATOR BISHOP:**

You're opining that but --

**CHAIRMAN GULDI:**

-- no, I'm trying to explain it to you. You can't --

**LEGISLATOR CRECCA:**

-- we all understand what you are saying, we just don't agree with you.

**CHAIRMAN GULDI:**

You can't save the money this way.

**LEGISLATOR CRECCA:**

You can't save as much money this way you're right.

**CHAIRMAN GULDI:**

Okay. Well, you know, I also have to object to the extent that my colleagues took a concept that I've developed and demonstrated both publicly and etc. and pirating a portion of it without understanding it in order to --

**LEGISLATOR CRECCA:**

-- wow. with all due respect, Mr. Chairman, Legislator Nowick has been working on --

**LEGISLATOR BISHOP:**

-- we'd never wear a pirate outfit.

**LEGISLATOR CRECCA:**

That's right not unless it was coordinated very well. That's true actually. But the fact of the matter is, is I've been speaking to her about it about expanding the JFA for well over a year.

**CHAIRMAN GULDI:**

Right.

**LEGISLATOR CRECCA:**

Well, --

**LEGISLATOR BISHOP:**

-- secret conversation.

**LEGISLATOR CRECCA:**

I don't know how secret it was; it was in a bagel store that we actually had the original discussion

**CHAIRMAN GULDI:**

Once again, too much information.

**LEGISLATOR CRECCA:**

But the bottom line is, is that this is an idea that she had a long time ago. So it's just a different concept.

**CHAIRMAN GULDI:**

It's actually, she's using some of the memorandum developed for the other -- for the more effective agency in developing this and I'm not going to support it.

**LEGISLATOR VILORIA-FISHER:**

But the question was it's not mutually exclusive.

**LEGISLATOR CRECCA:**

It is not.

**CHAIRMAN GULDI:**

No, except one I'll fail to be and one won't. So they're not mutually exclusive.

**LEGISLATOR BISHOP:**

I'm confident that yours is a better approach, I just don't think this is a bad approach.

**CHAIRMAN GULDI:**

There and I respectfully disagree because the purpose and effect of this will be not only to frustrate the good approach, but to failed to realize the benefits for the Suffolk County taxpayers. And I urge to you vote against it and instead require my colleagues to find some way to capture the tax savings instead of merely giving it -- merely foregoing revenue for the benefit of Suffolk County taxpayers. On the motion to approve, all those in favor? Opposed? I'm opposed.

**Approved (Vote: 5-1-0-1 Opposed: Legislator Guldi - Not Present: Legislator Haley).**

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**Introductory Sense Resolutions**

**SENSE 47-2003**

**Memorializing resolution requesting State of New York to continue to deny drivers licenses to illegal immigrants. (Binder & Haley) ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE**

**LEGISLATOR VILORIA-FISHER:**

Motion to table.

**CHAIRMAN GULDI:**

Second the motion to table. Discussion? All those in favor? Opposed? **Tabled (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**SENSE 48-2003**

**Memorializing resolution requesting State of New York to provide equitable distribution of sales tax revenue from repeal of clothing tax exemption. (Guldi) ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE**

**LEGISLATOR CARACCIOLO:**

Explanation.

**CHAIRMAN GULDI:**

The explanation, the reason I put this in is because now that the State has repealed the clothing tax exemption I have been advised that the State tax collection notices to taxpayers the State instead of sharing that tax with the County seems to be positioning itself to take and retain it all.

**LEGISLATOR CRECCA:**

I don't think -- that's not what we heard the other day.

**CHAIRMAN GULDI:**

Well, there's some possible confusion on it; the sense resolution says doesn't rescind the exemption and glom it all.

**LEGISLATOR CARACCIOLO:**

I'll second that.

**CHAIRMAN GULDI:**

All those in favor? Opposed? **Approved (Vote: 6-0-0-1 Not Present: Legislator Haley).**

**SENSE 50-2003**

**Memorializing resolution requesting State of New York to abolish death tax in conformity with federal tax law. (Binder) ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE**

**LEGISLATOR CARACCIOLO:**

Motion.

**LEGISLATOR CRECCA:**

Second.

**CHAIRMAN GULDI:**

Motion by Legislator Caracciolo, second by Legislator Crecca. All those --

**LEGISLATOR BISHOP:**

-- what does this do?

**CHAIRMAN GULDI:**

This is to abolish the tax on wealthy people.

**LEGISLATOR BISHOP:**

That's what you are putting forward?

**CHAIRMAN GULDI:**

No. It's Legislator Binder's resolution.

**CHAIRMAN GULDI:**

It abolishes State taxes.

**LEGISLATOR BISHOP:**

Oh my God, no.

**CHAIRMAN GULDI:**

Abandoning the --

**LEGISLATOR BISHOP:**

-- by the way, it was only developed by Republican a Long Island Republican Teddy Roosevelt..

**CHAIRMAN GULDI:**

Abandoning the Roosevelt tradition.

**LEGISLATOR CRECCA:**

We're not allowed to disagree with Republicans?

**CHAIRMAN GULDI:**

Abandoning the Republican's commitment to the non establishment of an aristocracy in America and operating from the principle that everyone should work we now to want to rescind that create the aristocracy so that there will be class of Americans who --

**LEGISLATOR BISHOP:**

-- coupon clippers --

**CHAIRMAN GULDI:**

-- who will never have to work

**LEGISLATOR CRECCA:**

Such political rancor here.

**LEGISLATOR VILORIA-FISHER:**

Okay. There's a motion to approve can we just vote?

**LEGISLATOR CRECCA:**

That's what I want to do; he's the one grandstanding.

**LEGISLATOR VILORIA-FISHER:**

Opposed.

**CHAIRMAN GULDI:**

Opposed, Legislators Bishop, Fisher, Fields and Guldi.

**LEGISLATOR CRECCA:**

It's going down.

**CHAIRMAN GULDI:**

**It failed (Vote: 2-4-0-1 In Favor: Legislators Crecca & Caracciolo - Not Present: Legislator Haley).**

No Home Rule Messages, no tabled messages. Wait a minute, Tabled Subject to Call we don't need to deal with. We now have to go back to the one resolution which we skipped which is on page -- 1501, on page five. I'll make a motion to go into executive session to discuss the litigation settlement incorporated on 1501. Do we have anything else besides 1501? We have two other personal injury matters to discuss. And do we have any worker's comp cases? To discuss those litigations settlements and approving the presence of County Attorney, Legislators, Legislative Aides and the Counsel to the Legislature; Budget Review, you want a piece of this?

**MR. SPERO:**

If you want us here, we will stay.

**CHAIRMAN GULDI:**

No. We will come back into session merely -- no, we have to come in and vote on the one resolution that's before us. So we'll have to call the stenographer back. All those in favor? Opposed? We are now in executive session, please turn off the microphones.

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**(\* Executive Session: 12:40 P.M. - 1:08 P.M. \*)**

**LEGISLATOR VILORIA-FISHER:**

Mr. Chair, very quickly. I went out to my car to get something and there was somebody from the Human Rights Commission out there. There was a misunderstanding and that's why all those people couldn't come here today because you had spoken to Rabbi Moss and he sent a e-mail telling people they didn't have to come. So just on their behalf she asked me to put that on the record.

**CHAIRMAN GULDI:**

Thank you. Motion to approve 1501 by myself, second by Legislator Vioria-Fisher. Discussion? All those in favor? Opposed? **Approved (Vote: 6-0-0-1 Not Present: Legislator Haley).**

We have no further business before Ways & Means. It is adjourned.

**(\*The meeting was adjourned at 1:09 P.M.\*)**

{ } - Denotes Spelled Phonetically