

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SECOND DAY

FEBRUARY 1, 2000

Taken by: Lucia Braaten
Alison Mahoney

Riverhead, New York

[THE MEETING WAS CALLED TO ORDER AT 9:40 A.M.]

P.O. TONNA:

Okay. Henry, could you do the roll call?

(*Roll Called by Mr. Barton*)

P.O. TONNA:

We have a quorum?

MR. BARTON:

Eleven present.

P.O. TONNA:

Okay, great. For the opening comments, I'd like to invite our clergyman, Father Jim Vaughn from Our Lady of Lourdes in West Islip.

FATHER VAUGHN:

Good morning, everyone. Driving out here today made me very aware of how lucky we are to live in Suffolk County and how beautiful this County is. I drove from West Islip, you know, out today and it really is so diverse and obviously so prosperous, thanks to many of the people who are right here before us today. And I've been real fortunate to spend my entire life ministering here on Long Island. I grew up locally, too, as well. And maybe today it's a good day to thank God for the gift to minister to his people right here in Suffolk County, the people who worked so hard to make this such a beautiful place to live. So let's ask our Lord to bless us.

(Invocation)

P.O. TONNA:

Let's turn to the flag for a Pledge of Allegiance led by our Deputy Presiding Officer, Steve Levy.

(Salutation)

P.O. TONNA:

Just stand for a moment of silence for Adela Lupo, who has been a Legislative Secretary for five years, who passed away on Monday, and for David Baldwin, the stepson of Bob Diamond, who is Legislator Guldi's Aide.

(Moment of Silence Observed)

Okay. Legislator Postal.

LEG. POSTAL:

Thank you. It's a great pleasure for me to introduce the Literacy Volunteers of America of Suffolk County to you. I'm sure that all of the Legislators know at least something about LVA Suffolk County. It's an organization that is and is doing and has done some wonderful things. And I'd like to present to you Councilwoman Pamela Greene, who's the Chairperson of the Board of Literacy Volunteers of America

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Suffolk County. Pam?

COUNCILWOMAN GREENE:

Thank you, Legislator Postal. Good morning, Mr. Presiding Officer.

LEG. HALEY:

Turn that mike on.

P.O. TONNA:

Good morning.

LEG. CARACAPPA:

Right on top, towards you.

COUNCILWOMAN GREENE:

Let's try that again. Good morning, Legislator Postal, Mr. Presiding Officer, and my colleagues in government, Members of the Legislature. My name is Pamela Greene and I'm here before you in my capacity as a volunteer member of the Board of Directors for Suffolk County's affiliate of Literacy Volunteers of America. If you are not familiar with the organization, you will be before the morning is out. We do serve constituents in all of your districts all throughout Suffolk County. We are a recognized affiliate of Literacy Volunteers of America and we're very pleased to be here this morning to continue our Campaign 2000, The Flame is Lit for Literacy, which was kicked off by the County Executive last month, and we will be bringing the message of Literacy Volunteers to every one of your districts all across Suffolk County.

Now, to provide you with the initiative background for Literacy Volunteers of America's 2000 campaign, I present to you its President of the Board of Directors, Mr. Terry Karl. Please welcome Terry.

P.O. TONNA:

Thank you.

(Applause)

MR. KARL:

Thank you, Pam. Good morning, each and everyone of you. It's a pleasure to be here this morning. Let me just take a moment to read to you the initiative that we've developed, which serves as the basis for our appearing before you this morning.

Recent statistics here in Suffolk County show an alarming rate of illiteracy. In fact, one in seven, or 14%, of Suffolk County adults are functionally illiterate. Seventy-five percent of unemployed adults are nonreaders, and almost 45% of adults living below the poverty level do not possess the basic reading and writing skills necessary to improve their lives and the lives of their family. Equally alarming is the degree of ignorance to this problem among Suffolk County residents, businesses and public officials. Literacy Volunteers of America, the Suffolk County affiliate, as the most prominent organization addressing the literacy problem must serve as a catalyst for public awareness. Accordingly, the Board of Directors of Literacy Volunteers of America Suffolk County has committed the organization to a comprehensive

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program designed to raise public awareness and consciousness of the problem and offer some solutions. Lighting the Flame for Literacy will consist of monthly events, marketing and outreach involving media, public officials, and the private sector, all aimed towards erasing illiteracy. We believe that Suffolk County residents, government officials and business will work together in a collaborative effort once they are made aware of the impact of illiteracy in Suffolk County. It is incumbent upon LVA Suffolk County to, in fact, light the flame of awareness.

As I look around this Legislative body this morning, some of the faces I recognize as individuals with whom I have practiced law for, I'm proud to say, almost 20 years. And that reminds me of a very poignant statement that a professor said to me in law school and that's that the study of law should teach lawyers how to speak, but more importantly, teach them how to hear and teach them how to listen. Your having us here today to present this very brief insight as to what LVA is and

what it does shows me that the Suffolk County Legislature possesses that very important skill of hearing and listening, and for that, I thank you and I congratulate you. With that, let me take a moment to introduce the Executive Director of Suffolk County Literacy Volunteers of America, Ms. Maxine Postal -- Maxine Jurow, excuse me.

(Laughter in the Audience)

MS. JUROW:

I got a new job.

MR. KARL:

One Maxine is another. Sorry, Max.

MS. JUROW:

Okay. He's giving away my job. I think I should worry about this.

LEG. POSTAL:

I don't want your job, it's too hard.

MS. JUROW:

As Chairman of the Board, I think you should worry about this. You want it?

LEG. POSTAL:

No. It's too difficult.

MS. JUROW:

Maxine and I always -- often refer to ourselves as the other Maxine, so it's okay. Thanks, Terry. Thank you very much.

In response to the board initiative, LVA's campaign mission is to educate and to enlighten each and every person in Suffolk County through an aggressive public awareness campaign about the pervasiveness of adult illiteracy and its impact on society. The campaign is designed as a County-wide collaborative effort establishing partnerships to implement practical solutions to significantly reduce

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the number of illiterate adult residents in Suffolk County. It is something we've been working on since 1978 and have been very successful in that time. So I hope we can continue to meet those needs.

We're going on take the leadership role as a resource by way of the campaign, and we hope to coordinate literacy efforts across the County to promote public policy for literacy, to produce and disseminate literacy information, and to continue to dialogue with business, industry, policy-makers, and community leaders. We hope to participate --

P.O. TONNA:

Excuse me for one second, ma'am.

MS. JUROW:

Sure.

P.O. TONNA:

I just ask that people put their beepers, if they have beepers, so that it doesn't interrupt. Okay? Thank you.

MS. JUROW:

Thanks, Paul. As we are today, we want to participate in the public awareness opportunities that are available to us, and we're going to establish on-site literacy programs for non-English-speaking workers seeking assistance.

Issues around literacy are related to virtually all public policy

debates, including the economy, global competitiveness, strengthening the family, crime, unemployment, and public assistance. Employee's literacy skills have a direct impact on employer's bottom line. During this year, our national office did an economic impact study, and it was done by the firm of A.T. Kierney, and that is to -- that they establish that for every \$1 spent in Literacy Volunteers, the economic impact is \$33. So we're very proud of the cost effectiveness of our organization and how much we can do for not a lot of money, thanks to all of our volunteers that give of their time and themselves. So I would like to thank the Suffolk County Legislature for their time and their continued support of adult literacy, and particularly to Maxine Postal and Brian Foley, who are on our Advisory Council, for all the help they've given us in getting this support. So thank you, all. You all have a packet in front of you that has more information about Literacy Volunteers. Thank you very much.

P.O. TONNA:

Thank you. Maxine?

(Applause)

We're just going to give out a proclamation. Not ready? Oh, one more. Sorry.

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MS. GREENE:

We actually have one more presentation, which I believe will add to increase your knowledge of what exactly Literacy Volunteers does and how it impacts and changes the lives of both the volunteers who are able to tutor learners, and, certainly, changes the lives of learners who are so brave and willing to come forward and seek advice and counsel and training.

Before I do that, we were very fortunate this morning to have had a number of friends of Literacy join us to present to you their feelings on the importance of literacy and I'd just like to ask them to stand briefly and introduce themselves to you. We'll start with Rita and where you are from.

[The following volunteers introduced themselves: Suzanne Smith, Toni Castro, Lorraine Rudman, Janet Regina, Nancy Noll, Barbara Bogue, Rita Liversedge, Laurene Tesoriero, Florence Abrams, Nancy Whitt, Sister Margaret Egan, Pierina Valenti]

MS. GREENE:

Okay. And you've met Terry and Maxine. And just to provide again another insight into Literacy Volunteers, and not take too much of your time, I would like introduce to you tutor Nancy Noll from East Quogue to share her experiences.

MS. NOLL:

I don't need the mike. I worked in geriatrics for 20 years. I know how to make my voice carry. That's all right. That's all right. I don't have anything really prepared and I don't have a lot of statistics, but I wanted you folks to realize the impact that this has on all the volunteers who are very numerous, and all the students who are even more numerous, because the volunteers get as much out of it as the students do. And as you can see, professionally, I was very active for 20 years and no longer can be. And when I was professionally active, my saying was, "Make a difference a day," and this allows me by volunteering to still do that in a limited manner, which is all I'm

capable of doing, but I'm still doing something. And I just wanted all you to know how much it means to all of us to have this program. Thank you.

MS. GREENE:

Thank you.

(Applause)

MS. GREENE:

And, finally, before the presentation, I have a proclamation. I would like to congratulate and commend for coming before you this morning student Barbara Bogue from Riverhead. Please come forward.

(Applause)

MS. BOGUE:

Good morning, ladies and gentlemen. My name is Barbara Bogue. I am a student. And I want to thank all you all for your work, especially the tutors for the hard work they put in for us. But you all keep up the
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good work; okay? Thank you.

P.O. TONNA:

Thank you.

(Applause)

MS. GREENE:

That concludes our presentation before you. Please look over the packet that you have and let us know how we can help you and your constituencies. And, Maxine, I know you are a member of the Advisory Board, as is Legislator Foley, and we thank you all for advocacy for our organization.

LEG. POSTAL:

Thank you.

LEG. FOLEY:

Thank you.

LEG. POSTAL:

I would like to ask Legislator Foley and Presiding Officer Tonna to please join me.

You know, this is especially meaningful. Those of us who have actually seen LVA in action feel that we would love to volunteer. I know my secretary has told me that when she retires and she has a little more free time, she's going to volunteer as an LVA tutor, because she feels, and I agree with her, that it's one of the most rewarding things that you could possibly do.

One of the things that made me first aware of LVA was the program that's offered at the Wyandanch Public Library, and a woman named Mary Chance. Mary Chance was a student. She was limited with regard to employment and economic opportunity by a lack of literacy skills. Through her association as a student with LVA, not only has she become a volunteer, not only has she become employed at a very good job, not only is she now a homeowner in the community of Wyandanch, but she has won a national poetry writing contest. So aside from all of the material things that students gain from their association, whether as students or as volunteers, I shouldn't just say students, with LVA Suffolk County, there's also the fact that their lives are enriched and they enrich the lives of other people. So that it is our great pleasure today to congratulate LVA of Suffolk County to tell them that we're excited about The Flame is Lit for Literacy Campaign. We're

anxious and eager as a Legislative body to join with them and support them in this effort. And I know that all of you join with me in thanking them and expressing our gratitude. And I'd like -- I know our Presiding Officer is especially interested in eradicating poverty in this County. So I know that he has very strong feelings about this, so I'd like to turn the microphone over to him.

P.O. TONNA:

Thank you, Legislator Postal. Just quickly, congratulations on the work you do. And if the County can be a resource to help people, they

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have to be able to read, they have to be able to write, you know, to move up the economic ladder, and this is really the groundwork for helping eliminate poverty. So I really welcome your efforts, especially the great work that volunteers do. Thank you. Legislator Foley.

LEG. FOLEY:

Thank you very much. And I apologize for arriving late. But this is a wonderful, wonderful program. It's one of the most exciting programs we have in Suffolk County. It empowers so many families, children parents, and particularly in this time where there are newly arrived immigrants to our County. Literacy Volunteers of America is helping those folks, those parents, those children learn this language as English as a second language. It's going to make those particular people fully immersed in the American culture. It is so important that LVA have that role of not only bringing literacy to folks who are here in this County, but also bringing literacy to those immigrant families who are moving ever so in ever greater numbers into our County. And for those two reasons, I also just want to share and congratulate LVA for doing a wonderful job. And I'm looking forward to seeing Famous Amos again. Next time that he -- Famous Amos, as you know, is the cookie fellow and he has involved himself in this campaign, because it was through these efforts of Literacy Volunteers that he was able to become literate and then become a successful business person and a philanthropic individual as well. So thank you very much, Max. Okay. So on behalf of the County Legislature, we'd like to present this proclamation to the LVA. We know that you've done fine work in the past and that you'll do even better work in the future, and we stand ready to help you reach the goals and missions that you have set for yourselves and set for your volunteers. Congratulations.

MS. JUROW:

Thank you. Thank you very much.

(Applause)

P.O. TONNA:

Before we go to our first card, I just wanted to -- Jonathan Cooper, your first day on the -- well, it's actually not the first day at the Legislature but first day out here in Riverhead. He's 45 today, you know, a young looking 45. And, therefore --

(Applause)

LEG. COOPER:

I just want to go on the record in saying I don't feel a day over 25.

P.O. TONNA:

Yeah, right. He's also said that he would treat for lunch, but he found out somebody else was treating. So, anyway, the second thing, just

quickly before we go to the cards, I'm glad things are calm today, because I did bring this just in case (Legislator Tonna took out an oversized gavel). I wasn't sure which I needed, but I think we're fine with the other one. All right. Anyway, now let's -- to the video tape. Michael Davidson.

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LEG. LEVY:

Are you going to do the photo?

P.O. TONNA:

Excuse me?

LEG. LEVY:

Are we going to do the photo?

P.O. TONNA:

Oh, I'm wondering about -- no. We have to get all 18. By the way, just so that you know, Newsday has asked for a photograph of all 18 Legislators. So when we get them all here, and, Henry, I'm sure you'll be the first one to alert me, maybe we'll take a quick break, get that done, and then we could dispense with the umbrellas. Okay, thank you.

MR. DAVIDSON:

Good morning.

P.O. TONNA:

Michael.

MR. DAVIDSON:

My name is Michael Davidson. I am the Marketing Director for Atlantis Marine World, which is the aquarium being built just down the road here, opening Memorial Day. I am also a member of the Riverhead Chamber of Commerce and the Riverhead BID. We've become aware that the Legislature, possibly today, is considering overriding the County Executive's veto on putting warning signs up in the Peconic River. We think it as an ill-conceived legislation, and we think it's probably a good idea not to override the veto.

And I want to take you back a little bit. Some people don't know who an I am, but in my previous life, I was the President of the Montauk Chamber of Commerce, and also the President of the Long Island Convention and Visitors Bureau. I came to the Montauk Chamber of Commerce in 1986. If you recall, that was the year of the medical waste scares. And if you don't remember it, about a small garbage pail worth of medical waste washed up on the shores of Long Island, the 1,100 miles of coastline. It had an effect in 1986 on Montauk, but the effect on Long Island was really in effect in 1987, 1988 and 1989. Tourism suffered greatly in those years because of the perception that the waters around Long Island were unsafe. I recall very vividly Time Magazine putting out a weekly that said, "Are Our Oceans Safe?" It took Long Island a long time to recover from that.

Nobody believes that the waters around Long Island shouldn't be tested, and that is the responsibility of both Suffolk and Nassau County and should be done. But the idea of putting up a sign that says these waters are being tested to see if they're safe is sending out a message. The perception will become the reality. If you say the waters are being tested, you're saying there's something wrong with them. The waters are being tested all the time. That is the responsibility of the County, and you do a fine job of doing that. To put up the warning signs are going to hurt businesses that make their

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livelihood out of the Peconic River. And we're talking about not just the Peconic River, we're talking the Peconic Bay, which takes you out, as far as we can tell from the legislation, out to Montauk Point. Do the testing. Let's determine if the water is safe. If the water is not safe, let's put up the signs and let's get the water clean. But until you determine that the water is unsafe, putting up warning signs is only going to hurt the businesses that make their livelihood out of the Peconic River and the Peconic Bay. Thank you very much.

P.O. TONNA:

Thank you, Michael.

LEG. FOLEY:

Can I ask a question?

P.O. TONNA:

Sure. Legislator Foley.

LEG. FOLEY:

Thank you. Mike, it's good to see you again.

MR. DAVIDSON:

Thank you very much.

LEG. FOLEY:

It's been a few years.

MR. DAVIDSON:

It's good to be back.

LEG. FOLEY:

All right. This particular resolution was before the Public Works Committee for a couple of sessions, and there are a number of people who spoke in favor of the resolution, and part of the -- part of the discussions was not only about the waterways, but, really, was about the river bottom, okay, and how many, particularly in the -- let's call it the interior of the Peconic River as opposed to the bay system. But along the river area, in particular because of reports stemming from the BNL and issues of radionuclides and all the rest, and that there is ongoing studies to determine whether or not there is any off-site contamination along the river, particularly along the river bottom, and since there are a number of County residents that to this day, not only fish the river, but also eat seafood and shellfish.

P.O. TONNA:

Brian, question.

LEG. FOLEY:

I'm getting to my question.

P.O. TONNA:

Yeah, please.

LEG. FOLEY:

Eating seafood and shellfish from the river bottom. Why would you see that there is a problem with posting signs that state that there are

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ongoing tests regarding that particular waterway when there maybe people who aren't aware of that.

MR. DAVIDSON:

Well, the warning seems to be -- the warning says that the waters are being tested to determine if they are safe. Well, waters are being tested all across Long Island. All the County beaches do it, the State beaches do it. Why isn't signage there? I mean --

LEG. FOLEY:

Well, the difference, Mike, through the Chair, the difference, and I say this respectfully, beaches is where people, let's say, are bathing, if you will. The issue, particularly brought to our committee's attention, Public Works Committee's attention, was that particularly along the river bottom of the Peconic River, that there are many people who eat, fish, and other kinds of seafood, if you will, from that river bottom. And because there's an issue of the Brookhaven National Lab and the like, that's why that this added dimension of concern about getting information out to the public that there are these tests going on.

MR. DAVIDSON:

Okay. I understand. Is it possible that I can ask one of my colleagues to come? I'm not an expert on the waters of Long Island. I'm mostly a marketing guy and my concern was that it was sending out a message that wasn't necessarily true and what effect that might have. But if I can -- Presiding Officer, can I ask --

P.O. TONNA:

Yeah.

MR. DAVIDSON:

-- Charles Bowman to come up?

P.O. TONNA:

Mike, no. You know, we're going to stick to the cards.

MR. DAVIDSON:

Okay.

P.O. TONNA:

And there's enough speakers. I'm sure --

MR. DAVIDSON:

Okay.

LEG. FOLEY:

-- Legislator Foley will have somebody that can answer the question for him.

MR. DAVIDSON:

Okay.

P.O. TONNA:

Thank you.

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MR. DAVIDSON:

Thank you.

P.O. TONNA:

Okay. Charles Bowman. There you go.

MR. BOWMAN:

It worked out well.

P.O. TONNA:

It worked out well.

MR. BOWMAN:

My name is Charles Bowman. I'm President of Land Use Ecological Services, an environmental firm here on Long Island. I'm also on the Board of Directors of the Riverhead Foundation for Marine Research and Preservation, have worked with Atlantis Marine World since its inception, and am a resident of Riverhead; love Suffolk County. I grew up here and I treasure the natural resources that we have here. I'm here, myself, personally, to ask the Legislature not to override the

County Executive's veto. And I may get into the very good questions that Legislator Foley did ask.

We know from the data that is available, and the minimal data that's available, that there are some contaminated sediments within the BNL property, and that is sediments. We don't know the extent of that yet from the information, and that is of a concern. However, the legislation that was passed would seem to indicate that that contamination bioaccumulated, in other words, through the ecological process would end up being in the flesh of some of the fish that is caught within the Peconic River. In the future, that perhaps may be true, it may not be, but what we're doing is putting the cart way before the horse. There has to be a lot of testing to determine the extent of those sediments, the extent to which they do get into the river system, the extent to which what species they would get into, if any, and the extent of whether that species is one that is consumed by humans, none of which we know.

And I would applaud the Legislature on thinking about the health and safety and welfare of the residents of Suffolk County. However, in all the programs that go on with the testing, as Michael had said, for clams, for fish, for the safety of the beaches and the water quality, it is based upon scientific facts. Those facts are not here yet.

Those facts should be established, and the legislation should be a part of that, the County should be a part of that, the State should be a part of that, and, certainly, BNL should be a great part of that and bear burden. But we don't have those facts yet to require or to have the posting of signs that would, I believe, and I've been active this whole Peconic Estuary Program, tourism-based ecology, wetlands preservation. I think you would do irreparable harm to those efforts that have been going on with our federal designation of the Peconic Estuary by posting these signs. Get the facts first. Take the time and do it properly, but don't jump way ahead and do something that I think you will all come to regret. And I thank you very much.

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P.O. TONNA:

Thank you.

LEG. GULDI:

Legislator --

P.O. TONNA:

Okay. Legislator Guldi. Just so that you -- we have 20 something people who are speaking on the issue, so --

LEG. GULDI:

Yeah, I know. Just one question. I heard your remarks. Specifically, what part of the language of the text in the signs do you find inconsistent with your own remarks and objectionable?

MR. BOWMAN:

I think the impact of those signs is what I'm objecting to, because --

LEG. GULDI:

Why don't you tell me what the signs says and connect that to the impact that you're talking --

MR. BOWMAN:

The signs that say that this -- that these fish may be contaminated.

LEG. GULDI:

The signs don't say that.

MR. BOWMAN:

Well, I'll read the legislation right here. "A study is being undertaken to discover whether the waters of the Peconic River and Peconic Bay," which is another big problem I have, "may be contaminated, and the local residents may be unaware that the fish that they and their families are catching and consuming from said waterways may be contaminated." As I said before, we are way too far to even make a statement that they may be. You could just as easily make a statement that it is unlikely that they are. And I hope you can see the difference there. You know, you cannot say they may.

LEG. GULDI:

Well, you would have no objection to there being a sign announcing the fact that there's a study?

MR. BOWMAN:

There's a study, but the study should be restricted to the area of the Peconic in Brookhaven Lab where we have the sediments right now. You know, we don't even know what the extent of the sediments and the contamination is there. To take it all the way down into Peconic Bay, which actually goes out to Montauk and to Orient Point, you know, it is way beyond any logic that I myself personally can see.

LEG. GULDI:

Okay.

LEG. CARACCIOLO:

Question for Counsel.

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P.O. TONNA:

Yes.

LEG. CARACCIOLO:

Counsel, does the resolution specify the language in the signage?

MR. SABATINO:

No, it doesn't specify language. It says, "To provide and install visually conspicuous signs in order to warn the people fishing that there are waters undergoing testing to determine the safety. But the exact language in this bill is left to the discretion of the department.

LEG. CARACCIOLO:

That's exactly my understanding, after talking to the sponsor about this when he was proposing the legislation. So I think we have a wide latitude of language that can be incorporated on the signs.

Also, I would add, in terms of where the signs could be posted, it's my understanding that the County owns property along the Peconic River. Certainly, we could post signage on County property. Counsel, could we post signage on private property?

MR. SABATINO:

Subject to a consent from the owner. This would be a normal situation where, you know, there's an obligation in the statute to go out and attempt the installation, but it's always subject to the ownership interest. Obviously, where the County has the ownership interest, it's a straightforward installation. In other cases, you get consents, which happens all the time.

LEG. CARACCIOLO:

I think that it's important. It's important to stand by those who may not support this particular bill that the bill doesn't really have the

far-reaching adverse effects that you fear. I think we, unlike yourself, have a responsibility that relates to the public's health and safety. I, and I believe Legislator Guldi and probably the majority of Legislators, would prefer to err on being overcautious and putting people on notice that maybe. We're not saying the fish are contaminated, but we have study after study from BNL itself telling us that there are radionuclides in this body of water. While they may not exceed State or Federal standard, they're there, and we really don't know.

Recently the Lab undertook, along with the County and others, fish sampling program of 17 fish. I don't know how much fish are in that body of water or out in the bay, but 17 is not a very large sample as far as I'm concerned. We certainly need to do more. And while we're doing more, what the legislation proposes to do is simply put the -- not commercial so much as recreational fishermen on notice about that. That's all. And it's -- I don't really see the deleterious effects that you and others have expressed to me about the signage. The signage may only wind up on County-owned property, which is a very small amount of acreage that borders the actual water.

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So I would say, rather than overreacting over reach to this signage issue, why don't we see how it goes. And I would be the first one to agree with you if, upon further study, we get results that say there's absolutely no contamination, fish or foul, to remove that signage. Thank you.

MR. BOWMAN:

If I could just make just one comment, Legislator --

P.O. TONNA:

Yeah. Since it was supposed to be a question anyway, I'll let him comment.

MR. BOWMAN:

Yes. And it will be real short.

LEG. GULDI:

Pretend it was a question getting an answer.

MR. BOWMAN:

It will be very short. I understand the problem, and I think that's one of my concerns. You understand the problem. You have done a lot of research. You know, it's my field of study. I certainly know what's going on, most people do not, and I think that's what we have to be cognizant of here, that that sign, as innocuous as you may think it is, okay, is going to be taken to the -- by some as being a tremendous problem. And that is really my concern here. We all agree that the studies should be done, they're being underway. You know, some of the fish we have are migratory. You know, some of them may show contamination from other areas. I mean, there's a whole list of issues here, but most people would not understand those issues, and that's just because they are not familiar with them. And I just would hate to see a beautiful river, you know, with tremendous natural resources given a black eye when one is not necessary. And with that, I thank you for your time.

P.O. TONNA:

Thank you. Kevin Guilfoyle. I'm terrible with names. I'm sorry if

I --

LEG. CARACAPPA:

Guilfoyle.

P.O. TONNA:

Guilfoyle.

MR. GUILFOYLE:

Guilfoyle.

P.O. TONNA:

Guilfoyle. Thank you.

MR. GUILFOYLE:

Good morning, Presiding Officer Tonna, and members of the Legislature.

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P.O. TONNA:

Good morning.

MR. GUILFOYLE:

My name is Kevin Guilfoyle. I am part owner of approximately eight acres located out in Manorville. I come before you today --

LEG. FISHER:

Excuse me. I'm having a hard time hearing you. Pull the mike closer to you, please.

MR. GUILFOYLE:

Okay. My name is Kevin Guilfoyle and I'm part owner of eight acres of land in Manorville. I come before you today to urge that the Legislature defeat Resolution 1010. I'm here as one of the representatives of the property, and my other joint owner is here also.

Okay. I just want to give the Legislature a little background on this particular piece of property and what I had gone through over the past four years in trying to build a house out there. In 1988, you may understand that Legislator Englebright introduced a resolution declaring County Route 91, which was previously an old railroad bed located out in Manorville, a greenbelt. In that piece of legislation, they left specific language that a property owner could apply to the Legislature to gain access to his property. I began that process in 1997.

In 1998, a resolution was passed granting me access to the property, at which time, afterwards, I closed on the property and had full intention of moving my family from Lake Ronkonkoma out to Manorville. I had spoken with various departments in the County and with the Town. I tried to do everything correctly. The Suffolk County Planning Commission issued their report and approved the subdivision with some mitigating factors, which I was going to do.

In 1999, I closed on the property, and in September of 1999, I applied for a subdivision before the Town of Brookhaven. Obviously, there was some residents' concerns. They voiced a lot of objections. The application for subdivision was tabled and has been tabled up to this date. Okay. Regardless of what the Legislature 1010 resolution state, there has been no subdivision approved on this particular property. In October of this year, of 1999, rather, I was approached by the Town of Brookhaven stating unequivocally that they were going to purchase the property. As a matter of fact, in November of '99, they had an appraisal done on the property and proceeded negotiations with me. At the same time, they said that the County would probably be interested in purchasing this property, and to wit, the Town Attorney and

Councilwoman Strebel was working with the County Legislature to purchase this property. In November of '99, Resolution 1208-99 came before this Legislature, almost identical to what --

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P.O. TONNA:

Sir, if you can conclude your remarks.

MR. GUILFOYLE:

Okay. Basically, what it comes down to is 1010 Resolution is identical to 1208-99, which was defeated by -- which was vetoed by County Executive Gaffney; okay? My question is, before the Legislature, if the Town and the County are pursuing a joint purchase of my property, then why, in fact, is this resolution being put forward? Thank you.

P.O. TONNA:

Thank you. Okay.

LEG. GULDI:

I have a question for the speaker, too.

P.O. TONNA:

Sure. Legislator Guldi.

LEG. GULDI:

Yeah. I wanted to clarify something you testified to in committee, because I was left confused afterwards. If I remember correctly, and the chronology that you outlined there was that you looked at the property in January of '98, that the legislation was subsequently passed later in 1988; that after the legislation, you went to contract, and only after the legislation was approved did you enter a contract to buy the property, and that your closing was sometime late in 1998 or early in 1999; is this correct?

MR. GUILFOYLE:

Yes.

LEG. GULDI:

Okay. The other thing that I heard testimony about was that the reason for the legislation was for clarification for a title company; is that correct?

MR. GUILFOYLE:

Legislator Guldi, in all due respect, I am not an attorney. I'm just a simple individual that was looking to build a house; okay?

LEG. GULDI:

I understand that. But can you focus on the question I'm looking for the answer to?

MR. GUILFOYLE:

I can't answer the question. I am not an attorney.

LEG. GULDI:

If you don't know the answer, just say that.

MR. GUILFOYLE:

I don't know the answer.

LEG. GULDI:

Okay. All right. Thank you. No further question. You have a

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question, Legislator Caracciolo?

LEG. CARACCIOLO:

Yes, I do, several. Mr. Guilfoyle, I understand and I'm aware that you have been attempting to reach me by telephone, you've written a couple

of letters to me, and because of the sensitive nature of the County possibly acquiring this property, I have not responded to that, because I do not get involved with landowners in the acquisition of their property. So, first, I want you to understand why you have not heard from me.

But, with respect to the Resolution 1010 and the granting of a County easement, you indicate that you and another individual are the property owners?

MR. GUILFOYLE:

Yes. There are, in fact, three property owners, yes.

LEG. CARACCIOLO:

Okay. So this property was purchased by three individuals in addition, as you indicated, purpose you had in mind was to build a home on it, your own home on it.

MR. GUILFOYLE:

Yes.

LEG. CARACCIOLO:

What is the status of you building a home in Manorville?

MR. GUILFOYLE:

Good question. Okay? From where I left off was the Town of Brookhaven had stated that Legislator Caracciolo has the ball in his court and we're going to be purchasing the property. Okay? Right now, I don't know where I am. Okay? I have no subdivision approved on this property. I've outlaid countless sums of money. I've tried to do an ecologically sensitive subdivision on more than two acres per lot.

Okay? So what I would like to do, I would like to move out there, yes, I would. Okay? However, I don't know where I stand right now.

LEG. CARACCIOLO:

The residence you presently maintain, where is that located?

MR. GUILFOYLE:

Lake Ronkonkoma.

LEG. CARACCIOLO:

Would you be selling that residence to move to Manorville, or would you be doing something else with that residence?

MR. GUILFOYLE:

Possibly. I might sell it. It depends.

LEG. CARACCIOLO:

Okay.

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MR. GUILFOYLE:

If it took me three years to even gain access to my property, I can't imagine how long it's going to take for me to get a building permit.

LEG. CARACCIOLO:

Could you identify the other property owners?

MR. BOWMAN:

Yes. Sam Stracuzzi and Ralph Elsasser.

LEG. CARACCIOLO:

When was this property purchased by the three of you?

MR. GUILFOYLE:

Sometime back in January of -- I'm not sure of the exact date. I don't have that right in front of me.

LEG. CARACCIOLO:

Was it '98, '97?

MR. GUILFOYLE:
'98.

LEG. CARACCIOLO:
1998. And who were the previous owners. Who did you purchase the property from?

MR. GUILFOYLE:
A Walter Black, and I forget the other individual's name.

LEG. CARACCIOLO:
The issue here, as far as this Legislator is concerned, has to do with an interpretation that this property is landlocked. And after consulting with Legislative Counsel and others, I do not believe it is landlocked. In fact, even the appraisal report that was before it that was just provided to the County by the Town of Brookhaven would indicate that this property could transfer with or without easement rights. Perhaps that was included in the analysis, because there is some question as to whether or not the County easement is going to be in effect or not be in effect. As we speak right now, it is not in effect, because it was vetoed and the veto was sustained. However, in terms of the property and easement, I've walked this property.

MR. GUILFOYLE:
I have, too.

LEG. CARACCIOLO:
I've gone there with local residents and I've gone there to see exactly if the representation, that the only way you can get to this property is by -- through a lot designated on a filed map as Lot 10 is the only access. What is your response to that is the only access? Is there any other access or --

MR. GUILFOYLE:
The original application was presented either through County Route 91, which was itself a greenbelt. The County Planning Department and the
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Pine Barrens Commission said that is ridiculous. Why not investigate Lot 2.18, which was the lot there. That would be -- have the least impact on the environment, and this is what we'd like to see done. Now, as far as access to the property, County Route 91 is a greenbelt. Lot 2.18 made the most sense as per the Suffolk County Planning Commission, the Town of Brookhaven Planning Commission, and the Pine Barrens Commission.

LEG. CARACCIOLO:
Do you have a copy of those findings by the Suffolk County Planning Commission?

MR. GUILFOYLE:
Yes, I do.

LEG. CARACCIOLO:
Okay. If you could provide that to me, that would be helpful.

MR. GUILFOYLE:
I was under the impression I wasn't to introduce testimony. I'd be more than happy to provide you with any and all information. However, my major concern is, is that if the County is involved in purchasing this property, in fact, why hasn't there been any correspondence with me, okay, or any communication?

LEG. CARACCIOLO:
That's a fair question. The reason for that is it would be premature

until a resolution were considered and approved by the Legislature and signed by the County Executive to approach a property owner about possible acquisition.

MR. GUILFOYLE:

Has the County appraised this property?

LEG. CARACCIOLO:

I'm sorry?

MR. GUILFOYLE:

Has the County appraised this property?

LEG. CARACCIOLO:

No. The County would use, because the Town of Brookhaven did use a County approved appraiser, we would use the Town appraisal in all likelihood.

MR. GUILFOYLE:

Okay.

LEG. CARACCIOLO:

That's not to say we would definitely do that.

P.O. TONNA:

Michael.

LEG. CARACCIOLO:

Yes.

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P.O. TONNA:

We got to keep it to questions.

LEG. CARACCIOLO:

Well, I'm answering his question.

P.O. TONNA:

Yeah, all right.

LEG. CARACCIOLO:

He wanted to know about whether or not we would use -- what appraisal we would use.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

Okay? So we are in the formative steps of possibly acquiring the property. But before I will move that resolution, which will be laid on the table later today, there are some issues, some of which I've addressed, others that I will be addressing with County Attorney, Legislative Counsel and others to make sure that this is done in a proper fashion. My concern is, quite frankly, this property was purchased by yourself and others at a time when a resolution came through this Legislative body and I, as the Legislator who represents that district, was never apprised that that was taking place, or why it was taking place.

MR. GUILFOYLE:

You felt out of the loop?

LEG. CARACCIOLO:

No, it's not a question of feeling out of the loop. I want to make certain that taxpayers, if we're going to buy a piece of property, don't buy it as a result of somebody filing a subdivision map and increasing the value of that property.

MR. GUILFOYLE:

Okay. All I was looking to do was build a house on it. I'm not a big

developer. I'm not looking to speculate on anything. I wanted to build my house out there.

LEG. CARACCIOLO:

But, at this point, you filed a subdivision plan for four homes, not one.

MR. GUILFOYLE:

Obviously.

LEG. CARACCIOLO:

Right.

MR. GUILFOYLE:

Because if -- I was not going to live on eight acres of property.

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LEG. CARACCIOLO:

Okay. Well, we have to clear up some questions that I have, and we'll keep you advised as to whether or not the County has an interest in joining with the Town of Brookhaven in acquiring the property. Thank you.

P.O. TONNA:

Ralph Elsasser.

MR. ELSASSER:

Thank you, Presiding Officer Tonna. Mr. Caracciolo, I really don't have too much more to add other than what Kevin did here. I went along as far as one of the owners of this property. Kevin had intentions of moving out there. I looked at this as an investment. We had questions that when it came to the Ways and Means Committee, as far as the term access, what did access mean. Access meant we wanted access to get to property to build some houses. Okay? I'm not a builder. I have no intentions of building the houses. Okay? That's somebody else's business. We bought property. I understand that this has gotten into a political battle, okay, which I want no part of. But the longer this thing goes on and keeps dragging on the, time is money and it's costing us a lot of money here.

LEG. CARACCIOLO:

I can appreciate your comments, but let me assure you, there are no political battles taking place here. This is good governmental issues that have to be addressed and resolved.

MR. ELSASSER:

Is this on record, sir, as far as the actual language of Suffolk County Executive's veto? Can I read -- can I read this into the record?

LEG. CARACCIOLO:

Sure.

MR. ELSASSER:

Okay.

LEG. CARACCIOLO:

And understand that there is disagreement --

MR. ELSASSER:

Understood, sir.

LEG. CARACCIOLO:

-- among other elected officials with that determination, including the County's own Commissioner of Parks, who has indicated to me and to others that this easement would have to cross County nature preserve, and that can't be done unless -- and maybe Counsel could clarify. In what manner can someone transverse over a nature -- a piece of nature

preserve property? Does that require any additional Legislative acts?

MR. SABATINO:

The restrictions on nature preserve property are very, very, very stringent, depending on the degree to which you wish to go. It can be as much as a Charter Law, subject to mandatory County-wide referendum,
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depending on the degree and scope of activity. But the general rule is that it's extremely stringent.

MR. ELSASSER:

Can I read this into the record, sir?

D.P.O. LEVY:

Yep. Mr. Elsasser, since there's a limit of three minutes, can you pick the pertinent parts of that, or just --

MR. ELSASSER:

Sure.

D.P.O. LEVY:

And we'll submit it to the entire Legislature.

MR. ELSASSER:

Okay. In simple terms, "The subject easement of way it can be defined as the right of the abutting landowner to use a County property to access their own property. As a general rule, the forfeiture of such interest is not favored in the law. Indeed, once such a property interest is granted, it cannot easily be extinguished, and certainly not by the unilateral acts of the grantee, in this case, the County. Moreover, in this instant case, determination of the right-of-way will so significantly interfere with the abutting property owner's use of the property. It will either dramatically alter access to the affected parcels or landlock them. Okay? And this is what's happened to us, sir. Okay?

D.P.O. LEVY:

Okay.

LEG. CARACCIOLO:

Counsel, would you like to respond to any -- respond to any part of that veto message?

MR. SABATINO:

I would just limit my comment to the notion that, you know, access takes on, you know, many different terms and forms. The Legislature, when it granted the easement of access, was not granting a road, or a roadway, or a disruption of the property. The understanding was to clarify a title question that had been brought up by the title company and to reaffirm the surface easement that previously was granted in 1988 or '87, whatever the original year was.

LEG. CARACCIOLO:

Who prepared that resolution?

MR. SABATINO:

The first -- well, I prepared all of them, but --

LEG. CARACCIOLO:

So you would know what the intent of that resolution was wouldn't you?

MR. SABATINO:

Yeah. There was never -- I mean, I could state categorically that
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there was never a representation made to my office or to the County Legislature that the purpose of the easement was to facilitate a

subdivision. In fact, there was a letter from Real Estate indicating that some kind of a clarifying title question had been raised by a title company at the last minute, and that was the sole and exclusive purpose of reiterating the language.

LEG. CARACCIOLO:

Thank you.

MR. ELSASSER:

Counsel, we have letters from the Department of Real Estate stating the fact that they -- we needed access to market the property. So it's not -- this is going -- this is going back from the very beginning. So I understand what you're saying, sir, but we have it in writing, so it's not a surprise to anyone that this was what the reasoning was to get access to it.

MR. SABATINO:

I can't speak for other departments. I mean --

MR. ELSASSER:

Okay.

MR. SABATINO:

-- quite frankly, I was surprised at the Ways and Means Committee to hear --

MR. ELSASSER:

No, understood.

MR. SABATINO:

-- that the Planning Department, Planning Commission, and the Pine Barrens Commission had taken actions. I don't deny that those events may have taken place, but it certainly wasn't on notice to the Legislature. And I think that's one of the reasons maybe Legislator Postal's legislation coming up will try to address that issue in the future.

MR. ELSASSER:

Okay. Okay, thank you, sir.

D.P.O. LEVY:

Thank you, sir. Next speaker is John Marcinka? John?

MR. MARCINKA:

Good morning, Members of the Legislature. My name is John Marcinka and I'm a lifelong resident of Suffolk County. I'm here to comment on Mr. Gaffney's plans to set up an illegal hiring hall. I was made aware of this while chatting online with Mr. Gaffney two weeks ago on the Executive's first ever online chat. I was speaking under the screen name Farmer John. After repeated questioning of Mr. Gaffney about illegal immigration and his efforts to get the federal government to take their role of enforcement, the only reply from Mr. Gaffney was that he is exploring helping these individuals continue their criminal activity. I was surprised that another elected official would break

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their oath of office to uphold the laws, and, instead, assist them in breaking the laws. I guess he's taking his cues from the politicians before him that have so far gotten away with similar actions. Funny how before the election, he told the people of Farmingville he was not exploring this, but now, after the election, and he is safely in his position for another term, he does an about-face.

If you, as a Legislative body of Suffolk, allow this happen, you will be remiss in your duties to the tax paying citizens of Suffolk County.

I'm not sure what constituent group these politicians feel they are serving, but, certainly, it is not the law-abiding tax paying citizens. I urge you, as a governing body, to use your positions in local government to force the federal government to take control over a problem they have created. This is not a situation created by our County, but by our federal government, and, therefore, should not be a drain on our County's finances. Thank you.

D.P.O. LEVY:

Thank you, sir. Next speaker is Lucius Ware.

MR. WARE:

Thank you. My name is Lucius Ware. I'm President of the Eastern Long Island NAACP, and I arise to speak about the signage of the Peconic River.

First of all, I would like to make it very clear to everyone in this room that are advisories from the State of New York that tell all of us not to eat more than one-half of a pound of fish from any fresh water stream in this State. Probably, most of the people in this room, at least 90%, don't know about that. Neither do the people who fish this beautiful stream called the Peconic River. In talking about those people who do fish that stream and who do eat fish from that river, significant numbers of those people happen to be people of color. Again, let's point to the New York State advisories about fresh water fish. They also tell us that no pregnant women should eat fresh water fish. They also tell us that children should not. The dangers are already here. We're talking about a stream that has some 30 contaminants in it. This is known already. We cannot afford to let any of our people go without notice that there are or may be dangers there.

In terms of the signage, the signage is a temporary measure. In terms of the placement of the signs, the signs are placed where people go by foot or by car to fish. We spent sometime testifying before the Committee of Public Works. The Department of Public Works people were there. At first, they didn't get an understanding, but before it was over, we all came to an understanding that these would be signs that -- reasonable size, probably would take less than a day's work in terms of preparation and placement in some several areas where people drive by car. They are not signs that are visible from the water itself. They are not signs that would interfere with people who happen to use it for boating, canoeing, or otherwise.

And, again, in term of the veto itself and the reasoning that the County Executive used, we all knew that before we started, that the DEC was not going to go along with it, and we were looking for a reasonable

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approach that would give fair warning to the citizens that use that particular river. And, also --

D.P.O. LEVY:

Lucius, I heard the buzzer ring. If you could just conclude, please.

MR. WARE:

I'm sorry?

D.P.O. LEVY:

If you could just conclude. I heard the ringer go off. Thanks.

MR. WARE:

Okay. I know you know the story, Steve, but I think everybody else in

here needs to really know it.

D.P.O. LEVY:

I understand. No. There's a three-minute limit to each speaker. I'll let you go a little bit, but I'm just asking you to be, you know, a little courteous and wrap up.

AUDIENCE MEMBER:

I'll extend my time to Mr. Ware.

MR. WARE:

That's all right. I'm winding up. Thank you very much.

D.P.O. LEVY:

She can do that. She can do that, if she'd like.

MR. WARE:

Okay. At any rate, we need to make sure that people are aware of what they're eating. And somebody will tell you, "Oh, I see people eat and they've been eating it for years." Yes, that's true, but there is a cumulative effect in all of this, and there are reasons, certainly, for the DEC and the New York State Health Department to tell us this. But they don't really tell us this because nobody here knows it. And the own place that you could possibly find this out is when you go to get your fishing license. Well, the people who are selling fishing gear, bait, etcetera, and that's their livelihood, they certainly are not going to put up big signs and make sure that everybody that comes in there knows that it's all right to catch those fish for fish for release, but not to eat them. Then that's way things are and it's just not going to happen that way. So we are asking that our citizens of this area have just that little bit of extra warning and advice during this particular period. Okay? These are not permanent signs even. So it's nothing that's going to even -- even if it were done now, a few months certainly is not going to kill off any recreational industry or anything like that, but it will warn those particular persons that go to these particular areas that the fish there may be contaminated. And I think it's time that we even go beyond in terms of telling people that, just like many other rivers in this state, that you are not to eat fresh water fish more than one half a point. And I want to emphasize that one half a pound. I have never sat down to eat less than one half of a pound of raw fish. Because when you cook it, it's down to a quarter of a pound, wow. Okay. I thank you.

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LEG. GULDI:

I resemble that remark.

MR. WARE:

I thank you very, very much, and thank you for the time. Thank you.

D.P.O. LEVY:

Thank you, Lucius.

LEG. COOPER:

Mr. Chairman.

D.P.O. LEVY:

Yeah, Legislator Cooper.

LEG. COOPER:

I have a question, perhaps for Counsel. When is it expected that the testing of the Peconic waterways will be completed? Is that known?

MR. SABATINO:

I honestly don't recall. I know that we passed the resolution and the

funding in the early part of last year. It was probably in the January -- there was no January meeting, so it was probably the February cycle. I think we gave them 18 months. So extrapolating from that, I would think that maybe we're talking six months from now, which would be some time in August, but that's just from memory.

LEG. COOPER:

And is there any way to expedite that process, so we can perhaps have the testing done sooner?

MR. SABATINO:

Well, maybe the Chairman of the Energy and Environment Committee could, you know, make some inquiries to facilitate it. It's really a function of the work, you know, schedule by the consultant.

LEG. CARACCIOLO:

Mr. Chairman.

D.P.O. LEVY:

Yeah, Legislator Caracciolo.

LEG. CARACCIOLO:

Legislator Cooper, as recently as late yesterday afternoon, I checked with officials at Brookhaven National Lab about that, and I had requested that a representative be here this morning by around 11 a.m., anticipating that we would get into these types of questions. I would now request, is that representative here, to please identify themselves. Okay. I was assured someone would be here. Maybe, Mr. Chairman, we could have someone from the Presiding Officer's staff contact Mr. George Malosh at Brookhaven Group or the Department of Energy. You can call my office, we'll be happy to provide you with the number, and check on that individual's whereabouts, so we can get some questions -- answers to those types of questions.

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LEG. COOPER:

Thank you.

D.P.O. LEVY:

Thank you, Mike. Our next speaker is James Dreeben, to be followed by Anthony Abruscato.

MR. DREEBEN:

Thank you for letting me come to this meeting. I rent canoes and kayaks on the Peconic River and I brought some water with me from the river, which I'd like to drink, if it will make anybody happy about, that it's not polluted. I've been drinking it for about 30 years, because I swim in the river all --

LEG. GULDI:

That explains a lot, Jimmy.

MR. DREEBEN:

What?

LEG. GULDI:

That explains a lot.

MR. DREEBEN:

Okay. I've been under the water many times. All right? My customers are always falling in. I have to rescue them, pull the canoes up, and I've been swimming in it. I know I drank a lot of it. I started losing my hair before I started renting canoes, so it had nothing to do with it. So I would like to drink a little bit of water, and that's all I have to say. I got it --

D.P.O. LEVY:

Well, there is the Health Department right down the hall here, if you --

MR. DREEBEN:

I got it at nine o'clock this morning. If anybody else wants some, I brought extra cups.

D.P.O. LEVY:

It might be better than our tap water, actually, that we have.

MR. DREEBEN:

Mmm, tastes better than Peconic bottled water. Okay. Please, don't put the signs up, because it's going to hurt my business, and it's going to scare a lot of people away from the river. Anybody want a drink?

LEG. GULDI:

If I may, you know, one of the things we've -- as you've heard, obviously, I mean, some of the stuff on the street was just silly about this. No, the signs don't say, "Don't eat the fish." No, the signs are not going to have radiation warning placards on them. No, the signs are not going to be everywhere. We're going to put some at some of the access points to the prime fishing locations for people who haven't read the warnings that they -- that the DEC hands out when they

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get their licenses, because of the concern that some people are eating too much fish, particularly people who are marginalized. There are people who are trying to live out of that river and they are not aware of the fact that there is a health concern from doing that. And all we're saying on the signs is there's a study, wake up.

MR. DREEBEN:

Well, some of the fishermen have been fishing it longer than I've been swimming in it and I see them every day, so --

LEG. CARACCIOLO:

Do they eat it?

MR. DREEBEN:

They eat it, sure, they do.

LEG. GULDI:

Yeah. But, you know, the trouble with that, Jim, I mean, I have a friend whose father smoked three packs of Pall Malls a day until he was 103. That doesn't mean everybody should be smoking either.

MR. DREEBEN:

I'll bring fish to the next meeting. Thank you.

LEG. GULDI:

Good. A little butter, a little lemon.

D.P.O. LEVY:

Anthony Abruscato.

MR. ABRUSCATO:

I'd like to donate my time to Mr. Ware.

MR. WARE:

Thank you very much. I'd like to say that before this legislation was passed on December 16th, a memorializing resolution was accepted by the Suffolk County Legislature from a unanimous resolution that was passed by the Town of Southampton. Many of you know that I personally have had over this last few months some disagreements with the Town of Southampton. However, this is one thing that we are in accord fully,

that this river should be posted. The Town of Southampton has said that, and I think maybe the Town has some property along the river as well.

In terms of notification, if you have ever seen the information that comes with your fishing license, it is so tiny that a person my age would not be able to see it. And the Literacy Volunteers were here this morning, too. Let me tell you that there are some people who fish there on this river that do not read, and there are some people who fish that do not read English. So it's of very, very great importance that we really follow what has been done by this Legislature after careful study and vote the conscience of the individual members to override this veto, which I started to say something about the -- about the veto itself and about what the -- the reasoning. If you look at the reasoning of the Suffolk County Executive, it does not really take care of the needs of the citizens here in Eastern Suffolk who use

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that.

I'd also like to say, too, that as a fisherperson, I spent the first half of my life as an interior part; I came from Ohio. Love to fish, so on and so forth, spent a great deal of time fishing, until I was told that, by my wife, who grew up here on the Shinnecock shores, to -- that this water that we were dealing with there just was not appropriate for fish. And then since I have come here, I have come to love that feeling and I also yearn every time, though, that I pass a fresh water stream to drop a hook. But I want to tell you, in spite of my friend, Jim, who I have known almost as long as I've been here, probably as long as I've been here, who's been a great friend, and we know this is not personal at all, that even though he may drink the water, I will not eat any of those fish that come out of there, because if we are fresh water fishing, the preferred bait is worms, one of the preferred baits is worms. Those worms, if you know worms, most of us have dug in the soil and we've seen worms, and we also see that they are in a constant almost 24-hour process of sediment or soil going right through their bodies. The contaminants, many are not in the water, they're in the sediment, and these worms are doing that all of the time, constantly, and the fish are eating those worms constantly. And, again, the cumulative effect of eating large amounts. When the fish are running you catch the fish and you eat the fish. You don't determine about a half a pound a week. And if you -- if that's a part of your subsistence, then you may eat ten pounds of fish a week. So you have extremely cumulative effects that can be very dangerous to the people who happen on eat the fish from this river.

So a moratorium of a few months that these signs would result in certainly is not going to hurt anybody's business, because the people who use those boats and other forms of -- will not be going by those particular areas of access that the fisherpeople use. Thank you very much.

D.P.O. LEVY:

Thank you. Next speaker is Scott Cullen, to be followed by Kevin McAllister.

MR. CULLEN:

Good morning. Thank you. My name is Scott Cullen and I'm Counsel for Standing for Truth About Radiation. I'd just like to clear up a couple

of misconceptions that I've heard earlier in the day. The few of the earlier speakers said that we don't have any facts on the contamination in the Peconic River, but we know that there's 22 different kinds of radionuclides and 23 different kinds of toxic chemicals present in this river from operations at Brookhaven National Lab. These are the facts. And with all due respect to Mr. Dreeben, the latency period for cancer is anywhere from five to thirty years. So if you're exposed to these things, it could be years down the road before you're in any way impacted by that. These are the facts. Since the late '40's, they've been discharging into this river. I don't know if anybody's seen it, but the headwaters of the Peconic River is the pipe from Brookhaven Lab that discharges all this wonderful stuff into the river.

Not trying to alarm people or cause any harm to their business, that's the last thing we want to know, but the people who fish in that river

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have a right to know that it's contaminated. This Legislature empaneled a task force on Brookhaven National Lab that reported back to you that the fish in the river have two to three times the concentrations of strontium 90 and cesium 137, both radioactive elements from Brookhaven Lab, two to three times the amounts of those radionuclides than other fish from the other parts of Long Island. That's the facts. It's been reported to this Legislature and something needs to be done, so that the people who are eating these fish are made aware of that problem. Thank you.

D.P.O. LEVY:

Kevin? Kevin McAllister?

MR. MC ALLISTER:

Good morning. My name is Kevin McAllister. I'm the Peconic Baykeeper. I'm one of 42 keepers nationally. Essentially, our mission is to act as citizen watchdogs. And more locally, I am here to protect the economic and environmental health of the Peconic system. Scott, who preceded me, did talk a little it about BNL's legacy. Again, and I want to point out, without getting into my credentials, I'm a trained biologist. I've been practicing in that field for over 15 years, and certainly have the academic credentials to back that up. I base my opinions on fact. I know the gentleman earlier had mentioned that. And, again, Mr. Cullen pointed out some of the facts. The facts are there certainly elevated levels, PCB's, heavy metals, as well as radiologicals in the Peconic River. Fact number two, the recent study by BNL has actually shown elevated levels down river through most of the fresh water portion of sediments, again, on radiologicals. To put it in context, Suffolk County, through your efforts, are actually engaging in an independent analysis to see what the level of contamination in the river really are. We're looking at sediments, fish, shellfish, surface waters, groundwaters. It's a comprehensive study that should find some results that we can make some sound decisions on.

I want to put a face on this issue. In the course of my work in assisting the County in actually collecting in some of the finfish as well as shellfish in the area, doing a surveillance or investigation to see where there were fresh water molluscs located in the river for analysis. I came upon a site on Connecticut Avenue, that's adjacent to the Grumman Park property, about mid river. As I was in it with a

scratch rake trying to find some mussels, there was an elderly woman there with her child. She had a cane poll in hand and a half a bucket of sunfish. She asked me, as I was collecting mussels, "Are they good to eat?" Clearly, this woman was not there to catch a ten pound bass to put on her mantle. This was a bucket of fish to take home and feed her children. We're debating whether or not, you know, there's a valid concern, I guess, and if the facts are in on, you know, contamination of fish, I pose to you, do we wait for Department of Environmental Conservation to be reactive? Let's be proactive for the sake of that woman and her family, as well as others.

I want to clarify a couple of points. Again, the intent here is the fresh water portion of the river. We're not going out to Montauk and Orient Points with this, that's not our intent. It's focusing on the

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folks that are subsistence fishers, those taking home buckets full of sunfish to feed their families. Again, with the interim of time -- and there was a question about the results. In all likelihood, the results are actually trickling in from the County, but the full suite of results will not be probably received until May or June. Again, in the interim, is it not in our interest to protect the health and welfare of the community out here?

Again, this -- the last point I want to make is -- goes to I guess the crux of the language. From my perspective and I think others that have spoken. This is an advisory. This is not an affirmative statement saying we have high levels of contamination in the fish. This is an early warning, an advisory to, again, notify those folks that are utilizing the fish, eating fish in the river, that a study is underway. And I think it's the prudent thing to do and I implore this board to override Mr. Gaffney's veto of this bill. Thank you.

LEG. D'ANDRE:

Steve.

D.P.O. LEVY:

Thank you.

LEG. D'ANDRE:

Steve.

D.P.O. LEVY:

Before we go on, Mike, I'm going to make a motion to extend the public hearing --

LEG. FOLEY:

Second the motion.

D.P.O. LEVY:

-- to 11:15. In the interim, we will take the photos from Newsday.

Motion by myself, second by Legislator Foley. Did you have a point?

LEG. D'ANDRE:

Question of the speaker.

D.P.O. LEVY:

Well, can you wait on that, Mike? Because I just want to get this done before 11:00.

LEG. D'ANDRE:

I'm here all day, Steve.

D.P.O. LEVY:

Okay. Motion to recess until 11:15, second by Legislator Foley. In favor? Opposed? Carries.

[THE MEETING WAS RECESSED AT 11:00 A.M. AND RESUMED AT 11:25 A.M.]

LEG. LEVY:

Ginny Levin.

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MS. LEVIN:

Hello. I'm Ginny Levin. I moved to Manorville because it's a place where there's a little bit of woods left and, I thought, a picturesque little river. I didn't expect to find much swimming there, but I had hopes of enjoying fishing and ice-skating not far from home. I am lucky. I soon heard on the grapevine that there was contamination and the fish weren't really very good. And I'm very lucky in that I didn't have to do this to make ends meet. Although I didn't fish, I did and do walk in the woods around the Peconic River. Time passed and I heard more about the contamination of this pretty little river, but perhaps too late for Clementine. Clementine was a Shepherd/Retriever mix and I had made the mistake of letting her drink from the river. She died of cancer of the spleen, liver and lung. We'll never know, of course, but it's possible a warning sign might have averted this. Strontium 90, cesium 137 and plutonium I heard when I started to pay more attention to the issue.

Walking or driving in my neighborhood, I sometimes see dogs lapping from the river or swimming in it. There's a retriever training group that often works their dogs in the area. Do they have any idea of what's in this room? I don't know. It's hard to strike up a conversation with strangers with at least a dozen excited dogs barking and jumping. I see people often with children fishing, often when I drive on Forge River Road on my way to the supermarket. How many are catch and release fishers? How many need to find ways to save on food bills? Do they have the information they're entitled to? I feel strongly that they should.

P.O. TONNA:

Thank you very much, Ginny.

(Applause)

Okay. Pete Maniscalco? Did I pronounce that right?

MR. MANISCALCO:

Excellent. Excellent.

P.O. TONNA:

There we go.

LEG. D'ANDRE:

Where's the beard, Pete?

MR. MANISCALCO:

It got burned in a fire. It's a new day. New day.

LEG. D'ANDRE:

You changed a little bit.

MR. MANISCALCO:

I've changed a little bit.

LEG. TOWLE:

New millennium look.

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MR. MANISCALCO:

As you are aware, the Suffolk County Legislature has put forward \$300,000 for a health and environmental analysis of the Peconic and Carmans Rivers. As part of that bill, there was a community oversight

committee established to work with the Suffolk County Health Department, and also to work in conjunction with Brookhaven National Laboratory to do a search of contaminants in the Peconic and somewhat in the Carmans. The environmental groups and health organizations, mainly breast health organizations that compromise this committee, elected me to be the Chairman of that group, and I speak in behalf as Chairman of this committee this morning.

It's absolutely essential that Suffolk County Executive Bob Gaffney's veto be overridden by the Suffolk County Legislature, and I want to explain why. And one thing I want to say before I go into my brief remarks is that Mike Schlender is here today from the Brookhaven National Laboratory, and I want to state on the record that Brookhaven National Laboratory, through Marburger and his senior staff, still refuse to cooperate with the formally and officially designated representatives of this Legislature, which our community oversight committee represents. Mr. {Schlender} in particular has refused to release to our group their inventory of the contaminants in the Peconic River, so that we could look at them in their preliminary form and report back to Mr. Schlender and Brookhaven National Laboratory with our comments.

So those of you who think that because the management at Brookhaven Laboratory has changed that there has been a significant increase in their community networking and outreach, I'm here this morning to tell you that it's still not true. And I'm also here to tell you that we are trying in every way to be inclusive with the representatives of the Department of Energy and Brookhaven National Laboratory. At our meetings, they're always invited. There are public meetings. All of our information is released to them immediately, nothing is withheld from them. And we look forward some day to them finally becoming mature adults and responsible and accountable to this Legislature and to community at large.

Briefly, just let me say to you, as the Chair of the Community Oversight Committee, that the signs -- as Mike Caracciolo said, let's err on the side of caution. You are not erring on the side of caution. Your own information provided to you by your own committees and by Brookhaven National Laboratory itself says that in the fish, there is strontium 90, there is cesium 137, there is mercury, there are PCB's, there is silver. All of these contaminants we know are in these fish. They are a direct threat to the public health and the safety of anybody eating this fish. There is no question of this threat. The threat is significant. Brookhaven National Laboratory refuses to this day, and Mike Caracciolo has a copy of a letter that was sent to everybody, every neighbor of Brookhaven National Laboratory, where Mr. Meresman says that this river is -- he uses the word safe. I want to state on the public record that that is a dishonest comment. Mr. Meresman has no right to say that this contamination is safe. No public health official would ever say on the record that it's safe. It is a direct threat to the public health, it's a direct health to the environment.

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D.P.O. LEVY:

Pete, if you could just wrap up, please.

MR. MANSICALCO:

I will wrap up by saying that today we know that standards that have been established for the public health and safety only deal with their effects on a 150 pound white male. It does not include women, it does not include children, it does not include a fetus. All of those populations are -- have a much -- a significantly lower threshold than a 150 point white male in good health to these contaminants. It's time that we move forward on these issues and bring forth the truth on these issues. Our committee is studying these issues, and it will probably take another 15 months before we do this correctly. We're not going to rush. And I appreciate that everybody wants this information quickly. It's going to be done right this time and it's going to be done with community activists as part of it and to represent everybody's point of view, including the Department of Energy and Brookhaven National Laboratory. Thank you.

D.P.O. LEVY:

Thank you, Pete.

(Applause)

We have Bill Smith, to be followed by Adrienne Esposito.

MR. SMITH:

Thank you. As a representative of the group which initiated and carried out the first ever independent testing of the Peconic River in 1997, I'm here today to also ask you to override the County Executive's veto. Despite comments today by some on this issue, I can confirm that due to decades of carelessness by Brookhaven National Laboratory, the Peconic River contains levels of 22 radionuclides and 23 other heavy metals, including mercury, cadmium, silver at 100 times the New York State allowable standards; also, plutonium, which, as you know, is the most deadly substance known to man. To not override this veto would send the wrong message to Long Islanders, but more important, would continue to put people who use this river at a further health risk. As Legislator Caracciolo stated, it would be far more prudent in this case to err on the side of safety than someone's economic gain. Thank you.

D.P.O. LEVY:

Thank you very much, Mr. Smith.

LEG. GULDI:

Thank you, Bill.

LEG. CARACCIOLO:

Thank you.

(Applause)

D.P.O. LEVY:

Final speaker, Adrienne Esposito.

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MS. ESPOSITO:

Good morning. Adrienne Esposito from Citizens Campaign for the Environment. I also am here to ask you to override the veto from County Executive Gaffney. There's only one question to ask yourself about the issue concerning signage on the Peconic River and that is does the public have the right to know? That's the question, do they have the right to know? And the answer is simple, the answer is yes. Would you want to know if you're eating fish from a river that potentially has contamination, and, in some cases, in fact, does have contamination in it. And if the answer is yes, you can only vote to override this veto. Legislator Levy, would you want to know if you're

eating from a river that was contaminated? Legislator Foley, how about you? Legislator Fisher, how about yourself? And if the yes applies to you and your family, surely it applies to the people who live and eat the fish around the river and their families. And we believe in the public's right to know and make informed decisions and educated decisions before they fish or recreate around an area that is potentially harmful to their health and their family's health. So we're asking you to vote yes on the override thank you.

LEG. FOLEY:

Thank you.

(Applause)

P.O. TONNA:

That's it?

D.P.O. LEVY:

We're done.

P.O. TONNA:

Okay. Let's move to the --

LEG. CARACCIOLO:

Hold it, hold it, hold it.

P.O. TONNA:

To the agenda. Oh, yeah.

LEG. CARACCIOLO:

Before we go on Mr. Chairman, the request that I had made yesterday afternoon to have a representative of Brookhaven National Lab has been honored. I'm told that representatives are now present. I see Mike. You want to come up, please. Could you identify for the record your affiliation with the Lab, please?

MR. SCHLENDER:

Yeah. Mike Schlender. I'm the Assistant Laboratory Director for Environmental Management at Brookhaven National Laboratory.

LEG. CARACCIOLO:

Well, I want to thank you, Mike, and I see other members of the lab in the audience, and thank Mr. Malosh for ceding to our request that you be present today. There are a number of questions relating to the Peconic River, the sediment sampling program, and one that you probably

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just heard a few minutes ago dealt with the timetable as to when the testing program will be completed and results forthcoming. Could you share with us, first of all, the methodology that's being used and who's involved in the sampling program? And perhaps a third question would be why, as I just heard from Mr. Maniscalco, are residents of his citizens community oversight committee have not been included in the process?

MR. SCHLENDER:

Mike, let me take the first part or the last part first. Mr. Maniscalco mentioned about the availability of the report of a comprehensive supplemental sampling program we conducted last year. We reported to this Legislative body about how we are going to conduct that. I've had a significant amount of input from this body, as well as the community, in terms of how we actually planned the study, conducted it, had had participation of many participants of the Community Advisory Council that advised Brookhaven National Laboratory, overseen by regulatory agencies like Department of Environmental

Conservation, EPA, and produced a report that we notified the community about in October of last year, 1999. That report is part of our cleanup program at Brookhaven National Laboratory, and under the Interagency Agreement the Department of Energy has with the State DEC and the EPA Region 2, that report must undergo their review and their commentary to provide their input before the report goes final. That's part of the primary documents in the agreement itself in preparation for that document to go into the administrative record, which is part of our basis of information to support our cleanup approach.

Unfortunately, that process takes sometime, more time than I would have liked to have it take. It usually takes 30 days for review. The EPA Region 2 asked for another 30 days of review time, which went to 60. They made their comments on time. We incorporated that into the report, which we hoped to have out in December. Unfortunately, the State DEC required more time, and I'm happy to say at this point the report is complete. We did issue, as promised to the Community Advisory Council, who advises the Laboratory, the first copy of that report, and that was given to our coordinator yesterday. We will be putting that report into the administrative record, which is available to the public, by the end of the week.

So I'm very happy to say we're bringing this study to a close. It has a lot of good information in it. We have shared this on a new -- a number of occasions with the community, anticipating they had concerns about that, anything from community round-tables we've held to individual briefings of the results themselves. But we -- I have to -- I hope you will understand that we need, as DOE does, to honor the Interagency Agreement in the process for review by issuing these documents. If this body can do anything to help us to speed that process up, I'd surely appreciate it.

LEG. CARACCIOLO:

Does the Interagency Agreement exclude certain individuals or organizations?

MR. SCHLENDER:

No, it doesn't. And in a context of sharing information, we have provided information to the COC members to help them understand what
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the results say. We have held individual briefings to Adrienne Esposito, who's a member of that committee, and we'd certainly await the COC's results, also, to match up with ours as they come available. But in term of --

LEG. CARACCIOLO:

I am aware, Mike, that there are a number of community-based organizations that are involved with the Lab. Could you just go through the list now? There are like four or five; there are State, there are County, there are local. Can you just enumerate what currently exists as far as community oversight?

MR. SCHLENDER:

Yeah. Let me start out with the Citizens -- or Community Advisory Council, which is a representation, I may have the improper number, but some 30 organizations represented by the community at large, from civics, educational institutions, environmental activist groups, breast cancer coalitions, that advise my boss, Dr. Marburger, on how we should be interacting with the community and sharing information. That's a

very good forum for what they believe is important to them, that we share at their request information such as the supplemental sampling or other aspects of cleanup on a fairly regular basis. But it's their agenda. We support that.

When we have other portions of our cleanup going forward, such as our proposed remediations, we also conduct a number of community round-table briefings, where we invite a -- certainly a defined list, which is a very large list, and I can ask my colleague, Marge Lynch,, the Director of Community Outreach, here to help us understand how large that list is, but a standard list which involves many of the people here in the room to know what we're doing, to have information, to be on mailings, to be aware of new additions to the administrative record, which is the repository of information for our cleanup, understand what we're doing next in our cleanup process. The list goes from CALA to Citizens Campaign for the Environment, civic associations like East Yaphank Civic Association, ABCO. It goes on and on.

LEG. CARACCIOLO:

Okay. Since you said you would answer my last question first, why has CALA, or specifically Mr. Maniscalco, been excluded from participation?

MR. SCHLENDER:

Well, I'd like to turn it around in terms not so much exclusion and following process. You might remember I think something was handled very badly by the Laboratory in terms of the sampling about -- that occurred more than a year ago where information was shared outside the Interagency Agreement process. We certainly received a lot of input from the State DEC on not following that process, as does the EPA holds us to that agreement because they wanted to have input. They were caught unaware of the results and they wanted to make sure that we don't follow that practice in the future.

What I mentioned at a number of occasions, in responding to Mr. Maniscalco, that we need to follow the circular process, which the DOE has agreed to, I also shared my concern that it takes longer than

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I'd like. There's no exclusion in that. It's simply the process that each of the agencies have an opportunity to provide comment, update the document as to what they see as correct in that document, what they see is appropriate in terms of their response to our results. If there are any errors, they help us to correct those, if they are present. If there's any conclusions that we have made that are inconsistent with fact or science, they help us to understand what those are. If you could imagine, they would be very upset with us, or DOE, actually, with issuing a document that does not reflect their concerns or their comment in the document. So it's not an exclusion, it's a matter of following the process. And we have actually gone forward on some occasions with not including the comments in the same sequence I've mentioned. But I share Mr. Maniscalco's frustration in terms of the timing.

LEG. CARACCIOLO:

Okay. Could you respond to the first question, which was the methodology that is being used to -- in terms of the sampling program?

MR. SCHLENDER:

The methodology is basically that we have collected in the Peconic

River from the BNL site on some 17 miles down the river, downstream to the 105 bridge, a number of different kinds of samples, different media, from fish tissue to sediments to surface water, soils, groundwater, to detect contaminants of concern to the community. These were principally around long-lived radionuclides like plutonium, shorter ones like cesium or strontium, and other radionuclides associated with that to give a more comprehensive look at the downstream portions of the river. You might remember, this is a supplemental sampling report. What I mean by that is it adds to the existing body of knowledge in the formal remedial investigation of the BNL property, which includes the sewage treatment plant and portions of the river on our site.

We carried out this sampling program, discussed it here in concept, carried that out through a number of round-table briefings with the community to see what their aspects and values were of importance to the sampling program, whether they want to have independent laboratories, or split samples, or where they believe that the samples needed to be collected because of their concern in their community, and we included those things to the tunes of some half million dollars of this supplemental sampling effort. We carried out that work in cooperation with the Suffolk County Department of Health Services, EPA Region 2, and the State DEC. They were -- those agencies were present, as were members of the community, to split samples with us, or observe the splits that were being collected. Samples were sent off to different laboratories to compare the results. EPA has their laboratory, they compare with our commercial laboratories, as do the State, and those results have come back.

What I meant to share with you in the State and the EPA's comments, they're able to share that information, that split information, the comparison data to verify ours in the final report. That's why it is valuable and worthwhile to wait for the state and EPA to provide information back to us, is that when we provided the initial report, it was only our data. As the State and EPA data came in, we were able to

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bring those into the report to make a more complete picture. Now, as the samples were collected, they were sent off to laboratories with a very strict quality assurance protocol to make sure we understood the quality and the accuracy of the data coming back. That's all captured in this report. It's a very lengthy report. It's some five inches thick in terms of narrative and data that's available to us.

LEG. CARACCIOLO:

And it will be available by the end of the week?

MR. SCHLENDER:

Yes.

LEG. CARACCIOLO:

Okay. Let me turn on the resolution that was approved by the Legislature and vetoed by the County Executive. Have you had an opportunity to look at that resolution?

MR. SCHLENDER:

I have not in detail, no.

LEG. CARACCIOLO:

Okay. Has the Lab taken a position on whether or not precautionary

signage should be posted along the river?

MR. SCHLENDER:

I think the Laboratory has the following position: We are part of an extensive cleanup of Brookhaven National Laboratory and that's our focus, including the Peconic River. The data that we provide to the agencies that oversee us, Suffolk County Department of Health Services, DEC and EPA, are valuable in -- for those who have the charge of protecting public health. That's not Brookhaven National Laboratory. We freely provide that information to help those decision-makers make that decision and we've done that.

LEG. CARACCIOLO:

Would you have any objection to the postage of signage?

MR. SCHLENDER:

At this point, we have no real issue with the posting, only that information has been shared with the State DEC, EPA, and Suffolk County. The information that we have seen would not support a posting for fish consumption of the river, but, again, that's not a decision that we make.

LEG. CARACCIOLO:

I refer to, Mike, this letter that Pete Maniscalco accurately identified earlier, Open Letter to Our Neighbors, that was published by the Lab and distributed to residents around the laboratory and some information here about the river. And as Item 4 reads as follows: "Are fish caught in the Peconic safe to eat?" And the paragraph is short, so I'll read it. It says, "Fish sampled off site in the Peconic River pose no hazard to wildlife or to human health. Recent statements from the New York State DEC have been -- reinforce this. Onsite fish,

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as a result of the heavy metals, could pose a threat to wildlife that consumes them." The question I have is fish that are onsite, can they spawn or swim offsite?

MR. SCHLENDER:

Let me answer the question directly. I would imagine the fish can swim offsite and that could certainly have an impact of onsite versus onsite. But you have to understand where the fish that live in our onsite portions, if you've been able to walk the Peconic River up through the laboratory boundary --

LEG. CARACCIOLO:

I have.

MR. SCHLENDER:

Okay. Then you know that we certainly have a number of physical sort of boundaries of weirs and water gauging stations, it would be hard, certainly, for fish to migrate freely back and forth from those areas. I'm not saying it's not impossible, but, certainly, could happen. I'd like to make a comment, though, about the letter that you read. And I think you accurately represented the fact that we were trying to reflect the statements of the State DEC and their view of what they think the hazard might be from consuming fish in the Peconic River. And I don't, certainly, have all the data to support their position. Any letter like that that we give to the public is trying to communicate information that we have. As I mentioned before, we don't have the charge of assessing public health, but we do have to propose to the State DEC and EPA what our view, based on accepted methodologies

and models, would be for concern or degradation of the environment. We do that. We hire experts to compute those models, provide that information to us, and that goes into our plans for cleanup. That's the basis for our cleanup, and that's what John Meresman was reflecting in the letter to share that. I would certainly not want to represent that we are the agency saying whether it's safe or not. That's state Department of Health, their job, their responsibility to do so and make that determination.

And related to that, certainly, if Suffolk County feels that they need to find additional postings that is in reference to the pending testing that is being conducted by the Citizens Oversight Committee and they feel until that -- those results are available, that's a prudent measure, that's your decision to make. I welcome that information coming in.

Again, contrary to what was said previously, we have worked very closely with all the organizations that are interfaced at the laboratory. We're aware that the COC has produced some results on the sewage treatment plant area, which we shared results with them. In all cases, whether it be the State agencies, Federal agencies overseeing seeing us, or the COC data, our data's matching up well with theirs, and I expect that to happen in the future as the rest of the data comes available.

LEG. CARACCIOLO:

Since the report will be released at the end of the week and you have
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knowledge of what the report contains, is there anything in that report that would preempt the consideration of the veto override today? Shell

MR. SCHLENDER:

Not to my knowledge.

LEG. CARACCIOLO:

Thank you.

MR. SCHLENDER:

Again, we've shared information about the report, the preliminary results to members of the community who are interested in having specific briefings. We've had a number of briefings by my colleagues. Skip Medeiros is here today, if you want to have additional detail. At our Community Advisory Council meetings, again, answering specific questions of concern, I believe we've shared that. And now, what the report really embodies, is the shared knowledge, data from all the agencies involved with the sampling event, and I look forward to having that in the administrative record and available to the public.

LEG. CARACCIOLO:

Thank you.

LEG. GULDI:

Mr. Presiding Officer.

P.O. TONNA:

Thanks, Mike. Do you have a question?

LEG. GULDI:

No. But, at this time, what I'd like to do is make the motion on the veto override. We've had a number of speakers on the subject, they're still here, and while the members of the public who have taken the time to come down and speak to us on this issue are still present, I'd like to move to override the veto on --

P.O. TONNA:

George, just one second. What we're going to do is we're going to do all the veto overrides now before we start with the Consent Calendar. Okay? So we'll move all three of them, if you don't mind just --

LEG. GULDI:

Well, I'm only moving one and I'd like to make the motion.

LEG. TOWLE:

Second.

P.O. TONNA:

Oh, you're not going to move yours? Okay. Go ahead. You want to make a motion, George?

LEG. GULDI:

Yes, thank you. As I was saying, on Resolution 1358, I'd like to make a motion to override the veto.

LEG. CARACCIOLO:

00041

Second.

LEG. GULDI:

The basis for the veto override seems to be both legally and practically flawed. We've heard multiple witnesses testify about the factual reason for the notifications and that the opposition to this seems to be misfounded against a fear that there was going to be some sort of alarmist message on these signs, which merely state in an understated way the fact that there is a study going on. The signs don't state the facts that were elucidated by a number of witnesses that there's plutonium, and cesium, and heavy metals, and etcetera, that's been found both in the waters and in the fish sampled.

P.O. TONNA:

Thank you. You want to --

LEG. CARACCIOLO:

No. Second.

P.O. TONNA:

Okay, second. Okay. Let's vote. Roll call.

(*Roll Called by Mr. Barton*)

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.
LEG. FIELDS:
Yes.

00042

LEG. FOLEY:
Yes.
LEG. HALEY:
Yes.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
Yes.
LEG. LEVY:
Yes.
LEG. TONNA:
Yep.
MR. BARTON:
18.
P.O. TONNA:
Okay, thank you.

(Applause)

Legislator Levy, you have a motion?

LEG. LEVY:

Yeah. I'd like to make a motion to override the veto of Resolution 1367. This was for the study of the convention center. In the veto message, the County executive incorrectly was trying to indicate that we were actually building the convention center with this and that he was out of the loop. What he says is, "Only the County Legislature determines whether a convention center may be built on County land," and that's just not true. All this is doing is seeking the study for them to come back and tell us whether it's feasible to go forward to build. So I'd make the motion to override.

P.O. TONNA:

Okay. Is there a second?

LEG. FISHER:

Yes, second.

P.O. TONNA:

Legislator Fisher seconds it. Henry, roll call.

(*Roll Called by Mr. Barton*)

LEG. LEVY:

Yes.

00043

LEG. FISHER:
Yes.
LEG. COOPER:
Abstain.
LEG. BINDER:
No.
LEG. POSTAL:
Yes.
LEG. BISHOP:

Pass.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
No.
LEG. CARPENTER:
Abstain.
LEG. ALDEN:
Yes, to override.
LEG. FIELDS:
Yes.
LEG. FOLEY:
Yes.
LEG. HALEY:
No.
LEG. CARACAPPA:
No.
LEG. TOWLE:
No.
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Yes.
P.O. TONNA:
Yep.
LEG. BISHOP:
Yes.

00044

MR. BARTON:
11.
P.O. TONNA:
Okay. Motion fails. Okay. Let's go to the Consent Calendar.
LEG. GULDI:
Do we have another one?
P.O. TONNA:
Excuse me? No. Joey doesn't want to make a motion, unless somebody else does. Joey doesn't.
LEG. GULDI:
You want to be a nice guy, go ahead.
LEG. BISHOP:
Sports Commission?
P.O. TONNA:
Yeah. There's no motion. Joey doesn't want to do it.
LEG. BISHOP:
I'll make a motion.
P.O. TONNA:
Okay. Hold it one second. There's a motion by Legislator Bishop to override the County Executive's Bill Number 1271. Is there a second?
LEG. LEVY:
Second.
P.O. TONNA:
Seconded by Legislator Levy. Roll call.
LEG. CARACAPPA:

On the motion.

P.O. TONNA:

On the motion.

LEG. CARACAPPA:

Thank you, Mr. Chairman. I, being one of the prime sponsors of this resolution, along with Legislator Guldi and then Legislator and Presiding Officer Hackeling. I've decided not to move this at this point due to the fact that I've met with the County Executive and his people, being Janet DeMarzo and members of the Parks Department, and we feel that it's within our scope of this to move forward and do this in-house. We're putting together a whole package for all of you as we speak. We'd like to do this in conjunction with the Parks Department. And let me go on, because I know some of you have fears about it being in-house, that we won't be independent enough to move forward the agenda of Suffolk County in regards to --

LEG. BISHOP:

I want to know where we're going to get the money. What department is
00045

it in?

LEG. CARACAPPA:

It would be consumed within the Parks Department, a division of the Parks Department. Also, what's more important it's going to be cheaper, much cheaper to do it this way, less combative, and I think it will go a long way in being more independent than we would be with a separate sports commission, though our primary -- just a second, David. Though our primary goal during this whole bout with this commission was to, you know, move forward the agenda for sports and sports infrastructure in Suffolk County, I think we can do this with the right people and the right elements involved. Part of the deal is that we're going to gain two seats on the Long Island Sports Commission from Suffolk County alone. So this will give us a stronger voice to advocate projects and events, and the bringing of events to Suffolk County on that commission, so -- and that's just one aspect of it and there are a couple of more. So I think it's going to work much better to do everybody's districts and to your constituents by doing it in-house because of the reasons I stated and more, and we'll get those to you in the next couple of days.

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

Yes, Legislator Bishop.

LEG. BISHOP:

I'm concerned, not with the independence of the agency from Suffolk County government. I mean, it's designed to promote Suffolk County, and if Suffolk County government -- if you need to create something independent with Suffolk County government to promote Suffolk County, then we're really in trouble, so independence is not the issue. The issue is whether we have the resources to do this aggressively out of the Parks Department. When we did the budget just a few weeks ago, at the end of 1999, the Parks Department Chairman, if I'm not mistaken, was one of the ones who came down here and --

LEG. CARACAPPA:

Ranted?

LEG. BISHOP:

Well, that's a little over -- criticized us, claiming that we were crippling his ability to manage his agency with what we did with vacancies. So, apparently, he doesn't feel he didn't have the manpower then to do what his mission was this year. Now we're giving him an additional mission, one that thirteen of us thought was important enough to create an independent agency for. So I am very wary of any claims that it's going to be handled in-house effectively, and I would want to see -- I think all of us who supported this would want to see a plan on how that's going to occur. So now my question becomes what is the, quote, drop dead date to override this veto?

P.O. TONNA:

Legal counsel?

00046

MR. SABATINO:

I just have to ask the Clerk's Office the actual day we received it. It's not time stamped on my copy, but it may be -- I know it's dated January 20th, but --

MR. BARTON:

It's going to take us a couple of minutes. We have to find the original.

MR. SABATINO:

Okay. That makes a difference. It may have been received on the 21st or the --

LEG. BISHOP:

All right. Well, let's use an assumption.

MR. SABATINO:

It's 30 days. But assuming that we got it on the 20th --

P.O. TONNA:

We're not going to get to the 29th.

MR. SABATINO:

Yeah, you're not going to make it. It's probably only a day or two difference. I mean, if it's dated the twentieth, you probably got it the 21st, because it was adopted the --

LEG. BISHOP:

So then the next special meeting --

MR. SABATINO:

We might have gotten it the 22nd.

LEG. BISHOP:

-- is more than 30 days beyond the veto, in which case --

MR. SABATINO:

Yeah, but 30 days --

LEG. BISHOP:

-- this is the last chance --

P.O. TONNA:

Right.

LEG. BISHOP:

-- to implement this policy.

P.O. TONNA:

Right.

LEG. BISHOP:

Given that, I would ask that we're coming back after lunch, I assume.

P.O. TONNA:

We are.

00047

LEG. BISHOP:

Okay. That the Parks Department --

P.O. TONNA:

I would assume.

LEG. BISHOP:

-- Commissioner Frank or a Deputy Commissioner come before us and tell us how they're going on meet this new mission that we've assigned them.

LEG. CARACAPPA:

Mr. Chairman.

P.O. TONNA:

Yes, Legislator Caracappa.

LEG. CARACAPPA:

During the process of negotiating this with the County Executive, Commissioner Frank wasn't involved, because I asked that he not be.

No, not disrespectfully, because I wanted to talk to --

LEG. BISHOP:

Maybe we do need an independent --

LEG. CARACAPPA:

Because my goal was -- my fear, as I said earlier, may not be yours, David, but the independence of the board. And if it's going to be someone in the Parks Department, which does make sense where it should be, I didn't want that person hamstrung or stopped at every turn in -- when that person goes to make an aggressive move on behalf of Suffolk County and in sports. Because, as you said earlier, David, the Commissioner came down here and ranted and raved, and that was the correct term, he did rant, to be quite honest with you. So I don't think the Commissioner would be the best person to come forward. I think maybe Janet Demarzo later can come forward and explain to you a little bit more in depth of what I've been saying.

I don't want to take too much time up on it, I'd like to get to the agenda. But the fact remains as with the -- let's go -- you mentioned money, let's go back to that. The funding source that we had, which I thought was a proper funding source and a good one, was hotel/motel tax, but, apparently, according to the County Attorney's Office this isn't going to be feasible. What that leaves us is a commission which is hollow. We have no funding. We couldn't even bring anybody on board. We can say we have a commission, but there would be nobody there, which I think is ridiculous and it wouldn't make us look very good, and we couldn't move forward the agenda that we want in regards to sports. So, by doing it this way, we're using someone within the Parks Department already, it's budgeted already, the money's there. There's not problems with that. We can at least move the agenda forward with what we want to try to do in-house. It's going to be fairly independent. And as the next budget process comes up next year, we can solidify that by possibly doing an added division in the Parks Department on Sports and Recreation and deal with the larger issue of

00048

funding and staff and everything that we need to do to make it whole at that point in time. But what we need to do now is not move forward with a veto override and have a commission that's useless, and maybe

move forward to making this happen again in-house and get it going, at least.

LEG. BISHOP:

There's some logic to what you're saying, but I'm still very uncomfortable with the notion of saying, "Ah, we'll do it in-house," without having any commitment on who's going to do it in-house. I would accept Janet Demarzo speaking to us after lunch, that's fine, as long as there's some specificity as to how it's going to get accomplished. And I would also suggest that a much better agency to do this is probably Economic Development, since you're talking about recruiting around the country to bring events to Long Island as a large part of the mission of this initiative. So they are probably the ones who are best situated to accomplish that.

LEG. FISHER:

Mr. Chairman.

LEG. LEVY:

Mr. Chairman.

LEG. CARACAPPA:

Well, Mr. Chairman.

P.O. TONNA:

Yeah, just wait. I'll let Legislator Caracappa respond, and Vivian Fisher, Legislator Fisher, and then Legislator Levy.

LEG. CARACAPPA:

Well, you're right in that instance, that Economic Development would be -- play a large part in it. But I think what we have to do is move forward and take the next step and create a Division of Sports and Recreation. Though we've counted on the towns to do that historically, it goes without saying that I think the towns have failed us in that regard with their Divisions of Sports and Recreation. So I think that historically, again, the County has not been in that area. And during this -- in this proposal, I think we need to take the next step and create that division and work in conjunction with Economic Development and bring people on as volunteers on this, what would be a council, and make it work in that regard, a hole rounded -- a wholly rounded council that would work very well.

LEG. BISHOP:

Do you agree that we should ask her to come?

LEG. CARACAPPA:

I have no problems with that. If you would defer and have it this afternoon, that would be great. Oh, here's Janet.

LEG. BISHOP:

No, this afternoon.

00049

MS. DEMARZO:

This afternoon?

LEG. CARACAPPA:

We can go over it now, David.

P.O. TONNA:

Okay. Legislator Fisher has the floor.

LEG. FISHER:

Legislator Caracappa answered my question. I cede my time.

LEG. LEVY:

Mr. Chairman.

P.O. TONNA:

Legislator Levy.

LEG. FISHER:

Joe Caracappa answered my question.

LEG. LEVY:

I want to also push for the override, because if we recall, this was Legislator Hackeling's resolution as prime sponsor. Legislator Caracappa was a sponsor as well. But the point of having this come through this Legislature and be codified as a Legislative initiative is because it will be codified, it will be established in law, and it will be something that will have to be carried out, rather than just hoping that certain department heads carry out with the mandate. So if we really want to see this through, we should follow up with an override of this veto, establish this commission, as was the original intention of the former Presiding Officer, and let the work be done.

P.O. TONNA:

Okay. Any other -- Dave, you made a motion and there was a second. Do you want to withdraw it right now and we'll deal with it after lunch?

LEG. BISHOP:

Yes.

P.O. TONNA:

Okay.

LEG. BISHOP:

But I would ask, through the Chair, that we --

P.O. TONNA:

That we request Mike Frank?

LEG. BISHOP:

No.

P.O. TONNA:

Is that --

00050

LEG. BISHOP:

Janet Demarzo.

P.O. TONNA:

Janet Demarzo?

LEG. BISHOP:

With a specific plan.

P.O. TONNA:

Fine.

LEG. BISHOP:

Or with names that will do the job.

P.O. TONNA:

You got that Linda?

MS. BURKHARDT:

Uh-huh.

LEG. BISHOP:

Name names.

P.O. TONNA:

Okay. Let's go to the Consent Calendar.

LEG. GULDI:

Motion.

P.O. TONNA:

Motion by Legislator Levy.

LEG. CARACCIOLO:

Second.

P.O. TONNA:

Second by Legislator Caracciolo? Oh, Legislator Guldi? Okay. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Okay. We got the Consent Calendar. Let's go to the Introductory Resolutions.

INTRODUCTORY RESOLUTIONS
WAYS AND MEANS

Motion 1010, to repeal Resolution 740-1998 in connection with the proposed new development through Manorville Branch Road.

LEG. CARACCIOLO:

Mr. Chairman, I'm going to table this resolution at the present time.

00051

LEG. HALEY:

Second.

P.O. TONNA:

Okay. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

Okay. I'm -- unless somebody wants me to read the resolution, we're going to move through most of these resolutions by numbers. As long as everyone's focused, we'll be able to move. If somebody's having a hard time keeping up, just raise your hand and we'll slow down. Any Legislators having a hard time keeping up?

1023 (Authorizing and approving a Settlement Payment Agreement between the County of Suffolk and the New York State Department of Transportation in connection with the acquisition of a certain parcel of Real Estate known as Project Sunrise Highway Extension, Part B, S.H. 52-12, Map 267 R-1, Project #9352, Parcel #317, P.I.N. 0188.01.201, Suffolk County Tax Map Number: 0500-237-02-0300.002.)

Is there a motion?

LEG. CARACCIOLO:

Motion.

LEG. LEVY:

So moved.

P.O. TONNA:

Motion by Legislator Caracciolo, seconded by Legislator Levy?

LEG. LEVY:

Yeah.

P.O. TONNA:

All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Number 1028 (authorizing the sales of surplus property sold at the November 15 & 16, 1999 auction pursuant to Local Law 13-1976 as per Exhibit "A".) Is there a motion?

LEG. FOLEY:

Mr. Chairman, can we hold this off until after our lunch break? I want to review some of the parcels during that time.

P.O. TONNA:

Okay.

00052

LEG. FOLEY:

Thank you.

P.O. TONNA:

Number 1029 (To convey title to County-owned real property pursuant to Section 215, New York State County Law MAC 2 Property Management, LLC 0100-157.00-02.00-132.000.) Is there a motion? Excuse me, George?

LEG. GULDI:

1029 is a companion motion to 1028, because it deals with property acquired by condemnation. It's still part of the auction parcel.

P.O. TONNA:

Okay. We'll hold both of those off, then.

HEALTH

Okay. Resolution 1000 (Renaming the Southampton Satellite Health Center the "Kraus Family Satellite Health Center at Southampton.") Is there a motion?

LEG. GULDI:

Motion to approve.

P.O. TONNA:

Is there a second?

LEG. FIELDS:

Second.

P.O. TONNA:

Okay. Motion by Legislator Guldi, second by Legislator Fields. All in favor? Opposed? Approved.

LEG. CARPENTER:

Explanation.

MR. BARTON:

18.

P.O. TONNA:

Oh, I'm sorry. Okay. Just give Legislator Carpenter an explanation now.

LEG. GULDI:

If I may?

P.O. TONNA:

Yeah.

LEG. GULDI:

The Kraus Family provided a grant to the County for the full renovation of the health clinic at the Southampton Hospital, and the Commissioner, Clare Bradley, suggested that perhaps it would be appropriate to name the center after them, since they put up the money.

00053

P.O. TONNA:

Okay. Number 1008 (Establishing Pulmonary Hypertension Awareness Policy for Suffolk County Health Care Providers.) Is there a motion?

Legislator Haley made a motion, I'll second it. All in favor?

Opposed?

MR. BARTON:

18.

P.O. TONNA:

Approved. Okay.

PARKS, LAND ACQUISITION & CULTURAL AFFAIRS

Number 1019 (Amending the Suffolk County Temporary Classification and Salary Plan for temporary personnel in the Department of Parks, Recreation and Conservation.) Is there a motion?

LEG. TOWLE:

Motion, and also an explanation, please.

P.O. TONNA:

Okay. Motion by Legislator Towle. Is there a second?

LEG. CARPENTER:

Second.

LEG. FOLEY:

Second.

P.O. TONNA:

Second by Legislator Carpenter. On the motion, we need an explanation.

LEG. FOLEY:

Basically, for the lifeguards.

P.O. TONNA:

Paul?

LEG. FOLEY:

These are lifeguards.

MR. SABATINO:

These are temporary personnel at the County Department of Parks that are lifeguards, EMT's, seasonal workers, park security aides, park rangers, labor crew leaders and park attendants. There'll be a two-year salary increase, one for the year 2000, one for the year 2001, and this provides the authorization for that.

P.O. TONNA:

Being a Jones Beach lifeguard for 24 years, they're well worth it.

Now, I was a State lifeguard, so I feel like I don't have a conflict in voting on this resolution, but --

00054

LEG. TOWLE:

Legislator Tonna.

P.O. TONNA:

-- the fact is, is that lifeguards are in demand right now. Anyway, yes. Legislator --

LEG. FISHER:

Is there a second?

P.O. TONNA:

Yes.

LEG. TOWLE:

There is a second. I just want to point something out to remind my colleagues who were here last year, and, obviously, point it out to the new ones. We also did this last year, and I argued about this resolution last year, that we were not increasing the salaries enough to make them competitive enough, so that we could hire good people. And I was told that was ridiculous and that this resolution that we passed last year would address this. Well, once again, we're back again to the well increasing the salaries, which we should have did last year. And I just hope this time that we, obviously, bringing them

to the levels that they should have been at in the beginning.

P.O. TONNA:

Thank you very much. Okay.

LEG. FOLEY:

On the motion.

P.O. TONNA:

On the motion. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Approved. Number -- 18? Okay. Number 1020 (Amending the 2000 Capital Budget and Program and appropriating funds and authorizing the County of Suffolk to accept U.S. Federal Aid in Sport Fish Restoration Grant funds from the New York State Department of Environmental Conservation for construction of Boating Angler Access Facilities, Smith Point County Marina North (Shirley, Town of Brookhaven.)

It's a bonding resolution.

LEG. ALDEN:

Explanation.

P.O. TONNA:

Is there an explanation? First of all, is there a motion?

LEG. CARACAPPA:

Motion.

00055

LEG. FISHER:

Motion.

P.O. TONNA:

Motion by Legislator Fisher.

LEG. FOLEY:

Second the motion.

P.O. TONNA:

Seconded by Legislator Foley. On the motion.

LEG. FISHER:

We're reimbursed on this? Counsel, did you want to explain this?

LEG. FOLEY:

Yes. This is 80% to 100% reimbursement.

LEG. FISHER:

This is a reimbursement?

LEG. TOWLE:

It's actually a grant.

LEG. FOLEY:

Of federal monies.

LEG. TOWLE:

That we acquired for a project in my district.

LEG. FISHER:

Appropriating a grant fund.

P.O. TONNA:

By the way, Henry, just on -- when we ever have grants or shared, you know, contributions from the State or federal government, or whatever, generally, in the resolutions, they were able to put the percentages in. I notice that --

LEG. GULDI:

The amounts were -- the Schedule A provides the amount that was

provided by the department of 750,000.

LEG. FOLEY:

Yeah, it's in the backup.

P.O. TONNA:

No. I know that, but we -- a couple of years ago, we made for -- facilitate by reading the -- you know, to look at right away in the corpus of the title itself that we put 80% federally funded, or whatever else. If we can look at that in the future; okay?

MR. BARTON:

Okay.

00056

LEG. GULDI:

It's 74%, roughly.

LEG. FOLEY:

Mr. Chairman, that is a grant that the County has undertaken -- had undertaken several years ago, and this is to move forward with that. The acceptance of the grant money, we had the first instance funded, and then we'll be eligible for reimbursement of close to 80% of the initial costs.

P.O. TONNA:

Okay. Legislator Alden has the floor.

LEG. ALDEN:

I have a question for Budget Review. You gave us a memo. Could you just explain that paragraph that relates to this resolution?

MR. POLLERT:

Specifically, what this resolution would do would be to accept a federal aid. The project cost was originally at \$950,000. It's now up to \$1 million, because more lighting is being added. The bulk of the funds were actually appropriated last year. \$257,000 was appropriated in '99. This is going to appropriate what the difference is. What the memo, which we handed out this morning, was at the request of both the Finance Committee as well as yourself to do an ongoing monitoring of serial bond authorizations, and this deals with Item Number 2. The serial bonds of \$750,000 is being appropriated. We're supposed to be getting pack approximately 80% State Aid, but we have to first instance fund the funds. The way the resolution has been constructed is the County's going to do short-term borrowings. When the State Aid comes in, we will not actually be authorizing all of the long-term bonds, we're going to be buying down the bond issue to reduce what the interest costs are.

P.O. TONNA:

Sure. Legislator Alden, you still have the floor.

LEG. ALDEN:

Do you know what this rated, what this project was rated?

MR. POLLERT:

Because of the offsetting State Aid, it's up to 53, I believe is the ranking on it.

P.O. TONNA:

Can you just repeat, for those members who are not on the Finance Committee, just the rating system. A 53 rating? And, by the way, everyone, can you please put your beepers on vibrate?

LEG. ALDEN:

Silent.

P.O. TONNA:
Thank you.

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MR. POLLERT:

Yes. The County Legislature adopts a ranking system each and every year when they approve the Capital Program. The Capital Program ranking system includes items such as, if it deals with public safety, if there's offsetting State and Federal Aid. To the extent that it deals with public safety items or to the extent there's State and Federal Aid which is available, it receives a higher ranking. A ranking of 53 or 55 would be considered to be a very high ranking.

LEG. ALDEN:

I have another question, too.

LEG. HALEY:

Mr. Chairman.

LEG. ALDEN:

Do you know --

P.O. TONNA:

Okay Legislator Alden has the floor, and then Legislator Haley, and then Towle.

LEG. ALDEN:

Fred, I don't know if you would have the answer to this, when is this project actually slated to be done?

MR. POLLERT:

The project -- actually, the bulk of the funds were appropriated last year. The process is -- the project is in the planning phase. And what this resolution does is it also increases the total estimated costs, because, through the planning phase, they decided that they need some additional lighting. So my understanding is that the project is going to be underway this year.

LEG. ALDEN:

And this was included in the --

MR. POLLERT:

Yes.

LEG. ALDEN:

In our Capital Program?

MR. POLLERT:

Well, the bulk of the funds were included last year. What this would do would be to amend the Capital Program to bring in the Federal Aid and to increase the total estimated cost.

LEG. ALDEN:

How much is the total -- the increase, the total estimated cost increase?

MR. POLLERT:

The total estimated cost last year was \$950,000. This year, it's 1,070,410. So it's due to the addition of more lighting and the installation of a traffic light at the entrance on William Floyd

00058

Parkway, which is the result of the public comment that took place at the public hearing with the capital project.

LEG. ALDEN:

Thanks, Fred.

P.O. TONNA:

Thank you. Legislator Haley.

LEG. HALEY:

Thank you, Mr. Chairman. I apologize for not being here. I didn't do that on purpose. I was upstairs in the Treasurer's Office and I never heard anything, so I apologize for that.

P.O. TONNA:

We brought in an old Legislator Locorriere in for the pictures just in case.

LEG. HALEY:

Very good, Mr. Chairman.

P.O. TONNA:

He's in the audience.

LEG. HALEY:

Just a question on the ranking system. Is that the old Bishop or Haley ranking system we're talking about?

MR. POLLERT:

Well, it was revised --

LEG. HALEY:

Or is the Haley/Bishop ranking system?

P.O. TONNA:

Wasn't it the Tonna/Finlay ranking system, Fred?

MR. POLLERT:

Yes, it started as a Tonna/Finlay, and then it --

LEG. GULDI:

Yeah, but it had another name before that, too.

P.O. TONNA:

Yeah, I'm sure it did.

MR. POLLERT:

With the last year's, it was the Haley/Foley ranking system.

LEG. HALEY:

Oh, no, no.

LEG. FOLEY:

It had my name. I don't know how it got on.

00059

MR. POLLERT:

Because of the omnibus bill that was put together.

LEG. HALEY:

No, no. It was really Foley, because I didn't get any -- I didn't participate in that ranking system at all.

P.O. TONNA:

Legislator Towle.

LEG. TOWLE:

Thank you, Mr. Chairman. I just wanted to address a couple of Legislator Alden's concerns. This particular property is a property that the County's owned for about 25 years. When they originally acquired it, they were planning to do a marina, and, unfortunately, for the last 25 years, they've never been able to acquire the necessary funding to do the project. In '96, the Parks Department applied for this grant money through boat fuel tax through the federal government, through the State DEC, and that's where the money is coming from. It's Phase I of probably a three or four-phase project. The balance of the phases, it would be our hope is to do through private industry as opposed to the County absorbing the capital costs. A lot of people

have expressed interest, companies, in competitively bidding on this particular project, but the biggest phase of the project is Phase I, which involves a boat ramp and repairing and replacing a bulkheading, and those things require so many permits, that any private industry would not be interested in doing this project, if they had to do that phase. So we were able to do it and obviously fund 80% of it through this grant money.

LEG. FOLEY:

Mr. Chairman, if I may.

P.O. TONNA:

Thank you. Legislator Foley.

LEG. FOLEY:

Yeah, as a follow-up. A number of organizations had approached a number of Legislators in support of this resolution. One of the issues, particularly on the South Shore of the County, is the need for increased access to the shoreline and to -- particularly to the Moriches and Great South Bay. And what's exciting about this particular project is it's right at the -- let's say, at the interface of both the Moriches Bay and the Great South Bay. It's an area of the two bays that need -- where there's a need for better access. And whether it's, let's say, organizations that want to have this access or individuals, it's going to meet a growing need out there of providing the general public with an additional ramp that they can use to put their pleasure boats out onto the bay and enjoy what the bays have to offer. Otherwise, it will be restricted, and we need to have this access in order to give the public an ever growing number within the public this ability to enjoy the South Shore estuary.

P.O. TONNA:

Okay.

00060

LEG. TOWLE:

Motion to approve.

P.O. TONNA:

Anybody else? Motion to approve by Legislator Towle, seconded by Legislator Foley.

MR. BARTON:

We have it.

LEG. FISHER:

Oh, I think I already had the motion.

P.O. TONNA:

Oh, I'm sorry. You have the motion in front -- okay. All in favor?

(*Roll Called by Mr. Barton*)

LEG. FISHER:

Yes.

LEG. FOLEY:

Roll call.

P.O. TONNA:

Roll call? Oh, right. Yes

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Yes.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Yes.
LEG. FIELDS:
Yes.

00061

LEG. HALEY:
Yes.
MR. BARTON:
Thank you, Mr. Haley.
LEG. CARACAPPA:
Yep.
LEG. TOWLE:
Yes. Cosponsor.
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
Yes.
P.O. TONNA:
Yep.
MR. BARTON:
18.

PUBLIC WORKS & TRANSPORTATION

P.O. TONNA:
Okay. Number 1022 (Approving the lease of County-owned property to Omnipoint Communications, Inc.) Is there a motion?
LEG. FISHER:
Yes, motion to approve.
P.O. TONNA:
Legislator -- by Legislator Fisher, seconded by Legislator D'Andre?
LEG. D'ANDRE:
Yes.
P.O. TONNA:
All in favor?
LEG. FOLEY:
Just on the motion.
P.O. TONNA:
Opposed?
LEG. FOLEY:
Mr. Chairman, if I may. Thank you very much.

00062

P.O. TONNA:

Brian, we have ten minutes. I want to break a record and actually finish our agenda before lunch.

LEG. FOLEY:

Okay. This is something I'm going to state on the record, which I stated in committee. The other year, when we approved the initial resolution for Omnipoint, there was a follow-up article in Newsday which gave the impression and the, I would say, the erroneous impression that there were Legislators who supported this resolution at that time in exchange for getting a phone in their cars. And I just want it stated clearly for the record that at that time and at this time, I, as one Legislator, and I'm sure as 17 of my other colleagues, as far as this Legislator is concerned, I am voting on this because of the nature of the resolution itself. Questions were raised by Legislator Caracciolo and others, answers given by David Grier of the County Attorney's Office that relative to this kind of arrangement, that this is a superior resolution. And on that -- on those grounds alone is this particular Legislator voting in support of this resolution and not for any perceived quid pro quo, which was erroneously reported the other year when we did the initial Omnipoint resolution. So I just want to state that for the record.

P.O. TONNA:

Legislator Crecca, and then Legislator Alden.

LEG. CRECCA:

I wasn't here for, obviously, for the previous contract, but when I read the resolution, I just had a question regarding the consideration, because it is unclear, from reading the resolution itself, exactly what Suffolk County received and what the value of that is. And I don't know who to direct my question to.

P.O. TONNA:

Probably Budget Review.

LEG. CRECCA:

But if we could sort of just have something brief on what really consideration Suffolk County received in consideration of the sites that are being provided to Omnipoint.

MR. POLLERT:

Well, it basically goes back to an agreement that was done in August of 1998, where the County agreed to allow Omnipoint to go onto 35 sites. A few of the sites have had problems, like the Mount Misery site, because of the New York State approval. Currently, they are on quite a few of the sites, but they're not currently using it. What they were supposed to do in return is they were supposed to replace our old analogue microwave system with a new microwave system. There was some debate with respect to what the value of that was, but it was in the millions of dollars. It was in the neighborhood of five to six million dollars, depending upon what type of system they were going to be giving to us. The lease, apparently, clock has not actually begun yet, because all of the leases have not yet been exercised. But the due consideration was them replacing the old analogue system to the tune of about five to six million dollars.

00063

LEG. CRECCA:

And have they done that yet, or are they in the process of doing that?

MR. POLLERT:

Vinny Stiles is in charge of the communication for the Police Department, so I will defer to him.

P.O. TONNA:

Vinny, maybe you can address those questions to Legislator Crecca.

MR. STILES:

Yes. Vincent Stiles, Suffolk County Police. The microwave system is up and running. It's a self-healing 19 path microwave system, replacing the old two gigahertz microwave, and it is operational as of December 20th.

LEG. CRECCA:

And one very brief question, Fred. Do you know what the value of the leaseholds that we gave Omnipoint is, roughly? Or maybe you can answer that, I don't know.

MR. STILES:

That was worked out in the -- I guess, in the agreements themselves.

MR. CRECCA:

Okay.

P.O. TONNA:

Thank you. Legislator Alden?

LEG. ALDEN:

For the record, I'd like to have all of the minutes from the previous committee meetings that dealt with this incorporated into this record, and, also, the last Parks Committee meeting that dealt with this. I'd like that incorporated into this record, also. And just, also, for the record, I'd like to state that I don't have a cell phone from Omnipoint. Thank you. (To see committee minutes on this subject, please refer to I.R. 1986-1999.)

LEG. BINDER:

Oh, you want one?

LEG. FISHER:

Congratulations.

LEG. CARACAPPA:

Me neither. I don't want one.

P.O. TONNA:

Is this -- people want to stand up and just say --

LEG. FISHER:

There is a motion.

P.O. TONNA:

00064

-- "I don't have a phone from Omnipoint"?

LEG. FISHER:

There is a motion on the floor.

LEG. ALDEN:

There was some discussion that was relevant at that point.

P.O. TONNA:

Okay. Let's -- All in favor? Opposed?

LEG. LEVY:

Abstain.

LEG. GULDI:

Opposed.

LEG. BINDER:

Opposed.

P.O. TONNA:

Opposed? Legislator Binder is opposed. There's an abstention, somebody? Legislator Levy and Legislator Guldi.

LEG. CRECCA:

I'm going to abstain also.

P.O. TONNA:

Legislator Crecca. Okay. Anymore? All right, great. Onto the next. I think we're onto the Public Works.

LEG. GULDI:

Motion.

P.O. TONNA:

Motion -- I mean, bill -- okay.

MR. BARTON:

14.

P.O. TONNA:

What do we got? Motion, 1002 (Renaming portions of Montauk Highway (CR 80) in the Town of Southampton). Motion. Second by Legislator Foley.

All in favor? Opposed?

LEG. BINDER:

Is this the Kraus Family also?

P.O. TONNA:

What? Do we need an explanation for this, too?

LEG. FISHER:

East and West Main Street.

LEG. FOLEY:

East and West Main Street.

00065

LEG. GULDI:

Yeah. It's names part of the Main Street, East Quogue, East Main Street and West Main Street.

LEG. BINDER:

Not Kraus Street.

P.O. TONNA:

Okay. All in favor?

LEG. BISHOP:

They paid for it.

P.O. TONNA:

Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Number 1025 (Authorizing the execution of an agreement by the Administrative Head of Suffolk county Sewer District No. 3 - Southwest with the developer of Ruland Associates Plat.)

Is there a motion?

LEG. FOLEY:

Motion.

P.O. TONNA:

Is there a second?

LEG. CARACAPPA:

Second.

LEG. POSTAL:

Motion to table.

P.O. TONNA:

Okay. There's a motion to table by Legislator Postal. Is there a second?

LEG. GULDI:

I'll second the tabling motion.

P.O. TONNA:

Okay, no -- you're seconding it? Okay. On the motion to table, all in favor? Opposed? (Legislators said "opposed" in unison)

LEG. BINDER:

Roll call.

P.O. TONNA:

Okay. Roll call on the opposition.

(*Roll Called by Mr. Barton*)

00066

LEG. POSTAL:

Yes.

LEG. GULDI:

Yeah.

LEG. COOPER:

No.

LEG. BINDER:

No.

LEG. BISHOP:

No.

LEG. D'ANDRE:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

Nope.

LEG. FIELDS:

No.

LEG. FOLEY:

No.

LEG. HALEY:

No.

LEG. FISHER:

No.

LEG. CARACAPPA:

No.

LEG. TOWLE:

No, to table.

LEG. CARACCIOLO:

Nope.

LEG. LEVY:

As a courtesy, yes, for one meeting.

P.O. TONNA:

No.

00067

MR. BARTON:

Three.

P.O. TONNA:
Okay. I make a motion to approve. Is there a second?
LEG. ALDEN:
Second.
P.O. TONNA:
Second by Legislator Binder. All in favor?
LEG. FOLEY:
There's a motion to approve on --
P.O. TONNA:
Oh, there is?
LEG. FOLEY:
There was already a motion made prior to the tabling motion.
P.O. TONNA:
Okay. Is there a motion to approve? Who was the motion to approve?
LEG. FOLEY:
I made the motion.
P.O. TONNA:
Motion, and I'll second it. All in favor? Opposed?
LEG. GULDI:
Opposed.
LEG. POSTAL:
Opposed.
P.O. TONNA:
Okay.
MR. BARTON:
16.
P.O. TONNA:
Opposed. All right. Number -- that's approved. Okay. Number 1025
(Authorizing the execution of an agreement by the Administrative Head
of Suffolk County Sewer District No. 3 - Southwest with the Developer
of 201 Old County Road).
LEG. FOLEY:
Motion. 1026.
P.O. TONNA:
Second? I have --
LEG. FISHER:
1026.

00068

LEG. CRECCA:
1026.
P.O. TONNA:
Okay. Sorry.
LEG. FOLEY:
Motion, Mr. Chairman.
P.O. TONNA:
Okay. Seconded by myself. All in favor? Opposed?
LEG. POSTAL:
I'm opposed.
P.O. TONNA:
Okay.
LEG. GULDI:
Opposed.
P.O. TONNA:

Thanks for not tabling and trying to --

MR. BARTON:

16.

P.O. TONNA:

Okay. Approved. And Number 1027 (Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest and Tilles Corporate Center East.)

LEG. FOLEY:

Motion.

LEG. BINDER:

Motion.

P.O. TONNA:

Motion by Legislator Binder.

LEG. FISHER:

Second.

P.O. TONNA:

Seconded by Legislator Foley. All in favor? Opposed?

LEG. POSTAL:

Opposed.

LEG. GULDI:

Opposed.

P.O. TONNA:

Okay.

00069

MR. BARTON:

16-2.

FINANCE, TECHNOLOGY & MANAGEMENT SERVICES

P.O. TONNA:

All right. Now we're on to 1017 (Delegating authority to refund certain erroneous tax payments to Suffolk County Treasurer.)

Is there a motion?

LEG. CARACCIOLO:

Motion.

LEG. POSTAL:

Motion.

P.O. TONNA:

Okay, by Legislator Postal, seconded by Legislator Alden. All in favor?

Opposed?

MR. BARTON:

18.

P.O. TONNA:

Approved. Okay. Well, we're done with the -- let's go to the Sense Resolutions.

LEG. CARACCIOLO:

Quick, quick, quick.

LEG. FOLEY:

We have three minutes.

LEG. CARACCIOLO:

Sense, do them.

SENSE RESOLUTIONS

P.O. TONNA:

Okay. Sense Resolution Number 1-2000 (Memorializing resolution requesting State of New York to oppose expansion at Republic Airport.)

Is there a motion?
LEG. POSTAL:
Motion.
LEG. FOLEY:
Second.
LEG. BISHOP:
Second.
P.O. TONNA:
All in favor? Opposed? Approved.

00070

MR. BARTON:
Mr. Chairman.
LEG. CARACAPPA:
Abstain.
LEG. GULDI:
Abstention.
LEG. TOWLE:
Abstain.
LEG. LEVY:
Opposed.
LEG. HALEY:
Opposed.
P.O. TONNA:
Opposed? Okay, we've got a few opposition here.
LEG. BISHOP:
Paul, you have to say who --
MR. BARTON:
Could you identify who made the motion and the second? I --
P.O. TONNA:
Yes, Legislator Postal made the motion, seconded by Legislator Foley, I think.
LEG. FOLEY:
We'll give it to Bishop.
P.O. TONNA:
Okay, Legislator Bishop.
LEG. FOLEY:
From the Town of Babylon.
P.O. TONNA:
Okay. Now --
LEG. BISHOP:
That escapes him.
P.O. TONNA:
It doesn't escape me. I just --
LEG. FOLEY:
You have no sense of geography.
LEG. BISHOP:
Well, then you would say me.

00071

LEG. HALEY:
Roll call.
P.O. TONNA:
Okay. Roll call on the motion.
(*Roll Called by Mr. Barton*)

LEG. POSTAL:
Yes.
LEG. BISHOP:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Yes. Cosponsor, please.
LEG. D'ANDRE:
Pass.
LEG. CRECCA:
Pass.
LEG. CARPENTER:
Abstain.
LEG. ALDEN:
Abstain.
LEG. FIELDS:
Yes.
LEG. FOLEY:
Yes.
LEG. HALEY:
No.
LEG. FISHER:
Abstain.
LEG. CARACAPPA:
Abstain.
LEG. TOWLE:
Abstain.
LEG. GULDI:
No.
LEG. CARACCIOLO:
Abstain.

00072

LEG. LEVY:
Yes.
LEG. TONNA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Abstain.
MR. BARTON:
Nine.
P.O. TONNA:
Okay. Motion fails. Sense 3-2000 (Memorializing resolution requesting
State of New York to require disclosure of nurse-to-patient care ratios
of all Suffolk County Hospitals and Medical Centers.)
Is there a motion?
LEG. GULDI:
Motion.
LEG. FOLEY:
Second.
P.O. TONNA:

Okay. On the motion, just, George, can you just summarize, what does this do?

LEG. GULDI:

It's a disclosure issue. When it would permit us, the -- it would permit the public to have access to what the patient-to-caregiver ratios are in public hospitals.

P.O. TONNA:

Okay. It's just -- it has nothing to do with suggesting any type of formulas or --

LEG. GULDI:

Nope. It just provides for public access to information as to what they actually are.

P.O. TONNA:

Okay.

LEG. BINDER:

On what --

LEG. BISHOP:

Cosponsor, please.

LEG. BINDER:

Mr. Chairman.

00073

P.O. TONNA:

Yes. Legislator Binder has a question, and Legislator Alden.

LEG. BINDER:

Yeah. Is that based on -- is there a daily disclosure, monthly disclosure, quarterly disclosure? What kind of disclosure are you asking for?

LEG. GULDI:

It's up to the State to require the manner and method, but it's to -- it requires -- it requests the State to require disclosure in nurse-to-patient care ratios in regard to quality patient care.

LEG. BINDER:

Right. For me, Mr. Chairman, I just -- I'm going to abstain on it, because it would seem it would be incumbent upon us, if we're going to suggest that the State do something, we set the parameters of what we think the State should do. That means monthly, daily, weekly. If we're going to do it at all, or going to even ask New York State to do this, we should be very specific about that, because there are costs involved with this kind of disclosure, and the manner and type of disclosure, we should probably be more specific about it. So, at this point, I'll just abstain on that.

LEG. LEVY:

Just on the question.

P.O. TONNA:

Okay. Yes, Legislator Levy.

LEG. LEVY:

I was wondering, who does disclosure go to and how? I assume it goes to patients, but in what form? I mean, they're on the bed and somebody has to come up to them and say, "By the way, do you know that the" --

P.O. TONNA:

Maybe --

LEG. LEVY:

-- "ratio is" --

P.O. TONNA:

Can I make a suggestion? Are we going to vote on this right now?

LEG. GULDI:

Yeah.

P.O. TONNA:

Because, if not, we're past our 12:30 --

LEG. BINDER:

We'll just do it.

P.O. TONNA:

-- and we do have CN's, we have some other stuff, so when we come back.

00074

LEG. GULDI:

I'd like to call the question on this. Basically --

LEG. LEVY:

I just wanted that answer.

LEG. GULDI:

-- the resolution is a sense resolution. It doesn't try to micromanage the issue. It asks the State to take the data in whatever -- to develop under its regulatory authority the mechanism and manner for taking data, which is maintained in the ordinary course of business, public. That's all it does is ask for disclosure of existing data. The policy and parameters and goals is -- at a time at that

P.O. TONNA:

I'll just recognize myself for a second. If anybody's worked in hospitals, you know that there's a whole move. I mean, even the word "nurse", okay, do you mean LPN, RN, Nurse Practitioner. Do you mean --

LEG. BISHOP:

On the motion.

P.O. TONNA:

You know.

LEG. BISHOP:

Because if anybody's walked a picket line with nurses in the last year, you know that this issue is so critical to the future of health care, not only in this County, but in this country, and the entire health care movement and the entire health care service delivery has been corporatized and the emphasis has gone away from serving patients in need, but to producing profits for investors. And one of the ways that that is occurring is that they are continually diminishing the quality of care by diminishing the amount of nurses working, registered nurses in the units, in critical units. And the disclosure, which is so feared by the medical industry, is essential to standing on side of the patients.

P.O. TONNA:

So what I would say --

LEG. BISHOP:

So George Guldi's resolution, while it may not be particular and exact, it does provide you an opportunity to take a stand with patients --

P.O. TONNA:

No. I --

LEG. BISHOP:

-- and for quality health care.

P.O. TONNA:

Just, Legislator Bishop, if this is such a critical issue and so

important and germane, then I would say spend the time, do the homework, and come up with a proper resolution. The fact is that this
00075

resolution, where I think is a good idea --

LEG. BISHOP:

Well, I'll tell you what. I'll give you an invitation. Since it's an industry that you work in and you know so well --

P.O. TONNA:

Yes, exactly.

LEG. BISHOP:

-- why don't you, after you vote for this and take a stand with patients --

P.O. TONNA:

No, no.

LEG. BISHOP:

-- go back and write a bill that's very particular?

P.O. TONNA:

I think, Dave, and, again, I feel you're heartfelt, I'm sure it's true. So I would say why don't we spend sometime, work on a resolution that actually identifies what you mean by nurse, what you mean by -- I like the idea of disclosure of patient to, you know, nurse ratios. But if you take --

LEG. HALEY:

It's a sense resolution.

P.O. TONNA:

If you take different hospitals, you take different places with caregivers, some of the programs have P.A.'s doing certain things that nurses would do, which is more than qualified. So all I'm saying is, if you want ratios, come up with a bill that looks at it correctly.

LEG. GULDI:

Before the dialogue started, before you, Mr. Presiding Officer, between yourself and Legislator Bishop, I do remember that I had the floor.

P.O. TONNA:

Okay.

P.O. TONNA:

And the bill does say RN. The bill, yes, you're right, we're not going to solve this issue here in this body today. We don't have the resources or the jurisdiction. But we sure have the ability to articulate a position on the issue. This bill does that. It says we're in favor of public disclosure. And, yeah, you can dance on the head of the pins and cover for the industry by talking about whether you're talking about PN's or RN's or LPN's, but the fact is you can walk, and if you've ever happened to you, where you walk into an intensive care unit for a post surgery ward with 40 patients on the ward and can't find a single hospital personnel on an entire floor of post op patients, you don't have a problem moving forward asking for the disclosure today. If you want to --

00076

P.O. TONNA:

I think --

LEG. GULDI:

Excuse me. I'm not done yet.

P.O. TONNA:

George, I think you have more than that, I think you have a lawsuit.

LEG. GULDI:

If you're not in favor of the disclosure today and you want to do a more detailed analysis and a broader treatment of the subject, feel free, I'm right behind you. I want to vote on this as it is today.

P.O. TONNA:

George, your bill does have RN. It doesn't have it in the title, that's why I asked you to explain it. Okay? RN is fine, as long as you're telling me you're identifying what they are. Okay.

LEG. FOLEY:

Move the question.

P.O. TONNA:

Let's move the question. No, I don't want to cut in any -- okay, let's vote. Roll call.

(*Roll Called by Mr. Barton*)

LEG. GULDI:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Abstain.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes. Cosponsor.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

I'm sorry. No.

LEG. CARPENTER:

Abstain.

00077

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Abstain.

LEG. CARACCIOLO:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

14.

LEG. FOLEY:

Henry, list me as a cosponsor, please.

P.O. TONNA:

Okay. We're going to adjourn the meeting until we get back at two --

LEG. FOLEY:

There's one more. One more.

LEG. CRECCA:

Just do the last sense and get it done.

P.O. TONNA:

No. We have so many -- we have a lot of other bills. It doesn't matter.

LEG. CARPENTER:

One sense.

LEG. BINDER:

Takes one second, no discussion.

LEG. FISHER:

One last sense.

00078

LEG. CARPENTER:

One sense.

LEG. CRECCA:

No discussion.

P.O. TONNA:

All right, all right, all right.

LEG. CARPENTER:

Motion to approve.

P.O. TONNA:

Sense 4-2000 (Sense resolution permanently designating Primary Pulmonary Hypertension Awareness Week in Suffolk County in memory of Tara Marie Gagliano.)

LEG. HALEY:

Motion.

LEG. BISHOP:

Explanation. No.

P.O. TONNA:

Do we have a motion?

LEG. FISHER:

Second.

LEG. HALEY:

Motion.

LEG. CARPENTER:

Second.

P.O. TONNA:

Okay. Motion, seconded by Legislator Carpenter. All in favor?

Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

We have to come back. Don't forget. Not only do we have we have public hearings, but we also have a number of other bills that we have to vote on. Thank you.

[THE MEETING WAS RECESSED AT 12:35 P.M. AND RESUMED AT 2:35 P.M.]

P.O. TONNA:

Henry, roll call, please. Do we need a roll call?

MR. BARTON:

You don't need one.

00079

P.O. TONNA:

Forget the roll call. All right. Let's -- okay. Public Hearing regarding Introductory Resolution 1001, a local law to require full background disclosure for County Planning Commission determination. We have a card. Steve. It's Steve Jones. Thanks.

MR. JONES:

Thank you. This is a local law that was sponsored by Legislator Postal, who I'm glad is here at this point. I just want to be very -- have a very brief comment to make on it. Our review of it would indicate that the amount of volume that the Planning Commission takes in on a yearly basis in applications from towns and villages would require us under this local law to generate about 750,000 pieces -- additional pieces of paper in our department compared to 150,000 pieces of paper that we generate now. So in terms of examining this local law and measuring it against the --

P.O. TONNA:

We can't hear you.

MR. JONES:

Measuring this proposed law against the County Legislature Paperwork Reduction Act I think might be a problem. So the purpose of me being here today in front of all of you is to just make sure that none of you have a problem if I do this Planning Commission notification electronically.

The County has what's called an intranet, which is all the agencies, departments, boards of the County are connected up electronically with computers. We can create a bulletin board in the Office of the Planning Commission and we can post all of the applications that are received by the County Planning Commission on this bulletin board. They can be read instantaneously by any department, office, or board, or agency of the County, and that anybody who has an interest in any matter before the County Planning Commission can respond either immediately or can respond with a piece of paper. So that's my concern is that, you know, in light of the fact that we're -- this would require us to generate a huge volume of paper compared to what we generate now just to comply with this one law, I'm just asking you if it's -- if it -- if anybody has a problem with doing this electronically.

LEG. POSTAL:

Mr. Chairman.

D.P.O. LEVY:

Legislator Postal.

LEG. POSTAL:

Steve, would you be willing to notify all of the agencies that you would do that? I mean --

MR. JONES:

Oh, absolutely.

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LEG. POSTAL:

Yeah, because --

MR. JONES:

I'll send around one piece of paper to the 60 some entities. That's easy enough to do, sure. Sure. I'll even go personally to every one of them and tell them to look on their computer every day if they want to see what's on the Planning Commission. I'm more concerned about the 750,000 pieces of paper that I'd have to crank out of the Xerox machine every year if I had to do it by paper.

LEG. POSTAL:

I think that wouldn't be unacceptable to me. I think it's amusing that we each get packets, if we're concerned about paperwork reduction when all of these resolutions could be on computer. But, evidently, we're not all concerned about paperwork reduction. But that would be acceptable.

MR. JONES:

That's all I have. Thank you.

D.P.O. LEVY:

Thank you, Steve. Any other speakers on this matter? Not hearing any, motion by Legislator Postal to close, second by Legislator Cooper. In favor? Opposed? Motion carries.

Public Hearing Number 1003 (Adopting Local Law No. 2000, a charter law to require annual vote on County budget and taxes prior to Election Day.) There are no speakers signed up for this particular hearing. The SEQRA is complete. I don't see Legislator -- I do see Legislator Guldi. What's your preference?

LEG. GULDI:

No speakers

D.P.O. LEVY:

No speaker.

LEG. GULDI:

Motion to close.

LEG. CARACAPPA:

Second.

D.P.O. LEVY:

Motion to close, Legislator Guldi, second by Legislator Fisher. In favor? Opposed? Motion is closed -- the hearing is closed.

On Public Hearing 1004, we have a few speakers. First speaker, John Marcinka, followed by Steve Haizlip.

MR. MARCINKA:

Ladies and Gentlemen of the Legislature, good afternoon. I'm here to comment on Representative Alden's proposal to roll back salary increases for elected officials. I'd like to address the Legislature today on the real world in comparison to the political world. Let me

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start off by saying I think there are two groups who have less touch with reality. The first group is politicians. That includes you, the Suffolk County Legislature. Let me bring you back to reality. In the real world, when someone is actively seeking employment, he or she is usually aware of the salary offered by the position before they pursue or accept the position. In the real world, if the salary offered does not meet the needs of the individual, the individual usually does not pursue that position. When an individual wants, needs, or feels they are deserving of a raise, they will usually ask the boss. The boss is

the person who makes the decision to higher, fire, or grant raises. In the real world, if an individual finds their job to be more than what they had expected and don't want to ask the boss for more compensation, they usually will leave that position and actively seek a position that suits them better.

Why is it that the political world is so different? I'm sure all of you are aware of the salary that went along with your positions before you campaigned, or should I say applied for them. How is it that after taking the position or job that you feel you can grant yourselves raises without asking the boss? The boss in your case is us, the voters. We were the ones that elected you. In other words, we gave you the job. Shouldn't you ask the people who gave you the job if you are deserving of a raise?

I don't think the founding fathers of this nation pictured a government like this. In their Declaration of Independence, they said that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men deriving their just powers from the consent of the governed. That means you're accountable to us, not yourselves.

If a cashier who works very hard for her employer and feels that he or she is deserving of a raise, but instead of asking his or her boss for a raise helps themselves to some cash out of their draw each day in lieu of a raise, that would be considered stealing. I contend that if you, the Suffolk County Legislators, do not put your raises to be voted on by the public, you will be just as guilty, but instead, will be stealing from us, the taxpayers.

The second group of people that has lost touch with reality is the voters. They have forgotten that they are the boss. Who can blame them, they've grown apathetic, when they see the people that get elected doing nothing but fulfilling their own agendas, when they see the lawmakers become lawbreakers. This has become obvious recently when our locally elected officials blatantly disregarded federal law in assisting illegal aliens circumvent these laws by using our tax dollars to set up safe havens for them while they seek employment from contractors who also disregard the tax laws of this country by paying them off the books. It is time that the public realize that you, the politicians, are supposed to be working for us and not yourselves or special interest groups.

I hope that today, when you vote on Representative Alden's proposal, you let your conscience be your guide and you vote to allow the people to pay your salary be the ones to decide whether or not you get a

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raise. After all, what gives you the right to give yourselves raises?

P.O. TONNA:

Next speaker, Steve Haizlip. Thank you, Steve.

MR. HAZLIP:

Ladies and Gentlemen of the Legislature, my name is Steven Haizlip; I preside in Calverton. Now, the speaker just before me has sentiments exactly about this raise. Now, right after it was announced that Mr. Gaffney was getting 34%, and I think the Legislators 32%, or something like that, I wrote to Mr. Gaffney and I told him that if he was up forefront in his campaign and said that he was going to stick us

with that kind of a raise, I would have told him that I would have kicked him in the dupa, that meaning I wouldn't have voted for him. Now, you know, it's unconscionable when us people that is retired and on social security and pensions, we get a lousy 2.4, something like that, and then the politicians get in and they go up to 34 and 35. Now, I remember reading an article in the paper, I think it was put out by Mr. Caracciolo, that he -- that he was only getting his back pay. Well, I got news for you, I worked on the job one time for three years and I went to the boss and asked him about getting a raise. He didn't say nothing about I'm going to give you back pay, he only put and implemented a raise from there forward. So, now, with us people that is only getting this 2.4 and 7%, respectively, where do you think that Mr. Caputo, the Treasurer, is going to be able to find all this money to give you people all this high salary?

I think I'm only one -- I think I'm only one of the people in this room remember when the Legislature was started. It was started by Frederick Block and Bill Bianchi, because they were drinking in a gin mill one night and they said the County -- that the Town Supervisors didn't have a vote accordingly to the population. They went to court and the judge says, "Yeah, that's right." So Mr. Dennison cut the County up into 18 blocks or districts, and when he did, he said this is going to be part-time at a salary of \$7,000 a year. Well, it has turned out that all of you is going full-time -- wait a minute. You're going part-time on a full-time salary.

Now, from reading in the paper, practically everybody in here on the Legislature have got some kind of a pension or interest somewhere else, and I think you should be living in your raises accordingly to the cost of living, which is I'm getting 2.4 or 2.7.

In closing, my middle initials is "O", but it don't stand for outcast.

Mr. Gaffney don't want to contact me, Gail Prudenti don't want to contact me, Mr. Donohue want to contact me on issues that I write and raise on -- raise the issues on.

In closing, Mike, I want to say you'll have the same time to play golf, but you'll have more money to do it with.

P.O. TONNA:

I guess you're going to dupe him, or whatever -- what was that? No. Anyway, okay.

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LEG. CARACAPPA:

Dupa.

P.O. TONNA:

Dupa. All right. Let's -- next, Christopher --

LEG. HALEY:

Thank you.

LEG. FOLEY:

Thank you.

P.O. TONNA:

Thank you, Sir. Christopher {Wittenbeten}.

LEG. POSTAL:

Wittneben.

P.O. TONNA:

Wittneben, there you go.

LEG. HALEY:

If you expect my vote for Presiding Officer next year, you've got to get better with the names.

MR. WITTNEBEN:

I haven't had a Presiding Officer pronounce it right yet.

P.O. TONNA:

Believe me, if you don't think the literacy thing spoke to my heart, trust me.

MR. WITTNEBEN:

Hi, my name is Chris Wittneben, I'm from Lindenhurst, New York.

P.O. TONNA:

Thank you, Sir.

MR. WITTNEBEN:

I'm also a County employee who took a half day off to come out and address some of the issues surrounding this resolution with regard to the raises.

I've supported many Legislative candidates over the years. And I've supported many Legislators over the years, and while I think many of you put in far more than a full day's work for a full day's pay, there are some other concerns that seem to have been overlooked in the past ten years that I've seen as a County employee. While you will be getting a raise with this new increase, it's very important to remember that where I work in Social Services, we're at near crisis proportions in many of our areas. Our children in the CPS area have workers working for them, over 60% of which have less than a year and a half's worth of service under their belt. And that's not because you don't pay them fairly, it's basically because their working conditions are abominable; the working conditions in a lot of areas are abominable.

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I work in Public Assistance, I work with Medicaid and Food Stamp recipients. And the problems that we face there are, again, we've had an increase in the amount of mandates due to cost containment, due to efforts taken by both the Legislature and the County Executive to save money which has increased the burden on each application coming in, but the standards that are being used with regard to the work load have not gone down; I still see the same amount of the clients and I'm still responsible for the same amount of clients. The problems that I come up against personally are I can't effectively help the clients that I need to help and give the amount of time necessary due to the increased mandates by the Legislature, due to the increased mandates by the County and by the State.

When you're putting in money into salaries and going to be putting in longer days and more effort, I think all of you will honestly take this money and you will use it and apply it towards doing more for your constituents. I would hope that you would consider dealing with some of the issues like the fact that for ten years we haven't addressed the housing situation with regards to emergency housing for singles and for families. We've basically let the opportunity slide. When the County became flush, when suddenly we had some money, we didn't turn around and address the major situations that have presented themselves, we've kind of put our head in the sand. And as soon as the economy takes a dive, suddenly we're all going to be left with the same problems.

Emergency housing right now is at a crisis proportion. You've seen the Newsday articles. Many of your offices have been contacted by

constituents that have no place to go. I know that because I'm on the other end of that phone call. When you call Social Services and call the Commissioner's Office, it filters down to me. While you can do it -- do with the raises as you please. My concern is more that you put the energy and the effort that these dollars will be backing up into making some of the things that we have here in Suffolk County work more efficiently, work more fairly for the people who have to avail themselves of these services.

P.O. TONNA:

Just a quick question before I recognize Legislator Levy and then, Legislator Foley, you want to speak. How many in your department have -- there are vacancies because of early retirement?

MR. WITTNEBEN:

Well, that's since January.

P.O. TONNA:

A nice County benefit for many employees, but I just wanted to know.

MR. WITTNEBEN:

Yeah, they had the early retirement, the similar early retirement program that I approved as a school board member for my employees in my school district. The County -- what do you mean vacancies specifically?

P.O. TONNA:

In other words, you talked about filling of positions, new positions, you have a lot of people in CPS, if I'm not mistaken, is what you're

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saying.

MR. WITTNEBEN:

Yeah, I think there were 40 people that retired.

P.O. TONNA:

Because there are so many new people working; am I right --

MR. WITTNEBEN:

Well, I think that's part of it.

P.O. TONNA:

-- to suggest that a lot of that is because of early retirement?

MR. WITTNEBEN:

I think part of that's it, the other part of it is due to promotions and due to transfers due to retirements in other areas. The other thing is you have a high turnover rate with regards to people coming in the door, accepting the salary and then after 18 months they're leaving basically because of the caseload stress.

P.O. TONNA:

And I'd ask Legislator Binder, because I know we were in the middle of this battle about a year to two years ago, we authorized an additional \$6 million worth of emergency funding for CPS, CPC workers, CPS workers, for the reason of because there was such high caseloads; hasn't that diminished?

LEG. BINDER:

Yeah. The problem is the turnover rate at CPS. So now you've got two things that have played themselves out at CPS which is the early retirement and the high turnover rate. And the turnover rate isn't only with people who have been there a long time and are burned out, but you have a turnover rate from people who are being trained. So as they come in they go out because they realize this is not all it was

cracked up to be.

MR. WITTNEBEN:

Absolutely.

LEG. BINDER:

And so they finding -- they're finding that it's kind of a revolving door. Also, the newer they are the less they take because they have to learn and get up to speed; but as they get up to speed they might be out the door, so what happens is you have a lot of vacancies. And the question that we're left with now is how fast are we trying to refill them and keep these vacancies filled through getting the SCIN Forms signed and getting 167's going out. The problem is there is such a long lead time to bring people in, getting them up to speed and getting them working. And I think there has been a slow down, at least from what I can see, on the Executive side in trying to fill those positions. At least now with the crisis, I think -- I don't know if they've gotten all the SCIN forms signed, I think we're still behind in trying to get them filled.

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MR. WITTNEBEN:

Basically from what I understand -- like I said, I do work in a different office so I can't speak specifically for that office -- but between the backlog that was there prior to the retirements, the retirements have only added to that.

LEG. BINDER:

Right.

MR. WITTNEBEN:

And with the back filling supposedly not taking place until somewhere around the area of March, it's only going to lengthen and get worse. And suddenly what's going to happen is somebody's going to get hurt or somebody's not going to get service or somebody's going to end up in a motel, as was in Newsday not too long ago, that shouldn't be in a motel, and that's suddenly when the attention will be paid to the problems that currently exist.

LEG. LEVY:

Mr. Chairman, may I be recognized?

P.O. TONNA:

Okay, Legislator Levy, then Foley, then Carpenter, then Fields.

LEG. LEVY:

I didn't get your name; was it John?

MR. WITTNEBEN:

My name is Chris, Chris Wittneben.

LEG. LEVY:

Chris, okay. Well, thank you for coming by and I know you're speaking from the heart. I would ask that when you speak amongst your colleagues in the department, that you'd let them know -- excuse me, guys -- that those of us who voted against the early retirement program were not doing so out of some kind of malicious intent against those who would retire, it was to avoid the very predicament we find ourselves in now where a lot of our talent is gone and we're scrambling to make up that difference

Beyond that, you had mentioned about emergency housing. In fact, the biggest problem times we have with emergency housing is sometimes when the economy is bad but often times when the economy is good and housing

costs are going through the roof, as they are right now, and there's a very limited supply as you know and the rental market is so inflated. I've had a number of calls where we were trying to place people on a Friday afternoon and we've never found it as difficult as it is now. Just to let you know, Legislator Tonna, myself, other Legislators are putting together some resolutions where we'll try to use some of our County land in conjunction with the towns for homeless housing as we do with affordable housing, the only thing is we're limited in our powers, we do not have housing powers here in the County. We really must have the towns to cooperate with us, but we are taking that first step in trying to build a consortium. So maybe there's some hope at the end of this.

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MR. WITTNEBEN:

I hope so. Because like I said, the things are at a crisis proportion now, the economy is at the best end of the economy right now. As all indicators in the future with regard to some sort of economic expansion is questionable for the foreseeable future.

LEG. LEVY:

Thank you.

MR. WITTNEBEN:

Thank you.

P.O. TONNA:

Thank you very much.

LEG. FOLEY:

Chris?

P.O. TONNA:

Oh, sorry.

LEG. FOLEY:

And I think there are some others that want to speak afterwards. Something else, Chris, to bring to your coworkers, and this is something that a number of us get somewhat defensive about. Over the last --

P.O. TONNA:

In the form of a question, Brian.

LEG. FOLEY:

No, we're out of -- only in public portion do you have to ask questions, this is a public hearing.

P.O. TONNA:

I'd like to hear a question.

LEG. FOLEY:

Okay. What we've done the last several years as a Legislature, Chris, is we have appropriated --

P.O. TONNA:

Is that true?

LEG. FOLEY:

Yeah. We have appropriated monies in the budget to hire additional positions in Social Services, particularly in CPS, in CSEB, in a whole range of positions within your department, all right? We have created those positions, most of which are very highly reimbursable. And as a matter of fact, even though many did take advantage of early retirement, they don't fall under the restrictions of early retirement because there's such a high reimbursable rate, okay? So they can hire

those rather early in the year. So if there's been any County bodies in this legislature, particularly the Health and Human Services Committee over the past several years, I know that the Social Services Committee will also be looking into it this year, but we have been

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meeting our responsibility by adding additional positions to DSS, okay? But what you're coworkers need to understand is that under the County Charter we can create a thousand new positions and we can stand on our heads to want to get those filled, but we can't force those positions to be filled. The Chief Executive Officer of the management of County government, they have the sole authority and responsibility to fill those positions. We can't force him or her, the County Executive and his staff, to fill those positions, we can only create the positions. So we have created scores of new positions over the last four years within CPS, within DSS.

One of the frustrations that I've had and others have had is that we've created these positions, some have been filled, not all, but there is a high turnover rate. And what we have asked as a committee in the past, we have asked the so-called professionals in that department -- well, I won't say so-called, the real professionals in that department, the Commissioner, the Deputy Commissioner, to explain to us why there is such a high turnover rate in that department and we have requested them to try to come up with some means by which to address that. Now, we're not supposed to micromanage departments, we're criticized when we do that. But as a committee structure where we oversee the operations of County government, we have asked different Commissioners, in this case the DSS Commissioner, over the last two years, because this has been an ongoing problem for at least that length of time, to address this burn out issue of so many workers and particularly the caseload. So we have been trying to meet our responsibility by creating the new positions. But where the other side comes in, and this is why I want you to take this back to your coworkers, is that we need to hear from those who -- the managers of that department as to how they intend to address this turnover rate because of the high caseload.

MR. WITTNEBEN:

Legislator Foley --

LEG. FOLEY:

Sure.

MR. WITTNEBEN:

-- with all due respect, I'm fully aware of the efforts that have been made by my own Legislator, Legislator Bishop.

LEG. FOLEY:

Right.

MR. WITTNEBEN:

As well as the other Legislators here. Could a resolution be passed that possibly the County Executive couldn't fill an appointed position unless he fills a Civil Service position, tying one to the other?

LEG. FOLEY:

It has to go by Civil Service, it has to go by Civil Service, I believe.

MR. WITTNEBEN:

Well, just he would be prohibited from making any of his political

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appointments --

LEG. FOLEY:

Oh, I see what you're saying.

MR. WITTNEBEN:

-- until he makes his appointments necessary to do the work of the County.

LEG. FOLEY:

He has to hire -- he just asked a question. I think they have to hire --

LEG. BISHOP:

You want to respond that, Paul?

P.O. TONNA:

No, I just would like to get him Police protection.

LEG. FOLEY:

They have to hire off the Civil Service list.

MR. WITTNEBEN:

I'm a school board member, I'm used to being attacked.

P.O. TONNA:

Okay.

LEG. BISHOP:

Very true.

LEG. FOLEY:

They have to hire off the list, from what I understand.

MR. WITTNEBEN:

I understand how that works.

LEG. FOLEY:

But anyway, that's the outline of it.

P.O. TONNA:

Is it Civil Service position?

LEG. BISHOP:

He wants a freeze on political hirings.

P.O. TONNA:

No, I know what he wants. I thought that was very interesting.

LEG. FOLEY:

So please take that back.

P.O. TONNA:

Okay. Legislator Carpenter.

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LEG. FOLEY:

That we're trying to do our job but we can't do the whole job, we need to have the management of government to fill the positions. Thank you.

P.O. TONNA:

Brian, by the way, it's the Presiding Officer's prerogative to keep these things to questions. Please, let's just --

LEG. FOLEY:

Well, the tradition of this body has been that we've not only been able to ask questions during public hearings, but we've been able to make points in order to elicit a response from the speaker, in order to get, let's say, further -- to be more informed about a particular issue.

Thank you.

P.O. TONNA:

And I have no problem with that if we don't go over 20 minutes.

LEG. FOLEY:

Well, sometimes you need to.

P.O. TONNA:

Okay. Legislator Carpenter.

LEG. HALEY:

I agree with you, Mr. Chairman.

LEG. CARPENTER:

Well, I'm going to go along --

P.O. TONNA:

Legislator Carpenter has the floor.

LEG. CARPENTER:

Thank you. I'm going to go along with tradition, I don't have a question.

P.O. TONNA:

That's okay, you can say whatever you want.

LEG. CARPENTER:

What I have is a comment, because I want to applaud you for taking a day, you know, half a day, you know, losing the pay or the time to come down here and share your feelings and comments. I know you've been very proactive in the Suffolk District PTA for many years and it's really very heart warming to see someone taking it to heart, and we will listen.

MR. WITTNEBEN:

I thank you for remembering that.

LEG. CARPENTER:

Thank you.

P.O. TONNA:

Okay, Legislator Binder.

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LEG. BINDER:

Just quickly. I want to thank you for coming down to make the statement. You did it on your time, and the problem is real and I appreciate you taking time out of your salary to do that. And second, I just want to thank you, Chris, for the help you've given my office, my staff. You have been incredibly helpful to us and I just want you to know we appreciate it.

MR. WITTNEBEN:

That's no problem. Thank you.

P.O. TONNA:

Thank you. Okay, Legislator Fields.

LEG. FIELDS:

No.

P.O. TONNA:

No? Okay. Thank you very much.

LEG. BISHOP:

Paul? Paul?

P.O. TONNA:

Oh, Legislator Bishop.

LEG. BISHOP:

Chris, what -- I don't have to do all the thank you's because I do it when I see you all the time, but thank you. What two immediate reforms would you want to see enacted? Forget the can't hire political -- I mean, if you --

MR. WITTNEBEN:

The truth is increase the number of workers to make the people able to do their job, okay? And that goes --

LEG. BISHOP:

And how long has that been a problem?

MR. WITTNEBEN:

I would say it's been a problem probably for two to three years.

LEG. BISHOP:

Okay. So --

MR. WITTNEBEN:

And it's endemic in the whole system.

LEG. BISHOP:

But if we take a look back four or five years at the staffing levels, that would give a good indication of what you felt is --

MR. WITTNEBEN:

Absolutely.

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LEG. BISHOP:

Thank you very much.

P.O. TONNA:

Legislator Crecca.

LEG. CRECCA:

I'll just be brief. I come from a background working as a law guardian, I've worked directly with a lot of case workers and worked with CPS and I did that for about the last five years. And what I just want to tell the Legislature is the problem that's been identified here today -- the problem that has been identified here today is a real problem. I have seen services slip over the last -- especially in the last three years, and for the simple reason that we are -- our case workers that deal directly -- I dealt directly with Child Protective Services -- the case workers are overworked. And the ones who are suffering, somewhat it's the parents, but most of the time it's the children. So it is a problem that as Chairman of Social Services Committee also, Mr. Chairman, I'd ask you to -- this is a problem we need to address. And it's not just a matter of, you know -- Steve, I know you said early retirement; it may have added to the problem, but it certainly was not the problem. The problem existed well before that enactment and it's going to continue until we can somehow beef up the number of caseload workers, the people in the field, and that's the only way we're going to solve the problem. Thank you.

P.O. TONNA:

Thank you. Thank you very much.

LEG. CARACAPPA:

Thanks.

MR. WITTNEBEN:

Thank you.

P.O. TONNA:

Okay. Kathy Malloy?

MS. MALLOY:

My name is Kathleen Malloy. I am an eligibility QC at the Wyandanch Social Services Center; Chris and I traveled out here together. I have -- believe me, not a petition, it's not formal, but 37 of us were not able to all take personal time and travel out here, so Chris and I took our time and we have their signatures just to let you know that they

are supportive of what we have to say.

Basically, as you are no stranger, the Suffolk County Legislature wants to give themselves raises of anywhere from 30 to 34%, raising salaries from approximately 48,000 to 67,000 and giving the Presiding Officer a jump to 82,000 per year, and of course we all work in Social Services and this is what's been going around our office. The explanation of the Legislators is that they feel their duties and responsibilities certainly warrant the salary increase; well, none of us disagree at all. We do believe that your duties as a law person, I won't say lawman, and responsibilities warrant the increase and the rationale behind these raises, you deserve it.

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While I am here representing a small group of fellow County employees, as I've said, at the Wyandanch Social Services Center, being in the Eligibility Unit, we deal with the people right off the street, we're the first person. Being a supervisor, I only get the ones that give my workers a hard time. We deal with a segment of society that you would refer to in sociology textbooks as its under class. Most of you will probably never meet them because they don't come here, they have no cars, they don't know who you are and they don't vote. We face an assortment of weapons, a daily barrage of verbal abuse and many of us, myself included, have been physically assaulted by a client. We know that we are worth more, we know we deserve more. But when we took these jobs, it was very clear what the salary classification was, and it was also clear to all of you when you chose to run for public office.

I am not trying to compete with you as to who works harder; we all deserve more. But we at DSS chose a career path of helping people and we do help them, just as your choice to run for the Suffolk County Legislature and you serve the public. I'm quoting Paul Tonna in yesterday's Newsday where he had said, "My political doctrine is that as long as you have a vibrant middle class with good benefits and good salaries, economics will do well, as we are all seeing right now." He also goes on to say, "We've done so much cutting property taxes that if there's a downturn, we're going to find ourselves in some tough times," and I couldn't agree with you more. And he also ends it up by saying, "I have felt a great challenge to make a difference." Well, I have to say, just judging from the 37 people I work with, your raises we don't feel are helping anyone in this great middle class except yourselves. Everyone on this Legislature is in a position to work for the people who elected you. So we find it difficult to see how the raise is helping us?

The Presiding Officer spoke of trying to change the cynicism that seems to surround elected officials, but I'm not sure this will accomplish that. And the word integrity was used in the editorial. Well, integrity is the reason why I took a half a day off and drove 40 miles out here to Riverhead, and I'm just asking our public servants to remember the integrity they promised to stand by when you were all running for office. And you obviously convinced the voters of your integrity to do the best job you could for those who elected you. And to quote, "Because we're worth it," my sons were worth \$125 Nike Sneakers when they were teenagers, but I was a single mother and I didn't have the money; that didn't mean I didn't love them and it

didn't mean I didn't appreciate them, I just didn't have the money. Suffolk Life reported on December 29th that the County debt jumped -- jumps 241%. It further quotes to say, "Unissued bond debt for Suffolk County is like a credit line on a consumer credit card; the potential to tap in at any time is always there"; that has to frighten a few of us, it frightens me. Our elected officials already receive the annual, automatic longevity increases to their salaries of 4% or the rate of inflation, whichever is less, since 1985. I don't know how many of you have been Legislators since 1985. I've been involved -- well, I'm in Tier I, I've been an employee since 1969. The November 20th Newsday reported the average Suffolk homeowner is slated to see a decrease in
00094

the County portion of their 2000 tax bills. What frightens me as a homeowner is how can you continue to approve, for instance, a 34% pay hike for a selected few totaling 600,000 for the first year and build a ballpark, that I'm very happy to see, but continue to decrease the taxes? I'm just a little afraid when someone has to pay. And you can continue to appropriate money into the County budget, but maybe not today and maybe not this year, but this budget will have to be paid for through taxes some day and I'm a taxpayer, it frightens me. I've lived here all my life, I plan on staying, and I just feel it can't always be just about money. I have lived by that belief that my career is not always about money because I'd be doing something else. This is my career, I have the career, I've chosen it just as you've chosen to serve the public. And if it's just about money, I'm very certain that most of you can certainly earn a lot more in the private sector. But we chose our careers and I'm just asking you to remember your own integrity when you became a Legislator and to reconsider the raises at this time.

P.O. TONNA:

Kathy, just a quick question. The concern that I have, or just the question I have, what you're saying -- because you're juxtaposing your position and what you're doing in the County and what County employers are doing and taxes; there were a lot of different things that you said. I'm just trying to get -- basically, you're against the raises and that's all you've come to speak, or I don't think so, right?

MS. MALLOY:

Well, you know, it's funny. I'm not totally against the raises.

P.O. TONNA:

Aren't you saying there's some comparison?

MS. MALLOY:

I'm afraid that the money is not there. I'm not even saying if you're going to get it, I want it too.

P.O. TONNA:

Right.

MS. MALLOY:

I'm saying I love my job, I have a good job, I feel I'm well paid. Like Chris said, our staff is very, very in need of on-line workers that are really low paid, and that's fine, we need more people. I'm afraid that the money is not there right now for these raises.

P.O. TONNA:

Okay. Just to say, you made the statement that we decreased taxes.

MS. MALLOY:

Uh-huh.

P.O. TONNA:

I think the question -- we've actually increased spending, okay.

00095

MS. MALLOY:

I know.

P.O. TONNA:

Nobody wants to say that. And we haven't decreased taxes, the sales tax revenue, we might have cut a little out of the discretionary part of our property tax base, but actually taxes have increased. Our sales tax revenue is coming in stronger than ever; so the tax revenue hasn't it's increased.

LEG. FOLEY:

Revenues have increased.

P.O. TONNA:

I'm just saying --

MS. MALLOY:

I'm just quoting what actually comes to my tax bill, it's decreased, mine has.

P.O. TONNA:

Okay, just on the property tax. But truly, what is happening is that spending is increasing and taxes have increased.

LEG. FOLEY:

Revenues.

P.O. TONNA:

Well, tax revenues have increased.

LEG. BISHOP:

The rates haven't increased.

P.O. TONNA:

Okay, from the sales tax revenues. So I'm not sure. Actually, if you look at it from a financial standpoint, we have more money, we've lowered the rate, we have more money than basically -- than we can actually spend because of our own cap laws; that's the truth.

MS. MALLOY:

Should we be saving it?

P.O. TONNA:

That's exactly the truth. The truth is that we're going to have revenues come in that we're not allowed to spend because of our cap laws. And that's -- that's absolutely the truth. You might want to laugh about it, you might not want to hear it, but that's the truth.

LEG. D'ANDRE:

Don't tell this body they can't spend the money, they'll spend it.

P.O. TONNA:

You can't spend the money, you have laws that say you can't. The concern that I have is -- I can understand disproving of the raises. I could also understand the concern that you have within your department about making sure that there are qualified people, making sure that

00096

positions are filled, making sure that they're paid correctly. The only thing that I'm having a hard time understanding is saying that we don't have the money, that's the only thing.

MS. MALLOY:

A 34% job is ludicrous.

P.O. TONNA:

Okay. No, that's your right.

MS. MALLOY:

And as a taxpayer, I'm afraid that we don't have the money.

P.O. TONNA:

That's fine, I understand that. Okay.

MS. MALLOY:

Thank you.

P.O. TONNA:

Thank you. I'm just trying to understand. I'm sorry, Legislator Towle wants to I guess ask you a question, Kathy.

LEG. TOWLE:

Yeah, just a couple of things. First of all, you know, I don't know if you were here this morning when we --

MS. MALLOY:

No, I was working.

LEG. TOWLE:

Okay. This morning one of the resolutions that we approved was a reclassification of salaries for County positions. So this Legislature has had a history, first of all, of adjusting people's salaries accordingly beyond our own, and this is the first time I think in ten or 15 years that the Legislature has ever adjusted its salary, number one.

Number two, like you, I don't know too many Legislators that work part-time because it isn't a part-time job. And I want to correct you on one point; we're well aware of what you do each and every day as a County employee because despite the fact that you may not think so, most of the people that you service or that Social Services or the Health Department services have paid a visit to one of our offices, depending on where they live respectively. And I look at the constituent complaints in my office, if I don't handle them personally myself. So, you know, I take a little offense to the fact that one would imply that we have no idea of the type of work you're handling. The other thing is Legislator Foley talked about it and it's a valid point and it's the issue of vacancies. You know, we approve a budget, you know, at the end of last year we had I think, Fred, if I'm not mistaken, 450 vacancies in the budget as we ended December?

MR. POLLERT:

No, actually we had closer to about 1,000 vacancies.

00097

LEG. TOWLE:

There you go, 1,000 vacancies as we ended the year. Now, that's not because the union doesn't fight to fill those vacancies, they're here at every one of our meetings talking about how they need assistance in whatever department it is representing you as a County employee, because obviously we can't get to every County agency. We also have department heads coming here each and every meeting telling us what they need or not need. You know, and we can argue the early retirement bill till the cows come home. The fact of the matter is if we don't fill vacancies -- we didn't have an early retirement incentive when we talked about the sales tax last year that we cut that I think helped the middle class people here in Suffolk County; in fact, it helped everybody by cutting the sales tax. The County Executive also proposed

cutting, you know, the overall budget. But to come down here and say that, you know, we don't appreciate what people do or we don't have a concept of that or people are not fighting to fill vacancies, you know, I have no problem with you coming down and complaining about raise, but the other items that you've pointed out I just don't think are accurate. And I think you really need to look at what Legislators have done and what the unions have done and what this Legislature has done to try to address employee problems.

MS. MALLOY:

Legislator Towle?

LEG. TOWLE:

Yes.

MS. MALLOY:

And you are from which district is that?

LEG. TOWLE:

The Third District on the south shore of Brookhaven.

MS. MALLOY:

The south shore of Brookhaven. I would like to invite you to come to the Wyandanch Social Services Center because you've never seen anything like it. The statistics, the things I speak of, it's really not a good example, I'd have to maybe speak from the Smithtown agency, but Wyandanch is nothing like you've ever seen. And no, you have never met my clients, not mine, not from Wyandanch; I stick to that.

LEG. TOWLE:

Okay. Well, in 1996 I served as Health Chairman and I spent a couple of days periodically at the Wyandanch Health Center, but that's okay, you wouldn't have known that either. But once again, you assume you can speak for all of us.

P.O. TONNA:

Ma'am, I just -- the one thing that I want to say, I remember this Legislature holding government and stopping government as it stood forcing the County Executive to make sure that they filled vacancies, finding money, \$6 million of emergency spent, we've never done that for any program. And then when we found out that they weren't filling the vacancies, that they were using it for turnover savings, and anybody

00098

who remembers those years, what it was like, you know, that we basically stopped everything else and said, "No, you have to fill these vacancies."

And all I can say to you is that, you know, I think like Legislator Towle, you can be against the raises and you can think -- and this is America and I respect that. But to say that, you know, that there's a blind eye or, you know, a deaf ear to listening to the concerns, basically I think every time -- and, you know, other Legislators here bear me out if I'm wrong -- you know, whenever there's been a concern about that, I know that there are a lot of Legislators who look into these matters, a lot of us. We don't -- we're not responsible for administrating the day-to-day operation of County government; we make policies, we fund programs, we develop our policies through our budget lines. And to tell you quite honestly, I don't see the comparison, that's respectfully said, I don't see the comparison. We've stood up for CPS every single time it's come to us that there was a need, you know.

MS. MALLOY:

I just represented what everyone wanted to say.

P.O. TONNA:

Okay, thank you.

LEG. FOLEY:

Thank you.

MS. MALLOY:

Thank you.

P.O. TONNA:

Okay. I make a motion to close this hearing.

LEG. FISHER:

Second.

P.O. TONNA:

You know, I'd hope that there is a second.

LEG. FISHER:

Second.

P.O. TONNA:

All right. Second by Legislator Fisher. All in favor? Opposed? Close the hearing.

Okay. Introductory Resolution 1011 (Adopting Local Law No. 2000, a local law to prohibit automatic salary increases for management personnel.) I don't have any cards. Is anybody here to speak on that matter? Okay. I have public hearing for Introductory Resolution --

LEG. LEVY:

What are you doing on it? What's your pleasure?

00099

P.O. TONNA:

Okay. Legislator Towle, it's your bill. What's your pleasure?

LEG. TOWLE:

Yeah.

LEG. CARACAPPA:

Second.

LEG. TOWLE:

Motion to close.

LEG. CARACAPPA:

Second.

P.O. TONNA:

Okay. Motion to close the hearing, seconded by Legislator Caracappa.

Okay. All in favor? Opposed? Closed.

Okay. Number -- Public Hearing on Bill 1012 (Adopting Local Law No. 2000, a local law to modify standards for waiver of interest and penalties on late payments of real property taxes.) Legislator Postal?

LEG. POSTAL:

Motion to close.

P.O. TONNA:

Motion to close, seconded by myself. All in favor? Opposed? Closed.

Okay. Public Hearing on Introductory Resolution 1014 (Adopting Local Law No. 2000, a local law to extend County health benefits to domestic partners.) We have a few cards.

MR. HAIZLIP:

Mr. Presiding Officer.

P.O. TONNA:

Sure, sir.

MR. HAZLIP:

I have a card to speak on this 10,000.

P.O. TONNA:

10,000?

LEG. BISHOP:

1012.

LEG. CRECCA:

1012.

LEG. FOLEY:

On late payment of taxes?

P.O. TONNA:

Okay, sir, come on up. I see that you filled out one card and you have a couple of things in here.

00100

MR. HAZLIP:

That was the direction of your girl out in the front.

P.O. TONNA:

Okay.

MR. HAZLIP:

Again, Steve Haizlip of Calverton.

P.O. TONNA:

Thank you, sir.

MR. HAZLIP:

The Ladies and Gentlemen of this Legislative body, I don't quite understand what is taking place here. I thought that Mr. Guldi had solved this problem and put it away, and Mr. Donald -- Judge Donald Kitson, I believe was his name, had ruled on it and there shouldn't be anymore penalties or waivers of any late property taxes rather than what is imposed as standard tax act. Now, could I get an explanation on this, or I could elaborate a little bit further.

P.O. TONNA:

Legislator Postal looks able and willing

LEG. POSTAL:

Thank you. I think what you were referring to was with of Legislator Guldi, was there used to be an additional hundred dollar late fee.

MR. HAZLIP:

That's right, ma'am.

LEG. POSTAL:

That was eliminated.

MR. HAZLIP:

That's right.

LEG. POSTAL:

That's gone. This doesn't have to do with that. What this says is, right now, we have a statute that says that we can decide to waive interest and penalties on late taxes for senior citizens who are permanently disabled, who's annual income is under \$18,000 a year, but who have not applied for or gotten a senior citizen tax abatement. This would eliminate the provision that says they can't get a waiver if they're getting a senior citizen's tax abatement, because that doesn't make sense. If somebody -- if a senior citizen is getting a tax abatement, that person is a low income senior, and if that person falls into difficulty and is late with taxes, we shouldn't prevent them from getting a waiver of interest and penalties to help them keep their

house. That's what that says.

MR. HAZLIP:

Well, for a change there, Mrs. Postal, we are helping the senior citizens like myself, which I'll soon be 78, and --

00101

P.O. TONNA:

God bless you.

MR. HAZLIP:

And the ones that low income from the State workers, like my brother-in-law, and he's eighty-two, and he only gets something like 18,000, and if he suddenly becomes sick or for some reason he can't get out, you're going to help him out with this waiver.

LEG. POSTAL:

That's the idea.

MR. HAZLIP:

That sounds very good. I like that.

LEG. POSTAL:

Thank you.

LEG. FISHER:

Thank you, sir.

P.O. TONNA:

All right. So if you vote in her district, you're not going to dupe her. Right?

LEG. CARACAPPA:

Kick her in the dupa.

P.O. TONNA:

What is it? What was the word?

LEG. FOLEY:

Dupa.

LEG. CARACAPPA:

Kick her in --

P.O. TONNA:

All right. Here we go.

LEG. TOWLE:

Pretty much got it.

P.O. TONNA:

All right. Just some --

LEG. BISHOP:

Paul.

LEG. GULDI:

Paul.

P.O. TONNA:

Oh, Legislator Bishop, you have something to say?

00102

MR. HAZLIP:

I'm sorry. I didn't hear the --

LEG. BISHOP:

Not on this issue, but I just --

LEG. POSTAL:

Thank you.

P.O. TONNA:

Legislator Bishop.

LEG. BISHOP:

Just for my colleague's edification. In 1994, the Department of Social Services had 1,416 employees, and at the close of 2000, they had 1,221.

P.O. TONNA:

Fourteen what?

LEG. BISHOP:

1,460, so it's approximately 200 less.

LEG. FOLEY:

Employees.

LEG. BISHOP:

Employees.

P.O. TONNA:

How about in CPS?

LEG. BISHOP:

Well, no. I just get the broad number. So I think the Social Service Committee can --

P.O. TONNA:

Absolutely.

LEG. BISHOP:

-- delve more deeply into where those cuts occurred and why it's felt so acutely in the Wyandanch Center, you know, that --

P.O. TONNA:

Is it in the Wyandanch Center?

LEG. BISHOP:

-- people felt they had to take a half a day off to come down to speak to us.

LEG. FOLEY:

The Coram Center is the same. All the centers is the same.

P.O. TONNA:

They've been cut?

00103

LEG. FOLEY:

They're all understaffed. Caseload burnout is unbelievable.

LEG. BISHOP:

Well, you know, so --

P.O. TONNA:

Thank you.

LEG. BISHOP:

Those are the raw number.

P.O. TONNA:

Thank you very much.

LEG. FOLEY:

We have created the positions, but they haven't been filled.

P.O. TONNA:

Okay. Just so that we can get some order back to the meeting, we're at Public Hearing Number 1014, okay, local law to extend County Health benefits to domestic partners. And Dolores Malone, I think I called you up. I'm sorry that we had a little holdup.

MS. MALONE:

Good afternoon, Ladies and Gentlemen of the Legislature. My name is Dolores Malone and I reside in the Town of Huntington. Two hundred and twenty-four years ago, our founding fathers gave birth -- most likely, this is the only time in history that men have been credited with

giving birth to anything. Anyway, they gave birth to this nation and noted that, "We find these truths to be self-evident that all men are created equal," and, yet, even today, all men and all women are not equal. It is wrong to tell some people that they have a full responsibility to their government, but that government is entitled to have less than full responsibility to them. Excuse me. By not supporting the domestic partner bill, you are making a whole group of Americans second-class citizens, not because they are criminals, not because they are less than humans, but because they are not quite the same as you. Domestic partners pay the same taxes the rest of us pay, they pray to the same God, they shop in the same stores, and most important, they have the same values.

If you are afraid of the cost to your taxpayers, why are you willing to tax them at the same rate, but give them different benefits? Are you willing to say that anyone that does not fully deserve the benefits of our government does not have to pay fully to support that government? There was a time when we as a nation did not recognize the rights of women, the rights of blacks, the rights of Asians. In each century, our nation has come to realize its failure to a group or groups of citizens. At the birth of this new century, let us recognize the rights of these good citizens, these taxpayers, these Americans. Let us here in Suffolk County really mean it when we say "One nation under God," and, "All men are created equal." Of course, if the State were to legalize same sex marriage, this entire discussion would be moot. Thank you.

00104

P.O. TONNA:

Thank you very much.

LEG. FISHER:

Thank you.

P.O. TONNA:

Stephen Sebor. Did I pronounce that correctly?

MR. SEBOR:

No. It's Steven Sebor. Good afternoon.

LEG. GULDI:

Tough name.

P.O. TONNA:

Steven, Stephan.

MR. SEBOR:

I'm the Long Island Field Organizer for the Empire State Pride Agenda, which is New York State's lesbian/gay political advocacy organization. I've also been a resident in Suffolk County in Bohemia for all of my life, for all of 30 years. And I'm here to testify in behalf of the Domestic Partnership Bill.

Domestic partnership benefits are any benefits that are provided by an employer to accommodate and employee's family needs. In short, any benefit that's currently provided by the County to married employees for the benefit of their spouses and/or children would be extended to the unmarried employees for the benefit of their domestic partners and/or the children of those partners. The benefits include health and dental benefits, family and sick leave, and bereavement leave. And in doing so, the County recognizes that many couples who live together, whether heterosexual or of the same sex, often have personal

relationships and bonds that are just as strong as that of married couples. But without a marriage license, these relationships are not recognized and, therefore, these couples and their families are denied real benefits and, thus, receive less compensation than their married colleagues take for granted.

Passing a domestic partnership bill that grants access to the same benefits available to legally married couples is the right thing to do. Anything less would serve continue a system where employees do not receive equal pay for equal work and are effectively discriminated against on the basis of their sexual orientation and/or their marital status.

Another important reason to pass this legislation is that it would increase access to health care. Currently in this country, there are 45 million Americans who are uninsured. Providing a registry for domestic partners and granting benefits to the partners of County employees as well as their dependents will effectively increase access to health care. Individuals and families who will come forward to register for these benefits are currently really in need, whether they are uninsured or currently underinsured. Health care costs have

00105

skyrocketed and many people remain without access, because they cannot afford adequate health care coverage.

In past hearings on this issue last year, concerns over the cost of providing these benefits were raised. Let me first and foremost say that it is no more costly to provide benefits to domestic partners than it is to provide them for their spouses. If the County offers in its benefit package a comprehensive health, dental and family leave benefits to an employee and his or her family, they must anticipate that potentially every single employee may take advantage of these benefits at some point in his or her career with the County. But because gay and lesbian relationships are often not recognized, they may never have access to these -- for this essential fringe benefit. Although these benefits are provided in an attempt to provide -- to promote equality in the workplace, a cost is, in fact, incurred in taking advantage of these benefits, as they are considered taxable income. Individuals and families who come forward will do so because they have no other access to health care.

Also, in relation to cost, changes were made to this measure that would exclude the dependents of the domestic partner and only provide benefits to an employee's partner. This would essentially leave out dependent children who may or may not be considered the dependent of the employee, leaving children the most vulnerable without health care. The provision for including dependents of the domestic partner must be replaced. We need to recognize that many family units exist without a marriage license.

In addition, a change was made that excluded retirees. Again, to exclude retirees, the County will effectively be sending a message to its former employees that they are not valued workers. These retirees were essentially entitled to the same benefits in health care as current employee, they, too, should be entitled to domestic partnership benefits. I see no reason for leaving them out except to cut minor costs. By the County's own estimates, approximately 100 families may take advantage of these benefits, quite a small percentage as compared

to the workforce at large.

Finally, I have some concerns about a clause in the bill that relates to the collective bargaining agreement. I understand it was placed in there in an effort to in a sense appease unions, and so that it wouldn't appear as though the Legislature were stepping in and taking over the collective bargaining process. The section and the clause specifically states that the bill would take effect as of this year as the collective bargaining agreements commence. And that's satisfactory to us if all it does is make domestic partnership benefits effective concurrently with the effective date of a collective bargaining agreement. However, this should not be read as allowing a collective bargaining agreement to change or eliminate domestic partner benefits in any way, unless such a change or elimination mirrors an exact alteration in benefits for legal spouses, and we would support a clause being added to Section 8C that states this explicitly.

In closing, I'd like to remind the Legislators that more and more companies and government agencies are recognizing the importance of providing domestic partnership benefits to their employees; New York

00106

State, Albany, Rochester, Ithaca and New York City are among them. It is my hope that Suffolk County may be the next to do so, taking another step forward towards providing fairness to all its employees.

P.O. TONNA:

Thank you. Thank you very much. Karen Kolsch.

LEG. CARACAPPA:

Hi. My name is Karen Kolsch. I'm a Suffolk County resident and a Suffolk County employee. I'm asking for domestic partnership benefits because I have a need for them. My partner doesn't have benefits and I pay for them. The change that was made excludes dependents -- domestic partnership dependents. In my situation, that would mean that if my partner gave birth to a child, until that child was adopted, he or she would not be covered by insurance, and then I would have to go out and buy benefits for him or her.

The Suffolk County has a nondiscrimination policy which includes sexual orientation. The department that I work for, the Police Department, also has a general order which states it will not discriminate based on sexual orientation and marital status. I feel that my heterosexual counterparts are receiving benefits as part of their salary and I am not receiving those benefits. I am not a single person, I have a partner, I have a family, and I only think it's right that I get the same benefits and the same pay as my heterosexual counterparts are doing, and I'd really appreciate it if everybody could really look at the moral and not the money aspect of this situation. Thank you.

LEG. FISHER:

Thank you.

D.P.O. LEVY:

Thank you, ma'am. That concludes speakers --

LEG. GULDI:

Motion.

D.P.O. LEVY:

Does not? Is there any other individual seeking to speak?

LEG. GULDI:

Ask.

LEG. LEVY:

Is there anyone else speaking on this matter? Okay.

LEG. GULDI:

Now I can say motion to close.

D.P.O. LEVY:

Motion to close by Legislator Guldi, second by Legislator Caracciolo.

In favor? Opposed? The hearing is closed. Going back to the public portion --

MR. SABATINO:

No. Finish the other hearings. Finish the other hearings.

00107

D.P.O. LEVY:

Oh, sorry about that. We have no further cards, but let's go through them anyway.

1015, a local law to establish fair and equitable connection fees, Southwest Sewer District. Any speakers? None being heard, Legislator Postal.

LEG. POSTAL:

Motion to close.

LEG. BINDER:

Second.

D.P.O. LEVY:

Motion to close, second by Legislator Binder. In favor? Opposed?

Motion carries.

Public Hearing Number 1016, "You Only Pay Once" County finance policy.

Any speakers? Having none --

LEG. GULDI:

Motion to close.

D.P.O. LEVY:

-- motion by Legislator Guldi to close, second by Legislator Caracciolo. In favor? Opposed? It is closed.

Motion to approve setting the date of February 29th, 2000, at 2:30 p.m.

In Riverhead for the following public hearings: Public hearing 1041, 1044, 1081, 1088, 1089, 1094, 1095. Motion by Legislator Foley, second by Legislator Haley.

LEG. BINDER:

Mr. Chairman, just --

D.P.O. LEVY:

In favor?

LEG. BINDER:

On that motion, 1041 and 1095 are both listed as a Charter Law to establish competitive bidding process selection of County bond counsel.

The last one actually should be for the prescription drugs. So it's -- the number is right, but the description is wrong.

D.P.O. LEVY:

Will you make that note for the scrivener's error, please, Henry?

MR. BARTON:

Yes, sir.

D.P.O. LEVY:

With that, we have a motion, we have a second. In favor? Opposed?

Motion carries.

00108

Going back to public portion, we have Bob Wemyss.

MR. WEMYSS:

Hello.

D.P.O. LEVY:

Good morning, sir. You have three minutes.

MR. WEMYSS:

My name is Bob Wemyss. I represent North Shore Baymen's Association.

I've actually --

LEG. HALEY:

I'm sorry. North Shore what?

MR. WEMYSS:

North Shore Baymen's Association.

D.P.O. LEVY:

If you could just speak into the mike, please, Bob.

LEG. FOLEY:

Speak closer into the mike.

D.P.O. LEVY:

Thank you very much.

MR. WEMYSS:

I'm a clam digger. I've been a clam digger for 20 years, so bayman is a little bit of a pretentious title. I scratch clams out of the mud for a living and have done so for 20 years. I'm here because our association has become aware and we've been approached by other baymen from the East End that the underwater land, which has -- which was ceded to the County, is being abused, and the fact that some 10,000 acres of this underwater land has been transferred to Aquaculture Technologies, land that was -- that has back-taxes of \$871,000 owed, transferred out of bankruptcy with its tax burden intact to Aquaculture Technologies.

These lands are had by grant. These grants go back to 1884, when the State Legislature ceded to the County this underwater land for the purpose of oyster culture. State Legislature revisited the statute three times, once in 1906, once in 1923, and finally in 1969, when the County's right to grant these properties for oyster culture was taken away and replaced by the County's right to lease these underwater lands for shellfish culture. These lands in question go back to -- variously to periods all before 1923 and all before 1969, and they only give this company or any holder of these -- of these grants the right to occupy the property for the purpose of the cultivation of oysters only. And I've included in paper that I've given to you, that I hope to make part of the record --

LEG. BISHOP:

Do we have it?

00109

MR. WEMYSS:

-- a case called Suffolk County v. Edwards.

LEG. FISHER:

Did you distribute those?

MR. WEMYSS:

I put it on everybody's desk. It has a cover letter --

LEG. GULDI:

Oh, I got it.

LEG. FISHER:

Thank you.

MR. WEMYSS:

-- and a position paper. And I quote, "It is also to be observed that the act of 1884, if considered as a grant, is to be construed strictly in favor of the State, and that it was explicitly for the purpose of oyster culture alone." These lands, this company has occupied these lands and is mechanically dredging natural growth of hard clams, which stands in absolute repugnance to the laws of the State of New York and to the County's obligation to manage these properties. The can of worms that involves this property goes to -- goes from the Federal Bankruptcy Court and all the way back to 1884, when these lands were granted.

This Suffolk County v. Edwards is still controlling law on the subject and this company and another company, Peconic Oyster Farms, has occupied these properties and is illegally dredging hard clams from these properties. I had a call from a bayman this morning on Shelter Island that -- whose livelihood is being destroyed by this. These public beds of clams are for the public enjoyment. And I have to state again, if there's one point that I want to get across to this Legislature is that, one, these lands should come back for taxes; two these -- if these deeds were not in existence in 1969, which this property was taken back for taxes once in 1961 already, then they were expressly by law taken off the roles and can't be owned. Any ownership of this underwater land that the County had was sovereign and not proprietary.

Since the Magna Carta, neither the King or the Legislature could grant away a right of common fishery. The title that the State of New York took was sovereign and not proprietary, and that's all that they had to give to the County and all they gave to the County. And all they gave to the County was the right to deed these lands for the purpose of oyster culture in specific geographic locations only. Now, these people occupy the property and use them to harvest natural set of hard clams is absolutely repugnant to the original grant, and the County needs to take care of this immediately. If no action is taken on this, we'll be in court probably very shortly anyway, because no one's stopping this company from destroying the public lands.

By these acts, ceding the land to the County, the State also directed the County Legislature or the County Board of Supervisors to appoint shellfish trustees to deal with this land. The County has never

00110

fulfilled that obligation. The County has an obligation to proactively manage these underwater lands that it has never fulfilled. Now we're in a situation where I have from the Tax Assessor the facts that these lands have -- the taxes have not been paid on these lands since 1984. And these companies come out and pillage the bay. The State says, "Well, they show us a deed from the -- that's registered in the County." And the County says, "We don't even have anyone who deals with these lands under water."

I'm here to say that these lands were for oyster culture only and that all the Legislators should urge the County Attorney to seek to enjoin the people who hold these -- who hold these titles from taking one more hard clam from these underwater lands until this has been fully investigated. And, also, to put the Legislature on notice that any move to absolve any of these companies of their tax liability or

strengthen their rights in these underwater lands would be illegal and we would seriously oppose it.

The situation with these underwater lands needs to be addressed in its entirety and completely revisited. There are legitimate interests that want to be in the business of growing and cultivating shellfish. We do not have a problem with that in spirit. We believe that that in spirit is part of the common right of fishery, that the right to grow and cultivate shellfish is part of the common right of fishery. But private rights to these underwater lands cannot be held by any company. It has to be done in the context of a common right of fishery, it has to be able to evolve with time, which it hasn't in this case. What's happened is none of these deeds are any good. Any -- the people who hold them, I feel sorry for some of these people that hold them, because they've held them for sometime and are in the pursuit of a livelihood which involves actual aquaculture. This company that has just gotten 10,000 acres is not in the pursuit of a business of aquaculture, they are actively stealing natural set of hard clams from the underwater lands and from the people of this County.

LEG. CARACAPPA:

Mr. Chairman.

LEG. FOLEY:

Paul.

P.O. TONNA:

Your time's -- hold it a second.

LEG. CARACAPPA:

A question.

P.O. TONNA:

Legislator Caracappa, and then Legislator Bishop.

LEG. CARACAPPA:

Thanks for coming down. I understand the plight you're involved with here. The question I have is to Paul Sabatino. Paul, going back -- well, first you're talking about the bay bottoms and -- or the bottoms under water, right, the land --

00111

MR. WEMYSS:

No. This is Gardiner's and Peconic Bay.

LEG. CARACAPPA:

Okay. But --

MR. WEMYSS:

The County controlled land in Gardiner's and Peconic Bay.

LEG. CARACAPPA:

But you're talking specifically about the --

LEG. BISHOP:

The entire bay or specific areas of it?

LEG. CARACAPPA:

-- the bay bottom or the Peconic Bay bottom right? The floor.

MR. WEMYSS:

Right.

LEG. CARACAPPA:

Just a question. Not the water, but the bottom.

LEG. FOLEY:

The bottom, right, the beds.

MR. WEMYSS:

The real estate beneath the water.

LEG. CARACAPPA:

Okay. That just leads me to my -- I just want to be clear. Paul, going back about four years ago and dealing with the dredging problems that we face, we put together that resolution, which was eventually reversed but, it dealt with dredging in the bottoms, bay bottoms, whatever it may be, and it was brought to our attention at that time, and prior to that time, that the bottoms belonged to the towns, to the townships. What should this gentleman do now that he's dealing with that? Should he go to the towns and discuss it with the towns, or would it fall within the town's, respective town's purview to deal with this?

LEG. FOLEY:

As trustees of the bay bottom.

MR. SABATINO:

Your first point is well taken, which is that the bay bottom issue is, for the most part, with very few exceptions, a town or in some cases maybe even a village-owned situation in terms of the underlying beds. With regard to where the inquiry should go, I did read the document during the break, it's a little hard to follow, but my initial reaction would be to pursue it with the towns. There may be some State DEC involvement based on one of the -- well, one of the pages in the document. But I just, reading the documents, don't real see where the County fits into the --

00112

MR. WEMYSS:

"All right and title and interest, which the people of the State of New York, have in and to the lands under water in Gardiner's and Peconic Bay in the County of Suffolk is hereby ceded to said County for the purpose of oyster culture."

LEG. GULDI:

Yeah. The problem I have with that --

MR. SABATINO:

I don't have documents, though. I mean, I just have a bland assertion. It may be accurate, but I'm skeptical --

MR. WEMYSS:

It is -- it is surely accurate.

MR. SABATINO:

I'm skeptical only because 20 years ago, I got involved in doing some heavy research on the ownership of the bay bottoms, and trust me, I read every case at that particular time, because I did have the time --

MR. WEMYSS:

I've read every --

MR. SABATINO:

-- in America, and there were no cases that gave Suffolk County the kind of title that you're talking about. There could be an exception, because it has been 23 years, but I'm just a little bit skeptical of, you know, out of the box.

MR. WEMYSS:

This land is still held in the -- held by the County for the purpose of shellfish culture, I assure you.

P.O. TONNA:

Okay. Joe?

LEG. GULDI:

The question I have --

P.O. TONNA:

Wait, no, no. Dave Bishop is next, and then --

LEG. BISHOP:

No. I'm too confused to even pose a question.

P.O. TONNA:

Okay. Hold it a second. Well, Brian Foley isn't.

LEG. FOLEY:

George, you can go, it's in your area. Then I'll reserve my time, Mr. Chairman.

LEG. GULDI:

The problem I have, historically, and I've already asked my Aide to follow up on your letter and we'll probably be in touch with you,

00113

because the documents are important here. The trouble with the State deed of the lands in the bottom of Peconic Bay is when the State issued the deed, the state didn't have any title, because the Dongen Patent creating the common interest, which are governed by the Town Trustees, predated the creation of the State of New York. So the State didn't have sovereign title to those lands at the time it issued the deed. So I'm concerned about the trail you're following here. It may not be us that has the ability to solve this problem. But I'm willing to work with you and look at the detail and get the information to resolve that. And if there's appropriate action that this County will take, I'll propose it here.

MR. WEMYSS:

I understand about the Dongen, Fletcher, Nichols Patent. I know all those colonial grants and I understand that Towns, Islip, Huntington, East Hampton, Southampton, own underwater land. This underwater land was specifically given to the State by the Legislature being not within one of those towns wholly, because it falls between the North and the South Fork, and the State ceded it to the County for the purpose of oyster culture. My research may not look clear to everyone here who's not versed in the subject, but I will stand behind everything that I've said here today, and that this paperwork, I am representing to you, is accurate, and that the County does still control this underwater land. And you don't have to look back to 1884, you can look at the act, Chapter 990 of 1969, which is the last time they visited the subject, and the geographic locations are laid out there. The County cannot get away from the fact. I mean, if the County doesn't own it, that's a beautiful thing to me, because then these deeds that are had --

LEG. GULDI:

Right.

MR. WEMYSS:

-- by only from County are extinguished that way.

LEG. GULDI:

Well, then I want to say thank you for bringing it to our attention.

Your letter gives us contact information for you, my address. And the Real Estate Division and the County Attorneys, we'll be in touch with you to run it down. If somebody out there owes this County \$800,000, we'll go get the money. If we own a piece of land --

P.O. TONNA:

That pays for our pay raise.

LEG. GULDI:

If we own a piece -- yeah, there are lots of things we can think of to do with that. And if there's a piece of land out there under County lease that's not being used appropriately under that, we'll take action on that, too.

MR. WEMYSS:

This is from the Tax Office, \$871,861.89.

LEG. GULDI:

Great. We'll work with you and we'll be in touch, or, actually, my
00114

Aide will come out and talk to you right now and see what you got.

MR. WEMYSS:

Okay. Thank you.

P.O. TONNA:

Okay. Thank you very much.

LEG. FISHER:

Thank you, sir.

P.O. TONNA:

I'm not going to remind Legislator Foley he wanted to say something.

LEG. FOLEY:

No. George --

P.O. TONNA:

Okay. Great.

LEG. FOLEY:

-- did a great job.

LEG. GULDI:

I just dove in.

P.O. TONNA:

Okay. What I -- I have two resolutions that we wanted to get back to that -- 1028 (Authorizing the sales of surplus property sold at the November 15 & 16 1999 auction pursuant to Local Law 13-1976 as per Exhibit "A") and 1029 (To convey title to County-owned real property pursuant to Section 215, New York State County Law MAC 2 Property Management, LLC 0100-157.00-02.00-132.000). Is there a motion?

LEG. GULDI:

Motion.

P.O. TONNA:

Motion by Legislator Guldi, second by Legislator Foley. All in favor?

Opposed? Approved, 1028. 1029, is there a motion?

LEG. GULDI:

Same motion.

P.O. TONNA:

Same motion, same second. All in favor? Opposed? Approved. Okay.

We're going to -- I think that there was a request for a 15 minute recess?

LEG. BISHOP:

Please.

P.O. TONNA:

So I'm going to call for 20 minute?

00115

MR. BARTON:

Mr. Chairman.

LEG. ALDEN:

Oh, come on.

LEG. FISHER:

Fifteen is good.

MR. BARTON:

Mr. Chairman, the vote on those two resolutions was 16. (Not Present:

Legs. Cooper and Towle)

P.O. TONNA:

Fifteen minute recess? Guys, fifteen minute recess.

[THE MEETING WAS RECESSED AT 3:50 P.M. AND RESUMED AT 4:10 P.M.]

P.O. TONNA:

Okay. Just to give you an update where we are, we have just a few different things, and then we're going to go to the CN's. Where is the Budget Review Office? I don't know. Okay. Will all Legislators please come to the horseshoe? They'll be here any second.

Okay. I'd like to make a motion -- just wait for our colleagues to get here. There are still a few missing.

LEG. CARACAPPA:

We don't have the CN's yet.

P.O. TONNA:

Yeah, I know, I know that. I'd like to make a motion to waive the Rule Number 4(B), to lay on the table Sense Resolution Number 12. It's a resolution introduced by -- Sense Resolution introduced by Legislator D'Andre. It's a memorializing resolution requesting federal government to impose price controls on home heating oil.

LEG. FOLEY:

Price controls.

LEG. HALEY:

Price controls?

LEG. BINDER:

Price controls? Nixon.

LEG. D'ANDRE:

I'm a Democrat this week.

LEG. HALEY:

I thought you were an American.

LEG. BINDER:

We're back to Nixon.

00116

LEG. D'ANDRE:

I'm a Democrat this week.

LEG. HALEY:

You can say that again.

P.O. TONNA:

Okay. I just would like to make a motion. I'll make an additional motion after that, but I want to make a motion on the other ones. I made a motion and seconded by Legislator D'Andre.

LEG. HALEY:

To lay on the table.

P.O. TONNA:

Yeah. We're going to -- we're going to do the next one. We'll approve the next three in order. Okay? I just wanted to first just lay it on the table. On the motion, all in favor? Opposed? Okay.

LEG. POSTAL:

Just laying it on the table?

P.O. TONNA:

Just right now. We're going to approve it -- I'm going to make a motion to approve in a second. Okay. There is a motion to waive the rules and approve sense Number 8, which is introduced by Legislator Levy, a Memorializing Resolution requesting the Attorney General to investigate heating oil price rise.

LEG. LEVY:

Motion.

P.O. TONNA:

Motion.

LEG. FOLEY:

Second.

P.O. TONNA:

Seconded by myself. All in favor? Opposed?

LEG. FISHER:

Cosponsor.

MR. BARTON:

Who made the motion?

P.O. TONNA:

What?

MR. BARTON:

Who made the motion?

P.O. TONNA:

Legislator Levy made the motion, I second it.

00117

LEG. CRECCA:

Cosponsor.

LEG. FISHER:

Cosponsor.

LEG. HALEY:

That's Sense 9?

P.O. TONNA:

That's Sense 8. We're going to 9 next. Okay. Does anybody --

MR. BARTON:

The vote is 17, 1 not present. (Not Present: Leg. Caracciolo)

P.O. TONNA:

Okay, great.

LEG. CARPENTER:

Cosponsor on that, Henry.

P.O. TONNA:

Henry, just -- anybody who wants to cosponsor, just one more time for Henry.

LEG. COOPER:

Cosponsor.

P.O. TONNA:

Cooper. Okay.

LEG. FOLEY:

Everybody.

MR. BARTON:

All Legislators present.

P.O. TONNA:

Okay, great. The motion -- Sense Number 9, a Memorializing Resolution

requesting Federal Government to roll back home heating oil price increases through petroleum reserve release.

LEG. BINDER:

Can I make up one now?

P.O. TONNA:

What? Wait. Make a motion by Legislator Levy, seconded by myself.

LEG. BINDER:

I'm going to make up one, a memorializing resolution on oil.

P.O. TONNA:

Excuse me? Don't confuse me. It's very hard.

LEG. LEVY:

Motion.

00118

LEG. CRECCA:

It's easy.

P.O. TONNA:

Okay. I made a motion -- Legislator Levy made a motion, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

17.

LEG. HALEY:

Abstain.

P.O. TONNA:

Does anybody want to cosponsor.

MR. BARTON:

16, 1 abstention, 1 not present. (Not Present: Leg. Caracciolo)

LEG. FOLEY:

Cosponsor.

LEG. BINDER:

Hey, I'm cosponsoring the other one, too, there.

LEG. HALEY:

Is this 9?

P.O. TONNA:

Yes.

LEG. BINDER:

Henry, I'm cosponsoring the other one, too.

MR. BARTON:

Okay. All present, including Mr. Haley, who just abstained.

P.O. TONNA:

Okay. And Sense -- Allan, don't confuse me. It's very hard. It's very hard. I get confused very quickly. Sense Resolution Number 12. We have already waived the rules and laid it on the table. Now I'd like to waive Rule Number 6(B) to approve. It's a Memorializing Resolution requesting Federal Government to impose the price controls on home heating oil.

LEG. HALEY:

On the motion.

LEG. BINDER:

Impose, not oppose.

P.O. TONNA:

On the -- okay. First of all, we have to have a motion and second.

00119

LEG. D'ANDRE:

Motion.

P.O. TONNA:

Legislator D'Andre made the motion, I second it.

LEG. BINDER:

Go back to Nixon.

P.O. TONNA:

On the motion.

LEG. HALEY:

On the motion. I don't have a copy of that. And you got to be kidding me. You're going to talk about federal price controls?

LEG. D'ANDRE:

At 1.90 a gallon --

P.O. TONNA:

Wait, wait. Legislator D'Andre, use the microphone. First of all, Legislator Haley has the floor. Legislator Haley.

LEG. HALEY:

I'm sorry, I haven't seen the sense resolution yet.

P.O. TONNA:

This is a timely issue.

LEG. CARACAPPA:

Did you say \$1.12?

LEG. D'ANDRE:

\$1.90.

LEG. CRECCA:

Oh. On every single one of these Memorializing Resolutions, it says \$1.25. Is it supposed to say 2.25 on all of them?

P.O. TONNA:

I'll defer.

LEG. LEVY:

It was done four days ago.

LEG. HALEY:

You know, I can't imagine, Mr. Chairman --

P.O. TONNA:

Hold it a second. Legislator --

LEG. HALEY:

Haley has the floor.

P.O. TONNA:

-- Haley has the floor. After that, there was a question of Counsel.

00120

Let's get to Legislator Haley.

LEG. HALEY:

Yeah. I can't imagine how you can come up with a price control to \$1.25 when you have absolutely no control over the price per barrel internationally. I mean, how are you going to do that, Mike?

LEG. D'ANDRE:

There is no way to get the government's control unless you threaten price controls; that the price went over to over \$1.90 per gallon from a dollar and a quarter.

LEG. HALEY:

Mike, again, how do you address the cost per barrel?

P.O. TONNA:

Okay. Guys, we can't hear.

LEG. HALEY:

The cost per barrel is an international problem. In absence of in absence of controlling that --

P.O. TONNA:

Legislator Haley has the floor.

LEG. HALEY:

-- You know, how are you -- you're going to wind up having to use taxpayers dollars, all right, and turn it into a large entitlement program, because you don't have control over the price per barrel.

LEG. D'ANDRE:

Do you know a better way to get their attention?

LEG. HALEY:

Mike, I'm surprised at you.

LEG. D'ANDRE:

There's no better way.

LEG. HALEY:

I thought you were a real American here, you know, a real Republican American and --

LEG. D'ANDRE:

I am, and I'm using every weapon in the arsenal to get their attention, and this will get their attention, believe me.

P.O. TONNA:

Okay. The --

LEG. HALEY:

This doesn't even make sense to me, Mike.

P.O. TONNA:

Okay. Legislator Crecca, you had the floor.

00121

LEG. CRECCA:

Yeah. Actually, in all three of the Memorializing Resolutions, and maybe I'm not reading it correctly, but I think I am, it states that they're projected to rise as high as 1.25. We're at \$1.88, \$1.95. I think we've hit over the two mark. I would ask to make a motion now on the two Memorializing Resolutions that we've already passed, that we change the language to read either \$2 or 2.25. I would make the motion for 2.25. I think that it was -- I thought it was a typographical error, but --

LEG. LEVY:

No. It's just that it was they were prepared last week and that's what they were at the time, and they've gone up gradually.

LEG. CRECCA:

Well, it makes us look a little silly --

LEG. LEVY:

You're right.

LEG. CRECCA:

-- to have passed it today at \$1.25. So, if we could correct the two that we've made already and direct the Clerk to do that by motion.

P.O. TONNA:

I would ask Legal Counsel how we do that.

MR. SABATINO:

There's no Seven-Day Rule applied to a Memorializing Resolution, so, with the sponsor's consent, it could just be a motion to correct the dollar amount in each of those two bills.

LEG. LEVY:

I would say make it a \$1.95 instead of 1.25. I think that's fair. I would say that's about an accurate description to what it is right now.

LEG. CARPENTER:

Yeah.

LEG. BINDER:

It's probably more.

LEG. CARPENTER:

You're right.

P.O. TONNA:

All right. Do you have -- do we have a number and everything?

MS. BURKHARDT:

I'll get a number.

P.O. TONNA:

Okay. It is timely.

00122

LEG. CARPENTER:

Very timely.

P.O. TONNA:

Anybody -- anybody else? Let's vote on this.

LEG. CRECCA:

Are we amending that, then? Is that what --

P.O. TONNA:

Can we amend this, Paul?

LEG. CRECCA:

Do we need to take a vote?

MR. SABATINO:

Yeah, there's no Seven-Day Rule, so if the sponsor -- it was Legislator Levy who sponsored on both of those?

P.O. TONNA:

Yes.

LEG. LEVY:

Yes.

MR. SABATINO:

Just make a motion to amend the 1.25 reference in Senses 8 and 9 to \$1.95?

LEG. LEVY:

\$1.95.

P.O. TONNA:

Okay. Legislator Levy, you're making that motion?

LEG. LEVY:

Yeah, it's done.

P.O. TONNA:

Okay. Seconded by Legislator Fields. All in favor? Opposed? Approved, fine. Now -- and are we doing that for the third resolution also, for Sense 12?

LEG. LEVY:

Mike, that's yours. Do it, yeah.

LEG. D'ANDRE:

Yeah.

P.O. TONNA:

Okay. Legislator D'Andre made a motion, seconded by Legislator Levy. All in favor? Opposed?

LEG. HALEY:
Roll call.

00123

P.O. TONNA:
Approved.

LEG. HALEY:
Roll call, roll call. I want to make sure everybody --

P.O. TONNA:
Okay. Roll call on --

LEG. HALEY:
-- is paying attention to what they're doing here.

P.O. TONNA:
Roll call on the motion.

MR. BARTON:
The motion is to approve as amended.

P.O. TONNA:
As amended.

LEG. HALEY:
Sense Number?

MR. BARTON:
12.

P.O. TONNA:
Thank you, Henry, for making my job a little easier.
(*Roll Called by Mr. Barton*)

LEG. D'ANDRE:
Yes.

P.O. TONNA:
Don't confuse me.

LEG. LEVY:
I didn't know I second, but yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Abstain.

LEG. CRECCA:
Abstain.

00124

LEG. CARPENTER:
Abstain.

LEG. ALDEN:
Abstain.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
No.

LEG. CARACAPPA:

Yep.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

[LEG. CARACCIOLO-NOT PRESENT]

P.O. TONNA:

Yes.

MR. BARTON:

Ten. (Not Present: Leg. Caracciolo)

P.O. TONNA:

Thank you. Okay.

LEG. HALEY:

You guys ought to be ashamed of yourselves.

LEG. LEVY:

Mr. Chairman.

P.O. TONNA:

By the hair of the chinny-chin-chin.

LEG. LEVY:

Mr. Chairman, I'd like to make a motion to override 1271, Sports Commission, unless you had the motion and you just want to move it now. Then I'll make the motion.

P.O. TONNA:

Okay. Legislator Levy made a motion. Is there a second?

00125

LEG. LEVY:

This is for the Sports Commission that Legislator Hackeling --

LEG. FOLEY:

Second.

P.O. TONNA:

Is there a second?

LEG. FOLEY:

Second.

LEG. GULDI:

Yes.

P.O. TONNA:

Second, Legislator -- Legislator Foley. All in favor?

LEG. CARACAPPA:

On the motion, Mr. Chairman.

P.O. TONNA:

Oh.

LEG. CARACAPPA:

Janet.

P.O. TONNA:

Just call the vote. Just call the vote.

LEG. BISHOP:

No. But they don't want that assurance. It's a different issue, so just --

LEG. CARACAPPA:

All right. Just -- all right. Roll call, please.

P.O. TONNA:

It's not going to happen.

LEG. LEVY:
Well, I think out of respect for --
P.O. TONNA:
Okay. Roll call.
LEG. LEVY:
-- the former Presiding Officer, we should move it.
P.O. TONNA:
Roll call.

(*Roll Called by Mr. Barton*)

LEG. LEVY:
Yes.

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LEG. FOLEY:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Pass.

LEG. POSTAL:
No.

LEG. BISHOP:
No.

LEG. D'ANDRE:
Pass.

LEG. CRECCA:
I apologize. I'm not sure what the motion is for. Is this for the
veto override?

LEG. FISHER:
Override the Sports Commission.

LEG. CRECCA:
No, to override.

LEG. CARPENTER:
No.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. HALEY:
No.

LEG. FISHER:
No.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. GULDI:
Oh, yes.

[LEG. CARACCILOLO-NOT PRESENT]

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LEG. TONNA:
No.

LEG. BINDER:
No.

LEG. D'ANDRE:

No.

MR. BARTON:

Four. Four. (Not Present: Leg. Caracciolo)

P.O. TONNA:

Okay, four. Okay. Motion defeated,, whatever, sustained. Let's go to the CN's. Janet?

LEG. POSTAL:

Mr. Chairman.

P.O. TONNA:

Oh, yes.

LEG. POSTAL:

We were waiving the rules to lay resolutions on the table before we go to the CN's. I'd like to continue by making a motion to lay Introductory Resolution 1126 on the table.

LEG. BISHOP:

Second.

P.O. TONNA:

Which one is that, Maxine?

LEG. POSTAL:

That's the one that transfers the money --

P.O. TONNA:

Yes, okay.

LEG. POSTAL:

-- for the Breast Cancer Navigator Program from the Office of Women into the Department of Health.

P.O. TONNA:

Right. And that's just to lay on the table as a late-starter.

LEG. POSTAL:

Just to lay it on the table.

P.O. TONNA:

Okay.

LEG. LEVY:

Could we do them all together at once, these late-starters?

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P.O. TONNA:

Yeah, I would like to do that myself, so that --

LEG. POSTAL:

There's only two here.

P.O. TONNA:

Excuse me?

LEG. POSTAL:

This one and another one.

LEG. CARPENTER:

There's another Sense, too.

P.O. TONNA:

There's only one other? Okay. Motion by Legislator Postal, second by Legislator Bishop. All in favor? Opposed? Approved. Okay.

LEG. FISHER:

Excuse me. Mr. Chairman, did we do 10?

P.O. TONNA:

Excuse me?

LEG. FISHER:

Did we do Sense 10?

P.O. TONNA:

No.

LEG. FISHER:

Okay.

P.O. TONNA:

Okay. That's going to be assigned to Budget and Health. Sense 13. Now, you want to lay this on the table, right? That's it.

LEG. TOWLE:

And approve. I want to make a motion to waive the rules, lay on the table and approve Sense Number 13.

LEG. FIELDS:

Second.

LEG. HALEY:

Second.

P.O. TONNA:

Okay.

LEG. FOLEY:

This is to lay on the table, right?

LEG. POSTAL:

Mr. Chairman.

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P.O. TONNA:

Yes.

LEG. TOWLE:

And approve.

LEG. POSTAL:

On that, you know, I think that this has all kinds of far-reaching consequences, and I think that to approve this without discussion really has all kinds of implications. I would support laying it on the table, but I think we should discuss it in committee.

LEG. FOLEY:

Correct.

P.O. TONNA:

Right. Let's -- the first vote is to lay it on the table. Let's lay it on the table first, and then we'll discuss on the merits of whether we want to approve.

LEG. CRECCA:

The motion was to lay it on the table and --

LEG. BINDER:

And approve.

LEG. CRECCA:

And approve it, so we should --

P.O. TONNA:

That's not two separate motions?

LEG. BISHOP:

No.

LEG. BINDER:

You can do it in one motion.

LEG. TOWLE:

I defer to Counsel.

LEG. BISHOP:

It's not, Paul, it's one motion.

P.O. TONNA:

They want it as one motion.

LEG. TOWLE:

I'd be happy to do two, if that's what we have to do, but --

MR. SABATINO:

You can do two, but if somebody had made a motion to treat it individually, that would be the first motion, if --

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LEG. TOWLE:

My first motion was to combine them. Is that motion in order or inappropriate?

MR. SABATINO:

That motion's in order, but it's second in time. The motion to do it on a separate basis was first, so that would take the priority.

LEG. BINDER:

From who?

P.O. TONNA:

Okay. There's a motion to waive the rules and approve.

LEG. TOWLE:

Nobody else made a --

P.O. TONNA:

So is there a second?

LEG. TOWLE:

Yeah, there was.

LEG. FISHER:

Second.

LEG. TOWLE:

I think there was six people jumped on it.

P.O. TONNA:

Second. Okay. Second by Legislator Fisher.

LEG. FOLEY:

Motion to commit --

P.O. TONNA:

On the motion.

LEG. FOLEY:

On the motion to commit to committee?

P.O. TONNA:

Legislator Postal said she's in --

LEG. FOLEY:

Commit to committee.

LEG. POSTAL:

I just felt that to vote on this without looking at the consequences right now doesn't seem to be the wisest course of action. I would suggest that we lay it on the table and discuss it in committee.

LEG. TOWLE:

If I could, Mr. Chairman.

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P.O. TONNA:

But since there's not another motion to do that, right now, we're on --

LEG. FOLEY:

There's a motion to commit to committee. I'm making a motion to commit to committee.

LEG. TOWLE:

Well, I just address that for anybody else that might have concerns, because, obviously, we're doing this very hastily at the end of the day. It was not my intention originally to move this today, but due to the fact that we're moving all these resolutions, I've, you know -- I've reconsidered my position on this, and I'll tell you exactly why. This resolution would call on the State to allow us to look at the potential to eliminate the sales tax that's being charged on home heating fuel oils, electric, coal, wood, whatever the case might be. It doesn't automatically make it happen as so without have it coming back to us for our review and approval at that time. But calling on the State to allow us to do this is exactly what this memorializing resolution does. And, quite honestly, I do think that's in order in light of the problems that we've had. We've all received correspondence from numerous business groups and residents. I've probably gotten 25 calls in the last two weeks about the issue of home heating fuel, particularly in gas prices. And, obviously, I think it's an important thing that we need to look at.

The second resolution that's in the packet that I believe did not get out of committee, for those new members and those that might have forgotten, the County is also charging a 1% surcharge right now on fuel sources, which is equivalent to about \$16.5 million. And I also think that's ridiculous, and I'm hoping that bill will get moved out of committee during the next cycle.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Okay. Yes, Legislator Binder.

LEG. BINDER:

I just wanted to --

P.O. TONNA:

Legislator Binder has the floor.

LEG. BINDER:

I just wanted to be listed as a cosponsor. I think the author had a number of members in mind who had told him they wanted to be cosponsors and they're not there. So please list me, and I think we should move this today.

LEG. CRECCA:

I'll join Legislator Binder in cosponsoring Sense Resolution Number 13.

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LEG. CARPENTER:

I'm also, Henry.

LEG. CARACAPPA:

Mr. Chairman.

LEG. HALEY:

Me, too.

LEG. COOPER:

Me three.

P.O. TONNA:

We've got six. It's the same six. Very interesting. Okay.

LEG. CARACAPPA:

Well, I also do.

LEG. FISHER:

So do I, actually.

LEG. D'ANDRE:

I also do.

P.O. TONNA:

Oh, seven. Okay.

LEG. D'ANDRE:

I also do.

LEG. CARACAPPA:

But if I could just--

LEG. TOWLE:

Whoa, wait a minute. Whoa, whoa.

LEG. CRECCA:

We've got eight here. Oh, we got a coalition happening here.

P.O. TONNA:

Eight. Eight.

LEG. HALEY:

At least the coalition lasted longer this year.

P.O. TONNA:

I know.

LEG. TOWLE:

You got to the second meeting.

LEG. POSTAL:

Mr. Chairman.

P.O. TONNA:

And it was over --

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LEG. FIELDS:

Well, Mr. Chairman, I --

P.O. TONNA:

I couldn't believe it's over the issue of nuisance businesses, too.

Anyway --

LEG. POSTAL:

Mr. Chairman.

LEG. FISHER:

I had had Alice Amrhein --

P.O. TONNA:

Wait, wait, wait. Legislator Fisher has the floor.

LEG. FISHER:

I had had Alice Amrhein looking into this, because I have been taking the correspondence seriously that I've been receiving in my office, one of them being the Restaurant Association, where they are overly and unduly burdened by the tax structure. So I believe that this is a good resolution. .

P.O. TONNA:

Okay. Joe Caracappa, then Legislator Postal.

LEG. CARACAPPA:

Just briefly, moreover on what Fred said, I think we at least owe it to the people to send this up to the State in light of what's been going on for the last month on Long Island and through the northeast with fuel prices. So it's our -- it's our responsibility as representatives to at least send it up to the next layer of government and see if it comes back down. And if it doesn't, we know where the buck stops, obviously. So I support it wholeheartedly.

P.O. TONNA:

Marty. Marty.

LEG. HALEY:

Yes, sir.

P.O. TONNA:

Okay. Legislator Postal. Guys, if we're going to talk, just keep it to a whisper, so that we can here the speakers speak.

LEG. POSTAL:

We just heard County employees talk about the unfilled positions in DSS. Obviously, we all spoke about how we put positions into the budget, but positions have not been released. We talked about the fact that we're in a good economy, we have -- we don't know what's going to happen in the future. We have employee contracts that we're going to be dealing with. We have decided to eliminate the sales tax on clothing purchases under \$110. There are other proposals before us. We are in danger of relying very, very completely on the property tax. And in times when sales tax is increasing because our economy is

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booming, that's great. That's exactly what was happening when I came here in 1988. This Legislature gave Suffolk County the largest property tax reduction in its history because there were double digit increases in sales tax year after year after year. We're assuming that that's going to be the case forever. We're not looking at the history. We're not looking at -- some of us were here in 1988 and 1989, and we remember, Mr. Presiding Officer, what it was like to have to eliminate the outreach in the Health Department, to have to eliminate programs in the Department of Social Services and Human Services. We had to cut back again and again and again, and we had to have people who were struggling through a recession, whom we could not provide for because we were eliminating programs. When we take a step like passing this precipitously without looking at it, because, sure, it's a nice thing to do, it's wonderful to help every homeowner and every business to save some money, that's terrific, but let's look at what we're doing. We're putting ourselves in a position where when the economy goes south, if we have a downturn, the only thing that we're going to rely on is the property tax, and property taxes are going to go up and they're the most regressive form of taxation there is. So I suggest that before we vote on this, we take a good look at it, and carefully evaluate what this could do us. I'm voting against this if it comes to approving it today and I'm not afraid to say why.

P.O. TONNA:

Before I recognize Fred Towle as the next speaker, just is there a fiscal impact statement?

LEG. BINDER:

You don't need one.

LEG. FOLEY:

That's the whole point, Mr. Chairman, why we'd like it to go to committee, so that --

LEG. BISHOP:

It's a sense resolution. Have a sense resolution eliminating all taxes.

P.O. TONNA:

No. I understand we don't need one. But, I mean, from the standpoint, do we have any idea of the revenue that is drawn?

LEG. TOWLE:

Just to answer your question.

P.O. TONNA:

Yes.

LEG. TOWLE:

There is no fiscal impact, because all this is doing is asking the State to allow us to consider eliminating the sales tax.

LEG. FOLEY:

Not what it does.

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LEG. LEVY:

That's not what it does, Freddy. Read the second RESOLVED clause.

P.O. TONNA:

Legislator Foley has the floor.

LEG. FOLEY:

Yeah. When you read the first RESOLVED clause, it states that the Legislature requests the State of New York to enact legislation which would exempt Suffolk County businesses from paying the New York State sales and compensating use tax on energy sources and related services. The prior WHEREAS clause puts us on record as wishing to completely eliminate the sales and compensating use taxes imposed on businesses using certain energy sources. Well, again, as Legislator Postal had mentioned, that sounds great. But I think before we agree to this kind of language, particularly when you speak about the far-reaching potential impact on revenues, I think this should go through the committee process where we can have the Budget Review Office look at the potential impact here. Then we'd have a more informed opinion before we make final judgment on this at our next committee meeting. So I think, you know, it's not that we're automatically opposed to it, let's put it -- let it go through the committee process. Unlike the other two, which that we already approved that had no impact on County revenues, this one may. And what we need to do is let the committee process work and to give us that additional info before we make a final judgment.

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Okay. Legislator Towle, and then --

LEG. TOWLE:

Thank you. If I could just ask Counsel to correct me if I'm wrong, that in order to eliminate the sales tax, we would have to also then, if the State were to give us permission, introduce a resolution here to do exactly that.

MR. SABATINO:

This particular issue deals with the full 8 1/4%, which means that the request is asking the State to eliminate its portion in its entirety, because that's the request that was coming --

LEG. TOWLE:

Correct.

MR. SABATINO:

-- from the groups that were pushing for it. They could simultaneously do it in one step and also eliminate the County portion, but the history and the track record of the State is that when they go to the second stage, they simply say to the County, "You have the authority to

eliminate the balance." So, in all likelihood, part two would come back to the County Legislature, based on past practice and precedent. But the 4% State portion would be directly eliminated in a one-step process.

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LEG. TOWLE:

Which would be a responsibility of their branch of government, not ours.

MR. SABATINO:

Correct.

LEG. TOWLE:

Okay. I just wanted to verify that that was accurate.

P.O. TONNA:

Okay, thank you. Okay, let's vote.

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

Yes, Legislator Bishop.

LEG. BISHOP:

I just want to make an observation. I think that if there was any need for proof that noncoalition members now see themselves as a minority in this Legislature, this resolution would be it. I'm familiar with resolutions like this which attack the overall revenue stream of the County, because when I was in the minority, we would file resolutions like this. But there was a difference. We were not allowed to participate in the creation of the budget. These members are having it both ways. They spend the money, they participate in the creation of the budget, and then they want to file all sorts of resolutions that would undermine the very budget at that they created. Now I understand that this is merely asking for a request, but this is a step in that direction and we know how it's going to be used. It's designed as a sword. And it's one that I'm proud to vote against, because I believe in this budget. We managed to cut taxes. We cut the sales tax, we cut the property tax. It's a good budget and I'm standing by it. Now, next year, if we want to look into further reduction in taxes, we will do so next year. But to start that process in the first or in the -- I guess we're in the second month of the new year is irresponsible.

P.O. TONNA:

Thank you. Legislator Crecca?

LEG. CRECCA:

Yeah. I just wanted to address Mr. Bishop's comments. Just so you're aware, I --

LEG. BISHOP:

You weren't here.

LEG. CRECCA:

What's that?

LEG. BISHOP:

You weren't here. You didn't have it both ways. The other members.

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LEG. CRECCA:

Well, I understand what you're talking about, but you're making reference to a coalition and these six members, and things like that. You know, the reality is, is that this -- whether or not you're in

favor of this resolution has nothing to do with coalition or six members. I consider myself an individual Legislator. Every action I take up here has to do with what I think is best for my constituents. This memorializing resolution did not come about in a diner, or anything else like that, to just clarify the record. Mr. Towle contacted me a few weeks ago with this. He worked on it with me. We had several phone conversations about this. I'm supportive of it, which I won't get into all the reasons now. I think a lot of those have been elicited here. It is a memorializing resolution. But as far as when it comes to legislation and good government, I'll sit down with any one of the people in this horseshoe, regardless of whether they're a Democrat or a Republican, and work on good legislation.

LEG. BISHOP:

Let me ask you this --

LEG. HALEY:

Mr. Chairman.

LEG. BISHOP:

-- Legislator Crecca, if I may.

P.O. TONNA:

Wait, wait, Dave. Wait.

LEG. BISHOP:

Where would --

LEG. HALEY:

I don't know if you have the floor, Legislator Bishop.

LEG. BISHOP:

What programs.

P.O. TONNA:

Hold it. Just wait one second.

LEG. HALEY:

Wait a minute.

LEG. BISHOP:

Let's give the --

P.O. TONNA:

Legislator Bishop, then Legislator Haley.

LEG. HALEY:

Thank you.

P.O. TONNA:

Okay?

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LEG. BISHOP:

Give the new guy the old -- what every new Legislator goes for -- goes through.

LEG. HALEY:

Let's see. If I was -- if I was in a coalition, he would have picked me first.

LEG. BISHOP:

Where would you cut, as they often ask? Where would you cut, if this were to be approved? Obviously, there would be an impact, we would lose revenue. So what would be cut? Where would you choose in the budget to cut.

LEG. BINDER:

He doesn't have to make that decision today. It hasn't come back to us.

LEG. BISHOP:

Oh, let him do it.

LEG. BINDER:

This hasn't come back to us.

LEG. CRECCA:

But that's exactly right, I'm not voting to eliminate the tax.

LEG. LEVY:

You're still asking for the State money to --

P.O. TONNA:

Guys, wait, wait, wait. Allan. Allan, Legislator Bishop has the floor. Do you want -- are you done, Legislator Bishop?

LEG. BISHOP:

Yeah, I asked -- I posed my question.

P.O. TONNA:

Okay. Then Legislator Haley, then, is next.

LEG. BINDER:

Mr. Chairman, put me on the list.

P.O. TONNA:

Wait. I'll -- Legislator Haley is next.

LEG. HALEY:

I remember having a conversation recently with --

P.O. TONNA:

Legislator Haley has the floor.

LEG. HALEY:

-- With Legislator Postal, and perhaps she'd share -- I'll try to paraphrase it. And one of the things that she said, that irrespective of the accusations in the past of Republican caucuses sticking

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together, or Democratic caucuses or coalitions, that a lot of times and through the year we find that people tend to vote their conscience, and people, if you will, all over the map voting for various issues based on what they felt was in the best interest of their -- and correct me if I'm wrong, you said that, a lot of time you see people moving all over the place. So I find it interesting that all of a sudden, while you're in the midst of accusing us of getting together as a smaller group of minority because we can get away with it, all right, as I'm sitting here listening to you and listening to Legislator Crecca's response, the Presiding Officer is leaning on one of the coalition members not to support this, because he expects that --

P.O. TONNA:

Is that what you heard?

LEG. HALEY:

Okay?

P.O. TONNA:

Is that what you heard, Legislator Haley?

LEG. HALEY:

And legislators going across there.

P.O. TONNA:

Is that what you heard?

LEG. HALEY:

She, in fact, put in that -- let me finish. Don't interrupt me. I didn't interrupt you. Okay. When, in fact, she had -- she had already proposed to put in some legislation similar to that, as I did, and I

withdrew it in order to support them. So what you see here is a culmination of actions that were taken individually by three different Legislators, possibly even more.

LEG. TOWLE:

Because we were all solicited.

P.O. TONNA:

Can I just say, this is an inane, really, an inane debate. It really is.

LEG. FISHER:

Well, I just want to say that absolutely --

P.O. TONNA:

Legislator Fisher, maybe just clear the record.

LEG. FISHER:

I'd like to clear the record on this, that Legislator Tonna was not trying to change my vote. What we were saying was that I had told him that I had begun to work on this, which I said earlier in this conversation, with Economic Development, because I had been -- I had read letters by small businesses and I had been working with those people. And I believe that if we have a strong economy and if we want to continue to have a strong economy, we do have to protect businesses

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also.

P.O. TONNA:

Okay, thank you.

LEG. FISHER:

And small businesses. And that was something I had looked at as an individual Legislator.

P.O. TONNA:

Legislator Binder. Legislator Binder, then Legislator Levy.

LEG. BINDER:

Thank you. I find it interesting that a member of this Legislature on the record tells us that when he was a member of the Minority, he put in legislation to undermine the budget, but it's okay, "We had a rationalization, because we didn't have any -- we didn't have any say in it, so we could be terrorists, we could undermine the budget, because that was okay then. But now it's not okay because these people actually have say in the budget, so they're not allowed to undermine it like I did when I was in a minority." That's number one that's interesting.

Number two I find that's interesting is that there's a Legislator who wants to divide us among this six and the rest, or the coalition, and really the seven, because I know there's another Legislator. Maybe she's kind of hanging out in the middle, the lone wolf who's not in the coalition, but maybe she doesn't have that intention. But, basically, this Legislator, Legislator Bishop, ascribes to at least six of us a motive behind wanting to go for this, not that we believe this is the right thing to do, not that we think this is good legislation, not that we'd like the opportunity to take a look at this in the Legislature and get a Budget Review analysis and see how it would affect us and figure this all out, because we want to send this up to Albany. Legislator Bishop, the new Minority Leader, who's in the majority in this coalition --

LEG. BISHOP:

Not the Minority Leader.

LEG. BINDER:

-- see, he wants to divide us. Well, almost Minority Leader.

LEG. HALEY:

He didn't get the votes yet.

LEG. BINDER:

The almost. I know, it's almost done. So he's going to be the Minority Leader in this coalition he's just talked about, but -- so he's in the majority. And then we're supposed to hear him divide us.

LEG. BISHOP:

The Minority Majority.

LEG. BINDER:

The whole thing doesn't make any sense. The fact is Legislators, each
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of us, have an opportunity here, when there's legislation before us, to speak our mind and our conscience. It doesn't mean it's because there are six, they're together. I hear a coalition member say she's interested in it. I heard another member to my left, I guess you are even to my left in a lot of ways I'm sure, but there's another member, another member to my left, who says he wants to be on this as a cosponsor. So it's not a long coalition and the other six and the one lone wolf. The fact is we're all Legislators. We all have an opportunity to speak our mind, to be part of legislation we believe in. And it is unfortunate that a Legislator would ascribe intentions, just because he may have had intentions in the past of undermining the budget, doesn't mean there are six here that that's what we want, that the six who didn't vote for the Presiding Officer, not in the coalition, who want to do that.

LEG. COOPER:

Mr. Chairman.

LEG. HALEY:

Move to close -- move to close debate.

LEG. BISHOP:

I think I have an --

P.O. TONNA:

Wait, wait, wait, wait, wait. Legislator Levy, then Legislator Bishop, then Legislator Caracappa. This reminds me of the Shakesperean play Much Ado About Nothing. This is ridiculous. But go ahead, Legislator Levy.

LEG. LEVY:

Thanks. I was a member of that minority years ago. I don't know what I am now, minority, majority, coalition, whatever you want to call it. But back then, I had put in a lot of resolutions to reduce revenue, but I matched that with real resolutions to cut, and it cost me dearly. It cost me dearly in the form of endorsements and things of that sort. One of the things that -- one of the things that Legislator Bishop is talking about, which is accurate, is that you can't have it both ways. And I'm not pointing out any particular Legislator here, but there's been a tendency over the last couple of months for people to put in resolution after resolution after resolution to cut revenue. Fine, I have no problem with that. But some of those same Legislators are voting yes on every single spending increase that comes along, every single contract that comes along, every single everything. You want to

be all things to all people. You want to be the revenue cutter, and you want to be the provider of all the money for all the programs, and you can't have it both ways in this sense, and I think that's what Legislator Bishop is saying. And if we're going to be, in fact, reducing the budget by this amount of money, come up with those program cuts, come up with the other revenues to make up for it. I've done that in the past, it cost me, but you have to step up to the plate and do that before you go forward with these type of resolutions.

P.O. TONNA:

Legislator Bishop --

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LEG. BISHOP:

Nope. Legislator Levy said it very well.

P.O. TONNA:

-- then Legislator Caracappa, then Legislator Towle.

LEG. CARACAPPA:

Thank you, Mr. Chairman.

P.O. TONNA:

Wait, no. Legislator Bishop. Legislator Bishop?

LEG. BISHOP:

No.

P.O. TONNA:

No, that's it? Legislator Caracappa.

LEG. CARACAPPA:

Thank you. Mr. Chairman. And I hate to carry this on, and it is a Much Ado About Nothing. It's just it does disappoint me, the comments made by Legislator Bishop. I look at it as we did the Presiding Officer thing and it's past. I don't consider myself as a part of this coalition, I don't consider myself part of a six-pack. In fact, if I'm in the six-pack, my can's probably half empty at this point. But the bottom line is, is we stood together today for a picture that took an hour as a unified body that's done the right thing, because we're all -- this is pretty much a cosmopolitan group and we can all admit that. We all speak our conscience, we all vote our conscience. And this bill, it shouldn't -- it shouldn't say to one group, to another, "Hey, you're trying to undermine us and you're trying to make us look bad," or anything like that. I'm just paraphrasing, Dave, I'm not saying you said those things. But it does disappoint me to think that it's an us-versus-them mentality here at this Legislature. And I would hope that all the good things that Presiding Officer Tonna has been saying since being elected as Presiding Officer of unification, as being independent, as working together, holds true and is true, and that we do do what we've been doing for the last couple of years that I've been here and that's good government. And regardless of who's been in power, we've done it together and I hope that continues.

P.O. TONNA:

Okay. Legislator Towle.

LEG. TOWLE:

You know, first of all, we've all received the same correspondence, I imagine, as Legislator Fisher pointed out from the Suffolk County Restaurant Association. So anybody that would have taken that correspondence and done some research, as she did, and as I did, and as some of the other members that would have realized, in talking to

Counsel, that we can't eliminate the sales tax on home heating fuel oil or business heating fuel oil without State approval, and that's what this resolution is all about. If the State chooses to eliminate their funding, they have to make that funding up and that's their decision to make. If we choose to do that, as history has repeated itself in the past, we would have to do that here the resolution and we would have to

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attach some type of savings plan, as we did with the sales tax, as at least 16 members of this Legislature ran on to be re-elected, that we cut the sales tax here in Suffolk County and we attached a fiscal plan. I remember listening to the nonsense before this County Legislature last year about how, if we eliminated the sales tax, the world was flat and Suffolk County was going to come to an end, and that clearly did not happen, because we attached a responsible plan. And it would be my hope that if the State approves and gives us the ability to eliminate the sales tax on heating fuel sources, that we would put together some type of plan.

This resolution isn't a resolution to make people look bad, this isn't a resolution that has been presented by one side over another, this is a resolution that's going to assist the businesses and residents of Suffolk County and that's what we're here to do. That's part of our responsibility. To make this a political debate or a debate over one side or a caucus or another is absolutely nonsense, so much so that at least two or three other members of the side that were supportive of the Presiding Officer talked about how they've been researching to do the very same thing. So I take great umbrage to the suggestion that that was the intent behind this resolution. In fact, until the Presiding Officer started moving resolutions and waiving the rules on this heating issue, it was not going to be my intention to move that resolution today. But those resolutions were moved for the very same reason, that we've all received dozens of calls and, unfortunately, we can't control the price of home heating oil today. Unfortunately, we can't control the price of gas today in Suffolk County. And in order to respond to our constituents and to make some attempt to provide them some relief or assistance, we've moved bills today and that's what this bill is about. So if you want to concoct some story that it's about something else, go right ahead. You're the person that's going to be responsible to answer to your constituents.

LEG. BISHOP:

Paul.

P.O. TONNA:

Legislator Mike D'Andre, then Legislator Cooper, then Legislator Bishop.

LEG. D'ANDRE:

Mr. Chairman.

P.O. TONNA:

Yes, Mr. D'Andre.

LEG. D'ANDRE:

I can tell you this. Any time you cut taxes, it's good, whatever taxes --

LEG. TOWLE:

You tell 'em, Mike.

LEG. D'ANDRE:

Property, sales tax. You cut taxes, the people are happy. You saw somebody come up here today complaining about the raises we took, and
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justifiable so, they were horrendous raises. Now, remember what I'm telling you, give the people a break and cut taxes. Thank you.

P.O. TONNA:

Thank you. Okay. Legislator Cooper.

LEG. COOPER:

I just wanted to request a clarification for my own edification. The resolution as written calls upon New York State to consider eliminating or reducing the sales tax. How does that impact the Suffolk County budget, tax revenue, if someone could explain that.

LEG. FOLEY:

That's why we need to have it go to committee, so we can find those things out.

LEG. BISHOP:

Fred.

MR. POLLERT:

The Budget Review Office hasn't done the fiscal impact statement on this because it's a sense resolution, nor have we started to price that. We did price what the exemption would be on the residential home heating fuels, but it would probably take us about a week or so to come up with a good estimate on this.

LEG. POSTAL:

Mr. Chairman.

LEG. COOPER:

Then I just want to say -- I'm sorry.

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

Legislator Cooper has the floor until he -- are you done?

LEG. COOPER:

No. Just had one follow-up.

P.O. TONNA:

No. He still -- he wants to finish.

LEG. COOPER:

What my suggestion would be, perhaps, so we would not impact adversely on the County tax revenue, would be to have some sort of a sliding scale. If the fuel price increased above a certain level, whether it's 1.50, or 1.75, or 2.00, then the tax be reduced to a certain level. So the actual net tax income would remain the same, but it would aid the small businesses.

LEG. HALEY:

Good idea

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LEG. FOLEY:

Interesting point.

P.O. TONNA:

Just the point I think -- and Legislator Bishop, just go ahead.

Legislator Bishop, you have the floor.

LEG. BISHOP:

Yeah. There was no BRO consideration, no fiscal impact, a request for no committee process, and an admittedly impetuous action at whim, you

know, to just pass it immediately, and then five chirping voices all me too, me too, me too, and I arrive at the conclusion that it must be political and everybody takes great umbrage. How could I have possibly arrived at that conclusion given --

LEG. TOWLE:

We haven't figured that out yet.

LEG. BISHOP:

I mean, obviously, people are trying to have it both ways. And, you know, if you want to pass -- if you want to pass a request to the State -- let me ask you this, Legislator Towle, because maybe there is a way to do this. Are you talking about next year's budget? Are you talking about cutting this tax for next year, or are you asking for the State to provide the relief immediately in this year? If you are doing so immediately for this year, then this is a very significant document, one that deserves debate, one that deserves review by our Budget Office and consideration, and consideration in a reasonable process. If you're just starting in motion something that we're going to talk about in next year's budget and cutting a tax for next year, then that's an entirely different situation, but you should say that.

LEG. TOWLE:

Clearly, Legislator Bishop, we didn't have any financial impact.

P.O. TONNA:

Okay. Hold it, hold it, hold it, guys.

LEG. TOWLE:

Okay. That was rude of me. Mr. Presiding Officer, can I ask --

P.O. TONNA:

Legislator Brian Foley. And I'm going to say, I am going to make a stark motion on a sense resolution to close debate --

LEG. CRECCA:

Second.

P.O. TONNA:

-- if we don't get moving on this. Okay? So Legislator Foley, then Legislator Towle.

LEG. BISHOP:

Are you talking about this year or next year?

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LEG. TOWLE:

Would you defer? I just want to answer his question.

LEG. FOLEY:

He's asking the -- go ahead.

LEG. TOWLE:

Yeah. Well, it's up to him.

P.O. TONNA:

Yes.

LEG. TOWLE:

He's running the meeting.

LEG. FOLEY:

I'm giving my time. Go ahead.

P.O. TONNA:

Go ahead. Legislator Towle, go ahead.

LEG. TOWLE:

Could I answer it?

P.O. TONNA:

You want to ask a question, go right ahead.

LEG. TOWLE:

Thank. Well, I want to actually answer his question, if I could, and I'd be happy to answer Legislator Fisher's, if she has a question.

P.O. TONNA:

Okay. Let's have this. Let's do it.

LEG. TOWLE:

First of all, we didn't have financial impacts on the last two bills that we talked about. All right? So I find it kind of ironic that you didn't make --

LEG. BISHOP:

Which two bill are those?

LEG. TOWLE:

The bill that Legislator D'Andre was proposing that we amend it on the floor in reference --

LEG. BISHOP:

Does that --

LEG. TOWLE:

It was a memorializing --

LEG. BISHOP:

Does that affect the County budget?

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LEG. TOWLE:

It was a memorializing resolution. You know, you want -- you have --

LEG. BISHOP:

Well I voted -- I abstained. That's why I abstained, so I'm pure.

LEG. TOWLE:

You have two sets of standards, that's number one. Number two, quite honestly, this bill will go to the State, and, hopefully, at some point during their session, they'll take action. It's highly unlikely that they're going take action so that we can move this year, in my opinion. All right? And as you pointed out. This was the starting step in moving in that direction. And until they take action, I have no idea when we could possibly eliminate it. I think it would be responsible to do it in next year's budget or the latter part of this year, the very latter part of this year. And if you look at the bill I filed regarding the 1% surplus charge that we're putting here in Suffolk County, that bill would look to eliminate it in December of this year, so that the fiscal impact would be extremely limited.

LEG. BISHOP:

Now, I guess your conscience are starting to arrive --

LEG. CRECCA:

Motion to close debate.

LEG. BISHOP:

-- on common ground. Because if we're talking about starting a process for next year --

P.O. TONNA:

There's a motion.

LEG. CRECCA:

Motion to close debate.

P.O. TONNA:

I'll second that motion.

LEG. BISHOP:

-- If you put that into the bill, I'll support it. That's a responsible measure.

LEG. BINDER:

I never want to close debate. I'll do it on this one.

LEG. BISHOP:

But if you're talking about sending something up to Albany --

LEG. HALEY:

Second.

P.O. TONNA:

There's a motion to close debate.

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LEG. BISHOP:

-- And saying, "Cut this tax immediately" --

LEG. CRECCA:

Motion to close debate.

LEG. HALEY:

Second.

LEG. BISHOP:

-- that's something entirely different.

P.O. TONNA:

There's a motion to close debate and a second. It takes 12 votes.

Okay? Roll call.

(*Roll Called by Mr. Barton*)

LEG. CRECCA:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

For the first time in ten years, yes.

LEG. POSTAL:

No.

LEG. BISHOP:

No. It's a very bad precedent. It's my debate.

LEG. D'ANDRE:

Yes.

LEG. CARPENTER:

No.

LEG. ALDEN:

Nope.

LEG. FIELDS:

Yes.

LEG. FOLEY:

No, to close.

LEG. FISHER:

No.

LEG. CARACAPPA:

Yes.

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LEG. TOWLE:

Yes.

[LEG. GULDI-NOT PRESENT]

LEG. TOWLE:

He left a note, he said yes.

[LEG. CARACCIOLO-NOT PRESENT]

LEG. LEVY:

Yes.

P.O. TONNA:

Yep.

LEG. LEVY:

I'm sorry. Change my vote to a no.

MR. BARTON:

Nine. (Not Present: Legs. Caracciolo and Levy)

P.O. TONNA:

Great. Legislator Bishop, you have the floor.

LEG. FISHER:

Oh, wait. I had a question, sir.

LEG. BISHOP:

Legislator Bishop, through the Chair, repeats his offer to Legislator Towle, if there's a provision in there that talks about doing this next year, not this year, then that makes it a much more reasonable proposal and one that we could take the first step, because we know it's going to come back to us and we know we'll have reasoned analysis on it. So that's my offer to you, Legislator Towle.

LEG. BINDER:

I suggest Legislator Bishop vote against it. What do you think, Legislator Towle?

P.O. TONNA:

Wait, wait, wait.

LEG. BISHOP:

Well, then who's being political?

LEG. BINDER:

No.

LEG. FOLEY:

Then who's playing games?

LEG. BISHOP:

Then who's playing games.

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LEG. BINDER:

You don't want to deal with this. No.

LEG. FOLEY:

Then who -- no, no, no. Who's playing games, Allan? No.

LEG. FISHER:

Mr. Chair, I had a question.

LEG. BINDER:

I think there's a majority that's ready to vote for it like this.

P.O. TONNA:

Legislator Bishop, you yield the floor now. Legislator Postal. Is there somebody else who wants to be put on this list?

LEG. FISHER:

I had a question.

P.O. TONNA:

I'm only up to 25th speaker on this issue. Go ahead.

LEG. FISHER:

I just had a question.

P.O. TONNA:

Wait, no. Legislator Postal has the floor.

LEG. FISHER:

Okay.

LEG. POSTAL:

Yeah. You know --

P.O. TONNA:

Legislator Fisher, you're on next.

LEG. POSTAL:

-- just a couple of minutes ago, I heard Legislator Cooper ask the Budget Review Office about the fiscal impact, and I heard the Budget Review Office say it would take about a week to come up with the figures. We're about to head down a path without that information. This makes absolutely no sense. Now, you know, the people who are in support of passing this today are saying this is a first step. I have been here so many years when the first step has been taken and it comes back to this Legislature and people feel constrained to vote the same way that they voted the first time, because they want to be consistent. I've been here through many, many budget cycles. If anybody believes that we eliminate -- we pass this and the State eliminates its portion of the tax and that's not going to have an impact on us ultimately, we're going to reduce State revenues and they're going to continue providing us with the same amount of money through the Division for Youth, the same amount of money in grants to the Health Department, grants to the Department of Social Services, then you're living in a dream world. To say that voting on this is going to have no impact on our budget and no impact on the programs

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that are important to this Legislature is unrealistic. And to take that step without at least giving the Budget Review Office a week to give us the fiscal information is really irresponsible. And I would suggest that, especially if we're talking about next year, that nothing is going to change if we wait. Now, Legislator Towle says that we voted on senses having to do with home heating oil and that has a budgetary impact. Sure, it does. Sure, we get sales tax on home heating oil that costs more per gallon than it did last week. But when we adopted the Operating Budget, we had no idea that home oil prices were going to go to where they were now, and we made an estimate on revenues based on what they were then. So it's not the same issue. And I think that at very least, we should let this go to committee and wait one cycle before taking an action that can have serious impact on our programs.

LEG. FOLEY:

Parliamentary inquiry.

P.O. TONNA:

Yes, Legislator Foley.

LEG. FOLEY:

Does a motion to commit to committee take precedence over a motion to approve today? What takes precedent?

P.O. TONNA:

Legal Counsel?

MR. SABATINO:

A motion to commit to committee would take precedence.

LEG. FOLEY:

I make a motion to commit to committee.

LEG. POSTAL:

Second.

P.O. TONNA:

Okay. On the motion to commit to committee.

LEG. HALEY:

Let's do a roll call.

P.O. TONNA:

Let's do a roll call on that, please, please. I'm begging you.

LEG. FOLEY:

On the motion. On the motion.

P.O. TONNA:

Henry, get going with this motion.

LEG. BINDER:

Come on.

LEG. FOLEY:

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On the motion. On the motion. You spoke plenty of times, Allan. The reason I want this to go to committee is so that we can get the information from the Budget Review Office, so then we can make judgments at the final -- at our next meeting. Thank you.

P.O. TONNA:

Henry, Henry.

(*Roll Called by Mr. Barton*)

LEG. FOLEY:

Yes.

LEG. POSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Pass.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. HALEY:

No.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

No.

LEG. TOWLE:

No.

[LEG. GULDI-NOT PRESENT]

LEG. CARACCIOLO:

Yes.

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LEG. LEVY:

Yes.

P.O. TONNA:

Yes.

LEG. D'ANDRE:

No.

P.O. TONNA:

Michael, you're killing me.

LEG. HALEY:

Call the vote.

MR. BARTON:

Nine.

P.O. TONNA:

Oh, Michael.

LEG. CARACCIOLO:

Mr. Chairman.

P.O. TONNA:

All right. Wait, wait, wait. Legislator Fisher has the floor now.

We're in the middle of a debate. She's next on the list. Do you want to go after?

LEG. FISHER:

I just want to ask Counsel a question about the fact that the memorial --

P.O. TONNA:

Mike, you're next.

LEG. FISHER:

A memorialize -- I can't speak anymore, too much talking. It's a memorializing resolution. So it is not establishing the sunset of a tax. It's not --

MR. SABATINO:

That's correct.

LEG. FISHER:

So what we're doing is stating a position, and we will -- before we were to do an elimination of a tax, we would have to have further debates, investigation, Budget Review would have to do a fiscal impact.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

MR. SABATINO:

For the County portion. As I said before, because the group out there has been lobbying or advocating for a complete elimination of the tax, the 4% State portion is incorporated and encompassed within these

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provisions, that the State can do on its own. But with regard to the second part, what they would do is they would authorize all municipalities to have the ability, Suffolk County would then have a choice to either opt in or opt out if they pass that legislation, in which case you would get a vote a separate second time for the County portion of the overall tax.

LEG. FISHER:

So, in fact, we're not really effecting anything specifically with this

other than bringing forward, bringing the issue forward for discussion, for analysis.

MR. SABATINO:

The short answer is you are not directly cutting the tax by virtue of this vote, but you are setting in motion a chain of events that could lead to a direct --

LEG. FISHER:

Yes.

MR. SABATINO:

-- State action without County involvement, or -- and/or --

LEG. FISHER:

But our assumption is that the state will also study it, debate it and have fiscal impact statements done on that.

MR. SABATINO:

Correct, that's right.

LEG. FOLEY:

We're not asking them to study it, we're asking them to do it.

P.O. TONNA:

Okay, Brian, Brian, one at a time. Legislator Michael Caracciolo has the floor.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. Even though I was out of the room temporarily, I did have the loud speaker on and I did hear the full debate and charges and counter charges --

P.O. TONNA:

Lucky you.

LEG. CARACCIOLO:

And I'm not going to get into that.

LEG. TOWLE:

We feel bad for you.

LEG. CARACCIOLO:

But what I would like to elicit from Budget Review and from Ken Weiss, the Budget Director, is where do we stand since the budget was adopted in November, from then until now in terms of changes vis-a-vis State revenue projections -- Mr. Chairman? Mr. Chairman, we're talking about a bill that would have substantial financial consequences.

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P.O. TONNA:

Absolutely.

LEG. BINDER:

None.

LEG. CARACCIOLO:

I heard Legislator Postal mention, and she's absolutely right, once you approve a Sense Resolution it goes to Albany and if by some chance the State Legislature authorizes the County to exercise its prerogative on a subsequent resolution, we would then at that time need an update as to where we stand in terms of County finances. But I think it's important to note, as you've informed me, that there have been some change in revenue projections. So can budget Budget Review --

P.O. TONNA:

Wait, hold it, everybody. Right now Legislator Caracciolo has the floor, I would ask that we listen to Legislator Caracciolo and then we move on to the next speaker.

LEG. CARACCIOLO:

I can't see who is over there, is it Jim or Fred or both of you?

MR. POLLERT:

We're both hiding..

LEG. CARACCIOLO:

Fred, could you just quickly run down where we stand in terms of the adopted budget and revenue projections therein to the plus or the minus.

MR. POLLERT:

Yes. With respect to the New York State Operating Budget, we have a meeting, it was a request of the Finance Committee, Ken and myself are going to be meeting later this week to do a reestimation on the 2000-2001 Operating Budget. I cannot speak to the State Budget; Ken, I understand, was up at NYSAC Conference yesterday and can probably deal with that.

With respect to other County revenues, sales tax looks like it's relatively solid. Pilot payments will be made which were not anticipated but they cannot be expended during Fiscal Year 2000. And we have increased the preliminary estimate on the State-ready prisoners that the charges for reimbursement to the State of New York which we provided to the outside Counsel. I do not know what the probability of receiving that revenue is.

LEG. CARACCIOLO:

Mr. Chairman? Hold it, Fred.

P.O. TONNA:

Legislator Caracciolo.

LEG. CARACCIOLO:

I would like to have quite in the chamber.

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P.O. TONNA:

Men and women of this distinguished, august body, please, let's keep the chatter down so that we can get finished with this. Thank you.

MR. POLLERT:

So to summarize, I do not know what the State impact currently projected is, I would defer to Ken who was at the NYSAC Conference. With respect to other revenues, it appears that the 2000 Operating Budget is on solid ground with estimates in sales tax, State-ready prisoners and pilots exceeding amounts included in the budget.

LEG. CARACCIOLO:

That's as of today?

MR. POLLERT:

Yes.

LEG. CARACCIOLO:

Okay. Legislative Counsel, since you prepare most of the Legislative resolutions that come before this body, what has been submitted by my colleagues that would reduce County revenues, vis-a-vis the resolution that we're talking about now? Although a Sense Resolution, there are some others, I believe, that have been introduced in the last month that would have adverse or negative financial impact, are there not?

LEG. LEVY:

\$16 million.

MR. SABATINO:

Well, I can only speak to bills that are filed that are public record.

The only two that I can think of right now that are filed are the -- excuse me, the residential heating oil repeal which would be about \$15 million, and there's one, a single fee free day in August which is about \$16,000. Those were the only two that I can recall actually being filed.

LEG. CARACCIOLO:

And if the State Legislature --

LEG. POSTAL:

Pay as you go.

MR. SABATINO:

That doesn't reduce revenue; he asked me for bills that reduce revenue.

LEG. CARACCIOLO:

Right. If the State Legislature were to authorize Suffolk County to eliminate this nuisance tax on energy sources, I understand we don't have a financial impact yet because it would take about a week to work up in the Budget Review Office; is I correct?

MR. POLLERT:

Yes.

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P.O. TONNA:

And if it's any input, it's not our priority right now to work on this financial impact, there's a lot more.

LEG. CARACCIOLO:

Yeah, but I'm just saying -- Fred, would you characterize the impact as being more than five or \$10 million?

MR. POLLERT:

Oh, it would be a very substantial impact because just the 1% on the residential is approximately 15 to \$16 million. Just looking at electric sales perhaps as a benchmark, you are talking probably in order of magnitude of somewhere in the neighborhood of five to 10 times what the cost impact would be on just the 1% residential.

LEG. CARACCIOLO:

And what do you estimate the impact on the 1% residential?

MR. POLLERT:

Roughly \$15 million.

LEG. CARACCIOLO:

So you're saying it would be at least 75 million to \$150 million.

MR. POLLERT:

That's just a preliminary guesstimate on my part.

LEG. CARACCIOLO:

Is that per annum?

MR. POLLERT:

Yes.

LEG. CARACCIOLO:

A hundred and fifty million dollars.

LEG. FOLEY:

Is that to the County or to the State?

LEG. CARACCIOLO:

That's combined.

MR. POLLERT:

No, that would be -- the County -- it would be approximately \$65 million just as a guesstimate, but we haven't even started to work up

any numbers, I was not aware it was going to be coming forward.

LEG. FOLEY:

This should be committed to committee.

LEG. CARACCIOLO:

Mr. Chairman?

P.O. TONNA:

Yes?

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LEG. CARACCIOLO:

I think in light of what is yet to come on the agenda, Legislators this early on in the year should start to approach this with some seriousness and not submit resolutions, and as Legislator Levy said and Legislator Bishop, try to have it both ways, because you can't cut County revenues tirelessly as we've done now in the last three years; in 1995 we reduced County sales taxes a full quarter percent, that reduced County revenues by \$35 million, this past year we reduced property taxes, sales taxes and clothing and footwear sales tax revenues. I mean, cumulatively, if you begin to understand the nature and the size of those impacts and you add to that another 65 million to \$80 million, I submit that when you get to the resolution dealing with labor contracts you are going to be sucking wind trying to find a way to raise the revenues to pay for that without substantial property tax increases. Now Mr. Pollert, am I misspeaking?

MR. POLLERT:

No, that seems to be an accurate representation. But clearly we haven't done a fiscal impact statement, nor have we reestimated what the costs are, but the labor contracts are relatively expensive because that's your largest discretionary expense. Clearly it's always of concern when you enter into a multi-year contract to ensure that you've got a multi-year revenue stream to be able to pay for them. So --

P.O. TONNA:

Fred, we've got a good picture, though. We know you don't have it down to the bottom dollar, but we got a good picture of the scope of it.

LEG. CARACCIOLO:

Just one more question. Fred, cumulatively out of the nine -- was it nine or eleven bargaining units Countywide? What was the increase in the year 2000 Operating Budget for salaries; not benefits, just salaries?

MR. POLLERT:

Probably in the neighborhood of 40 to \$50 million.

LEG. CARACCIOLO:

Okay. So now start to understand what the numbers we're talking about really mean. Thank you, Mr. Chairman.

LEG. D'ANDRE:

Call the question.

P.O. TONNA:

Thank you, Legislator. Let's call the vote, please. There was a motion to approve by Legislator Towle, seconded by --

LEG. COOPER:

Mr. Chairman, I just wanted to make -- I had one more question.

LEG. BISHOP:

Well, Mr. Chairman, I have a question, through the Chair, to the sponsor.

P.O. TONNA:

Dave, nothing inflammatory, please. Okay, through the Chair, here we go, go ahead.

LEG. BISHOP:

Through the Chair, it's the same question that I raised earlier which is does the sponsor want to send the message up to Albany that speaks to next year's budget or does the sponsor want to continue to send a message that speaks to the immediate budget?

P.O. TONNA:

Sponsor?

LEG. TOWLE:

I'm going to leave the bill as is. I've told you that I believe that the State will probably not take action immediately. I do not believe we're going to be in a position to eliminate the tax this year, I could be wrong, particularly since our State elected officials are up for reelection this year. But the reality is that -- my personal intention would be that if we get permission to do this from the State, that we attach, as Legislator Levy talked about earlier which is exactly what I did as the main sponsor for the sales tax bill, a financial plan that would help absorb the sales tax. Now, my concern in committing immediately today to 2001 is let's go on assumption for a second that they do eliminate it and that maybe we could also eliminate this tax in December of this year as opposed to waiting till January of next year. And I don't want to put myself in that spot at this point because we don't have the ability to do this one way or the other. And that's what this bill talks about. We can talk about all the what-ifs, but the bottom line is it's not going to have a fiscal impact.

LEG. BISHOP:

Well, let me, through the Chair, as a what-if. Has legislator Towle, the sponsor, spoken to any of the fiscal people for our County, any of -- Ken Weiss, for example, Fred Pollert -- prior to writing this resolution? Has he spoken to the representatives of the municipal unions who would clearly be impacted in a highly negative way.

LEG. TOWLE:

I have had extensive conversations with Fred Pollert --

LEG. BISHOP:

They would probably see layoffs as a result.

LEG. TOWLE:

-- and his staff, on this bill and the other bill.

LEG. BISHOP:

Has the sponsor spoken to the Social Service contract agencies that would be negatively impacted? Has any research at all been done except to stick the proverbial finger in the air, see which way the wind is blowing and then try to go there quicker than anybody else?

P.O. TONNA:

That's why I knew I shouldn't have gone with this late starter.

LEG. COOPER:

Mr. Chairman?

P.O. TONNA:

Okay.

LEG. COOPER:

Mr. Chairman?

P.O. TONNA:

Yes. Just wait, Legislator Caracciolo and then Legislator Cooper.

LEG. CARACCIOLO:

I think it's important to hear from the Budget Director, Ken Weiss; is he in the building?

LEG. POSTAL:

He's right there.

LEG. BINDER:

We don't have to hear from the County Exec's side.

LEG. CARACCIOLO:

Oh Ken is here, I'm sorry.

P.O. TONNA:

Wait, wait, wait, wait. Everybody, there is a request from a Legislator, he has every opportunity and every ability to make that request and every right.

LEG. BINDER:

The opportunity, but not necessarily the right.

P.O. TONNA:

I gave him the right.

LEG. CARACCIOLO:

Ken, do you have an opinion on this Sense Resolution and its impact on the County's present year or subsequent year budgets?

P.O. TONNA:

Will it end things as we know it, right, just say it quickly and let's get this over with.

MR. WEISS:

No, Fred and I haven't discussed it and I wasn't aware that the bill was filed. So on this particular bill, I really don't.

LEG. D'ANDRE:

Call the question.

P.O. TONNA:

Okay. Wait, Legislator Cooper has something else to add.

LEG. COOPER:

I just wanted to say that I really don't support the possible

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elimination of the sales tax because I'm concerned about the impact that it would have at the County level; what I was proposing was a reduction in the sales tax somehow. But I'm just wondering, if we set aside this Memorializing Resolution which may not take effect until next year perhaps, is there nothing that Suffolk County can do, with all the increased tax revenues that we will be getting, to somehow rebate this to small businesses or home owners? Is there some creative way that we can use on our own without State permission to, at the end of the year, refund some of this excess tax revenue back to the small businesses?

P.O. TONNA:

I will leave Legal Counsel to maybe address that question.

MR. SABATINO:

No. The only thing that the county has the authority to do right now is, number one, deal with the residential home heating oil sales tax, because there's already State legislation in place which would authorize you to do that. The only way you could do anything with

business would be you would have to repeal or eliminate the entire County wide sales tax just to get to the business portion, and that would be affecting everything. So you really can't do the targeted kind of approach that you're contemplating.

LEG. TOWLE:

Mr. Chairman?

P.O. TONNA:

Yes.

LEG. TOWLE:

By the way, Legislator Cooper, that's one of the options that I talked about with the Budget Review Office, about possibly picking businesses over a certain number of employees, was there any way that we can have a targeted base, etcetera, etcetera; that was one of the options we had looked at, as you heard at the beginning.

LEG. D'ANDRE:

Call the question, Mr. Chairman

LEG. CRECCA:

Call the vote.

P.O. TONNA:

Roll call, and please hurry.

MR. BARTON:

After that?

(*Roll Called by Mr. Barton*)

LEG. TOWLE:

Yes.

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LEG. FISHER:

Yes.

LEG. COOPER:

Wait, I'm sorry, what are we voting on?

MR. BARTON:

The motion is to lay on the table and approve Sense 13.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

No.

LEG. BISHOP:

Abstain.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.
LEG. CARACAPPA:
Yep.
LEG. GULDI: (Not Present)
LEG. CARACCIOLO:
Abstain.
LEG. LEVY:
Yes.
P.O. TONNA:
No.

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MR. BARTON:
13.
P.O. TONNA:
Much bigger fish to fry where I want to spend the money. Anyway, okay.
Please, focus me.
MS. BURKHARDT:
This one.
P.O. TONNA:
Here we go, get rid of this thing. By the way, I guess it got approved,
huh?
MS. BURKHARDT:
Yes.
P.O. TONNA:
I want you to know, just for the record, never a late starter for you
again, Fred, all right?
LEG. TOWLE:
I'm glad you put that on the record.
LEG. POSTAL:
Mr. Chairman?
P.O. TONNA:
Yes.
LEG. POSTAL:
Before we get involved in another resolution, could I just ask why the
two uniformed deputy sheriffs have been present at the meeting all day?
P.O. TONNA:
There was a -- let's see how I phrase this -- there was a request and I
used my prerogative and said that I would honor the request.
LEG. POSTAL:
Will they be present at all of our Legislative Meetings?
P.O. TONNA:
I haven't made a decision on that; we'll take one meeting at a time.
And I would ask if you have a question and maybe you want to have a
private conversation, I'd be glad to have a private conversation.
LEG. POSTAL:
Sure, yes. I would, thank you.
P.O. TONNA:
Okay, Introductory Resolution 1130, this is to waive the rules and lay
on the table. Motion, I will make a motion, seconded by Legislator
Binder. All in favor? Opposed? It's assigned to Ways and Means.

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MR. BARTON:
17, one not present (Not Present: Legislator Guldi).

P.O. TONNA:

Let's go to the CN's. Finally, Janet, you're up.

LEG. BINDER:

We can get out of here.

MS. DEMARZO:

There are four Certificates of Necessity that I would like to present for your consideration; I will go in numerical order on the resolutions.

The first one is Introductory Resolution 1127 - Accepting and appropriating 100% State grant funds from the New York State Department of Health to the Department of Health services, Division of Public Health, to fund an HIV Reporting and Partner Notification Program and creating positions for the program. The State --

LEG. BINDER:

Motion.

LEG. HALEY:

Second.

LEG. BINDER:

Motion.

P.O. TONNA:

Motion by Legislator Binder, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

17, one not present (Not Present: Legislator Guldi).

P.O. TONNA:

Thank you. Next?

MS. DEMARZO:

The next resolution is Introductory Resolution 1128, it also is 100% State grants.

LEG. CARACAPPA:

Motion.

P.O. TONNA:

Motion by Legislator Caracappa, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

17, one not present (Not Present: Legislator Guldi).

MS. DEMARZO:

Introductory Resolution 1129 is amending the 2000 Operating Budget and transferring funds in the Youth Bureau from La Union Hispanica in

00165

Suffolk County, Inc., to Adelante of Suffolk County, Inc., to provide a family service program.

LEG. CARPENTER:

Motion.

LEG. BINDER:

Motion.

LEG. LEVY:

On the question.

LEG. CARACAPPA:

On the motion.

LEG. FISHER:

Second.

P.O. TONNA:

Wait, wait, wait, wait. Wait, let's get a motion first. Motion by
Legislator Carpenter, seconded by Legislator --

LEG. FISHER:

Fisher.

P.O. TONNA:

Fisher. On the motion.

LEG. LEVY:

I'd like to make a motion to defer simply because --

LEG. TOWLE:

Second.

P.O. TONNA:

Defer to what?

LEG. CARACAPPA:

Absolutely.

LEG. LEVY:

Janet, there were in committee a couple of other contract agencies that had expressed interest in also doing this. And I just think it might be prudent for us to see which one would be most appropriate and gives us the best bang for the buck, so to speak, let them compete against each other. And we can do this rather quickly in just one cycle, let's just vote on this, let's have them come down, talk to them a little bit more about the finances, what's going to happen, how is it going to be absorbed, are they expected to come back in their own being after a while or just to totally absorb -- let's just give it a couple of weeks on this.

LEG. HALEY:

Second.

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MS. DEMARZO:

My only concern that I would ask the Legislature --

P.O. TONNA:

Wait, hold it one second, just wait. Okay, you made a motion?

LEG. LEVY:

Yes.

P.O. TONNA:

What's the motion?

LEG. LEVY:

Motion to defer to committee.

P.O. TONNA:

Is there a second?

LEG. HALEY:

Second.

P.O. TONNA:

Second by Legislator Haley, okay.

LEG. ALDEN:

On the motion.

P.O. TONNA:

Janet, you can speak and then Legislator Alden.

MS. DEMARZO:

On the motion. The request for a Certificate of Necessity was discussed because we do realize that it's a major issue, but the concern is that there are a number of services that aren't being provided and that we wanted to move quickly in assuring that the new service provider was in

place as soon as possible. I have asked the Director of Human Services, Sylvia Diaz, to come to speak if there were specific questions. And I realize that it's an unusual situation when we have a community service group of this nature go out of business, so there was, you know, major consideration before we brought it forward to you. But we would like you to consider it today and I would be willing to ask Sylvia Diaz to answer questions and explain to you why we thought it was necessary to move quickly and bring it forward today.

LEG. LEVY:

May I, Mr. Chairman? I think it's very admirable and I think you're doing this for the right reasons, Janet. It's just that I think we're better served if we just take two weeks on this and listen to the other agencies that have come forward and said they wanted to get involved as well, they might be providing even more service than that of the Family Service League, or we might just say let's go with the Family Service League, I don't know. I think we should also answer questions as to where La Union is right now and just let it go through one cycle because once we do it here, it's probably going to be permanent in nature.

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P.O. TONNA:

Okay. Legislator Alden.

LEG. ALDEN:

I would like to ask Sylvia Diaz to step forward. Hi, Sylvia.

MS. DIAZ:

Good afternoon, Ladies and Gentlemen.

LEG. ALDEN:

Has there been an interruption of service?

MS. DIAZ:

Absolutely. The agency was served an eviction notice on January 11th, and that was a 72 hour eviction notice. At that point, I was at the agency on the 18th when we received official notice that they had received the earlier notice and at that point services were suspended, and that goes back about a week. Over the next week, the staff at the agency spent time packing up supplies, and all of you probably are up to speed on the fact that the agency did close its doors earlier this week -- I'm sorry, late last week.

They -- the staff has been directed by Pilar, and I spoke to Pilar DelGado last night, I also spoke to the Chairperson, Ada VonOiste, and the staff was directed to unemployment. They provided my office with a listing of some 500 clients who currently -- we are unaware of the status of those clients at this point. We're not sure, because they come to the agency for a variety of services, we're not sure whether some of them could be homeless or involved in a potentially domestic violent -- you know, domestic violence situations. And we would like to as quickly as possible get those clients on board with another agency who could contact them immediately and find out what their status is and begin to provide services.

LEG. ALDEN:

Has --

LEG. LEVY:

Go ahead. Cameron's got the floor, then Joe, then Marty.

LEG. CARPENTER

No, I think I was next.

MS. BURKHARDT:

Joe, Angie.

LEG. LEVY:

Did he leave --

MS. BURKHARDT:

Yeah, he has a list.

LEG. LEVY:

Okay.

LEG. ALDEN:

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Has any consideration been given to a temporary assignment of this contract, or are there provisions in the contract itself that we could actually look at this again, you know, or visit it in a short period of time, or is this just -- this gets assigned and that's it?

MS. DIAZ:

Well, we've requested a waiver from the RFP process. This is a line item in the budget, and because we were able to immediately transfer the Nutrition Program to Adelante and many of those clients are part of the Family Services caseload as well, we thought that in terms of keeping the services functioning, you know, on a more organized fashion that we would transfer both programs. Both programs have been together throughout the time that this contract was generated.

LEG. ALDEN:

Adelante has the capability of taking over this?

MS. DIAZ:

Actually, yes. They have been able to set up the Nutrition Program at a Pine Aire Drive location over at the River of Life Church immediately. They are already prepared and have, in fact, taken on some of the staff from the Nutrition Program, the drivers specifically, so that the clients would see the same faces.

LEG. ALDEN:

And I just have two more.

MS. DIAZ:

Sure.

LEG. ALDEN:

Adelante currently has contracts and is compliant with all the terms and requirements?

MS. DIAZ:

Yes, they have been monitored through our own Department of Health Services, and I have spoke to Tom MacGilvray regarding that to ensure that we didn't run into the same types of problems again. So they have several contracts with the State and Tom MacGilvray, who has direct oversight over those contracts, has assured me of their ability to voucher and do all the things necessary to maintain that.

LEG. ALDEN:

And just the last question, this contract, if gets assigned, is for the exact same amount, there's no increase or decrease

MS. DIAZ:

No, none whatsoever, no increase. It's really getting the program back and finding out where the clients are at this point and getting it back on track.

LEG. ALDEN:

Thank you.

LEG. LEVY:

Legislator Caracappa is next, then Legislator Carpenter.

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LEG. CARACAPPA:

Thank you, Mr. Chairman. Question; the 222,736, that's from January 1 for the year 2000?

MS. DIAZ:

Yes, yes.

LEG. CARACAPPA:

What happened with the \$50,000 that they came before us in I believe October for emergency funding, why didn't they get that?

MS. DIAZ:

They were granted the \$50,000 and they were to provide us with a budget and a plan for utilizing the funds. They did that, but they were unable to claim the money because they didn't complete the tasks that were indicated in the plan and could subsequently -- they were not able to voucher as a result of that; they didn't do the work, basically.

LEG. CARACAPPA:

Okay. I saw a Sense Resolution in the packet, I think we may have passed it before, asking the State to put them back in their budget too, or to release funding; why didn't they get the State funding as well, same reasons?

MS. DIAZ:

I am not exactly sure of the specific reasons, but I understand that the State found that they were not in compliance with certain programmatic -- basically requirements, yes.

LEG. CARACAPPA:

Well, I sat back here in October and I was the only one to say anything to get them to get into compliance so the State can give them that money, and everyone looked at me like I had four heads like this mean-spirited monster. And, you know, it's a shame that this had to happen. Well, my question is now, I am sure La Union will get back on its feet in a timely fashion; in fact, I am hoping that they do. When they do, will they be coming back to the County throughout the year asking for \$222,736?

MS. DIAZ:

Well, it's a line item in the budget.

LEG. CARACAPPA:

That you are transferring --

MS. DIAZ:

Right, right.

LEG. CARACAPPA:

-- into Adelante. Now, as La union gets back on their feet, and I'm sure they will because they're going to do a fine job lobbying getting some money from somewhere, will they come back to the County for another line item, an emergency line item like they did back in October?

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MS. DEMARZO:

As I understand it, though, Legislator Caracappa, it is a dollar amount allocated for services, so there will be some service provision associated with this that Adelante will take over. So if La Union

Hispanica comes back, which is only really something they could determine, that would be for slightly different services or different populations since the will of this Legislature, if they pass this, would be that Adelante would pick up the current program that's being run with the \$227,000.

LEG. CARACAPPA:

And they will be before us again for more money.

MS. DEMARZO:

That is a possibility that really they can only answer.

LEG. CARACAPPA:

I'm not saying it's bad. I am sure we will give them the money. I know firsthand on coming back for extra money, like I said, and I know it's important. But I just want to set the record straight to let everyone know that, you know, back in October it was clear as day that this was happening and we should pay more attention to details with the money that we dole out to groups that are providing services. And that's why I'm leading myself into my position that I'm taking, that I think all of us should wholeheartedly support Legislator Levy's motion to send this to committee so we can at least scrutinize a little bit about what group is going to get the service contract.

LEG. LEVY:

Legislator Carpenter.

LEG. D'ANDRE:

Move the question, Mr. Chairman.

LEG. CARPENTER:

Thank you. I can appreciate the wishes to look at this more carefully and send it to committee; however, I would ask that we approve this today. I was at a Friday evening in the Hispanic community, there was a lot of concern about La Union Hispanica going out. And there was a sincere wish on the part of a lot of people that I spoke with that Adelante be able to provide those services, the Nutrition Program that they're able to get up and running now, the youth programs that this would help them provide.

Adelante has been in the community for over 30 years. They have a proven track record, they have never encountered the kinds of problems over the years that La Union Hispanica has had; I think they really have had a better track record. And I think now, at this point, when the community has been shaken, the Hispanic community has been shaken so with seeing what has happened to La Union Hispanica, to make them sit and wait and then bring other agencies in from the outside when you've got an agency like Adelante literally down the block on Suffolk Avenue, or right near Suffolk Avenue from where La Union Hispanica was, I think would do the community a real disservice.

And I really -- I support and I hear what you are saying, Legislator

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Caracappa and Legislator Levy, but I think in this instance it's just for the funds for the rest of this year for a community that really, really needs these services desperately that we transfer the money tonight.

LEG. LEVY:

Legislator Haley then Legislator Crecca, and then I'm going to put myself on there.

LEG. HALEY:

Sylvia, didn't you say earlier that they were already picking up some of the slack?

MS. DIAZ:

Yes, through our Senior Nutrition Program.

LEG. HALEY:

And you also mentioned that that was a large portion of the Senior Citizen Program, Nutrition Program that La Union Hispanica was --

MS. DIAZ:

It is their entire Senior Citizens Program.

LEG. HALEY:

So they picked that portion of it up.

MS. DIAZ:

Yes, immediately.

LEG. HALEY:

All right, so that they've done. What percentage of the total services that La Union was providing is represented by that number that's gone over there now?

MS. DIAZ:

It's probably a little bit more than a third --

LEG. HALEY:

Of the total services.

MS. DIAZ:

-- their entire budget, yeah.

LEG. HALEY:

Okay, so they've picked up almost a third of what La Union is doing already.

Secondly, have you investigated what other organizations there might be to provide those types of services? Not every organization is sitting on waiting lists to provide services, wherever they may be, so have you investigated that to see if some other organizations can help pick up?

MS. DIAZ:

We have. I personally contacted Pronto, which is another Hispanic agency in the area.

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LEG. HALEY:

Well, this is what my concern is. I don't know that we really provide monies for programs just for Hispanic communities. They just happen to be located there but it's not really meant to target Hispanics, right, it's to target the community.

MS. DIAZ:

Well, actually it is. It's very specifically directed at working with Hispanic families, the staff is bilingual, bicultural and --

LEG. HALEY:

Well, because they talk about multi-cultural. Because my concern is, you know -- another issue for another time. But go ahead, you contacted other agencies, Pronto?

MS. DIAZ:

Yes. We contacted Pronto which is another agency in the community that does have bilingual/bicultural staff on board, they at this point -- I will definitely be considering them perhaps for the 2001 Budget, I'm going to take a look at where they can provide services. Their physical plant is much smaller than Adelante is, and in terms of oversight and administration, they have a lot -- a much smaller track

record. They really have no County -- they have one County contract which is I think a \$10,000 contract, I think it comes through the Legislature, and no State that at this point, so it's something that we have to cultivate in order to firm them up. It would be great to have several other agencies, Hispanic agencies in the community that could provide these services, there's very few.

LEG. HALEY:

One last question. Are most of those services based on economic need at all, or primarily to just --

MS. DIAZ:

Most of the people who come in are in some type of economic need in terms of inability to pay for professional services.

LEG. HALEY:

For future reference, could you give me a buzz and let me know if there is any criteria and what percentage that might be?

MS. DIAZ:

Criteria for?

LEG. HALEY:

Relative to income or anything like that, is there an economic reason for the services that you provide.

MS. DIAZ:

Okay.

LEG. HALEY:

And what portion of the program does that encompass. But that's outside of this question, I will wait for that at your convenience. Thank you.

MS. DIAZ:

Sure.

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LEG. LEVY:

Legislator Crecca.

LEG. BINDER:

Mr. Chairman, put me on the list. Legal

LEG. LEVY:

You're on the list.

LEG. CRECCA:

Two brief questions, Ms. Diaz; Sylvia?

MS. DIAZ:

I'm sorry, Andrew.

LEG. CRECCA:

That's okay.

MS. DIAZ:

I apologize.

LEG. CRECCA:

Two quick questions, and I think you've already addressed the first one but if you can just -- I don't know if you can address it directly. Can Adelante actually handle -- with these extra funds, will they be able to handle the impact of this extra caseload; I mean, do they have the resources? I know the money will obviously be a resource for them, but the physical facility itself, can it handle it and can they handle it?

MS. DIAZ:

Yes. As I indicated earlier, they have already found another location on Pine Aire Drive where they will set up the Nutrition Program, and also the youth services component, part of the Youth Services Program

will work out of that site as well.

LEG. CRECCA:

And I think if you could clarify one other thing, it would be helpful to the Legislators, and one of the concerns that Mr. Levy brought up. If we waited, if we didn't act on this tonight and we waited and it wasn't addressed until the February 29th meeting, I guess my question for you is can you explain to us briefly what impact that would have on the community? Because I think that's important, I think that's really what we need to know here.

MS. DIAZ:

Well, as Legislator Carpenter indicated, the Hispanic community is very, very concerned about this, the fate of this program, and I've gotten calls from community leaders in general about where the services are going to end up. Beyond that, again, we have a list of somewhere around 500 clients who we're basically unaware of their circumstances at this point. I have listings, I have cards for each of the individual people and with notations regarding why they came in for services, but those are not descriptive enough to identify specifically what their issue was. And again, there could be issues related to domestic

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violence, homelessness, drug and alcohol abuse or abusive situations.

LEG. CRECCA:

And Adelante would be able to address those concerns immediately by contacting those people?

MS. DIAZ:

Yes.

LEG. CRECCA:

Okay.

MS. DIAZ:

We have the list and as soon as we have the programs we can turn it right over.

LEG. CRECCA:

Okay, that's it.

LEG. LEVY:

I just had a couple of questions, and then we'll go to Legislator Fields, Binder and Fisher. I was at that same event on Friday, I spoke to people from Adelante, they were saying they were quite leery. Just as late as yesterday I spoke to people from Adelante, they told us they didn't want it even if were to give them the money. That's why I'm very confused here.

MS. DIAZ:

I have a letter --

LEG. LEVY:

Our office asked them these questions point blank, do you want to do this, no. So then we started talking to others, some were calling us unsolicited, we were calling others, we had at least the Family Service League, Transitional Services, a few other places, saying they were interested as well.

On top of that, there's questions I would like to know such as what happens to the present board and staff of La union? Secondly, will a financial director be hired? Thirdly, will it ever -- is La Union going to be totally incorporated into Adelante, will they at some point have a time at which they were segregated out and back on their feet? These

were various questions that we wanted to have answered, and as of yesterday when we were asking these questions we were getting different responses to us than you were getting. I'm not saying you're saying anything that's not true, I'm just saying I want to get this straight and that's why I want to have this go through committee to see if we can find out what are they going to do to change their bookkeeping practices in the future because it's been a problem. What are they going to do to actually write out a plan -- excuse me, write out their pamphlet to get the \$50,000? All they had to do was draw a draft of the pamphlet to get the \$50,000, all they had to do was draw a draft of the pamphlet and they could have had \$50,000. They've got to start showing us what they can do and that's what I want to get to the bottom of over the next two weeks. And I'm afraid that if we just pass this today, it's done and we didn't have a chance to evaluate these questions and

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get the answers to them.

MS. DIAZ:

May I respond?

LEG. LEVY:

Yeah, please.

MS. DIAZ:

I have a letter, and I think it's in your packet, from Adelante

LEG. LEVY:

I don't know why they're telling me something different. Okay, where is that?

MS. DIAZ:

The January 20th, 2000.

LEG. LEVY:

I've just got a real problem with them verbally telling me something different than they're telling you and putting in writing. I'm not saying that you're saying anything that isn't true.

MS. DIAZ:

I am not sure. I have had numerous conversations with Miriam Garcia, I also spoke to Pilar Delgado last evening and the Chairperson, Ada VonOiste, at about 7:15 in the evening. What I indicated to Miriam Garcia was that she should certainly consider interviewing the staff, the outgoing staff of La Union Hispanica and she has, in fact, said she would do so. She has also --

LEG. LEVY:

See, I just want that done before we go through this rather than after, that's all I was saying.

MS. DIAZ:

Right. She has also gone ahead and hired some of the nutrition program staff and made commitments to them to retain them in the program as well.

The other issue has to do -- in terms of the budget in general, the budget makes accommodation for fiscal support for Adelante and also additional administrative support for Adelante to ensure that these programs will be dealt with effectively. I understand, and I was -- I discussed this with Pilar Delgado last night, she said that she was going to offer her services to Adelante and perhaps even seek employment with them, and I know she did -- I was informed today by Miriam Garcia that she did, in fact, call her and they have spoken and

that is going to be discussed.

LEG. LEVY:

For instance, I love Pilar but I think what's obvious is that she needs help because, you know, she's just -- she's overwhelmed in this capacity and she's well meaning and she's doing a fine job, but she needs more. And I wanted to find out, you know, what that is and I just didn't see it in here yet and I wanted those questions answered.

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LEG. D'ANDRE:

Mr. Chairman, call the question.

P.O. TONNA:

Wait, wait, no, there are three other speakers. Just before that, Sylvia, have you discussed with the Legislators who are basically in the surrounding areas, have you had conversations with each Legislator keeping them informed?

MS. DIAZ:

I had a conversation with Cameron, actually a couple of conversations with Cameron, my staff has spoken to Mr. Levy's staff as well, and we have I'm sure talked to Angie Carpenter from time to time about past issues, so she was well aware of what was transpiring.

P.O. TONNA:

I was just asking if you --

LEG. LEVY:

I just want to say, we did not know in my office that there would be a CN today for this going to Adelante.

P.O. TONNA:

Okay, this is what I would ask. In the future, okay, because I have three Legislators who have said to me, "We didn't even know that there was a CN coming over" --

MS. DIAZ:

Okay.

P.O. TONNA:

-- or anything else. In this type of situation that you are dealing with, if you can make a special effort, okay, to, you know, talk to the Legislators also, and issues that I would have nothing to know about because they don't really deal with my area, you know, those are their constituents and stuff like that, just to keep them apprised of what's going on. Janet, do you want to address that issue?

MS. DEMARZO:

Yes, and that is something that -- I mean, the whole nature of a Certificate of Necessity is that something arises that you hadn't planned for and that you need immediate action. In some instances we're better at reaching out, even in those short time frames; in this instance, there was a lot going on and this was something that was just brought to my attention this morning. So we will continue to make an effort on a regular basis to let you know, especially people who have a specific interest in an issue, and most of your interests we generally know and if we miss one or two, if you can tell us, we'll work --

P.O. TONNA:

Right, okay. That's all.

MS. DEMARZO:

-- to include you in that Certificate of Necessity.

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P.O. TONNA:

Legislator Fields?

LEG. FIELDS:

Janet, if this were approved today it goes to the end of 2000?

MS. DEMARZO:

Correct, it's an authorization for the current fiscal year.

LEG. FIELDS:

And then if there were another group that were able to provide better, the same -- the same or better services, would they have an opportunity to do so at that point?

MS. DEMARZO:

I believe that what we would do here is enter into a contract with this organization based on this appropriation. So we would be bound, essentially, for the 2000 year and the reconsideration would be part of the 2001 budget process.

LEG. FIELDS:

Thank you.

P.O. TONNA:

Legislator Binder.

LEG. BINDER:

Thank you. I just wanted to say that in the time that I've been dealing with Social Services, I have seen that Adelante is a premiere group in Suffolk County. I would hope that we heed the words of the Legislator from the area, Legislator Carpenter, who understands that there's a need and the need is now in that area, in this community. And if we don't transfer these services now there will be break, and that break is something that we can all say, "Well, no big deal. Let's go study, let's go look," and it could be a month, it could be a month and a half, I don't know when we're going to get around to doing this. But the fact is there are people in need of these programs right now and if you look down there, there really are only a couple, there's Pronto which is way too small, just couldn't absorb really anything, they've never built up to this kind of program, and Adelante who has proven themselves, over the years that I have seen it, themselves to be administratively sound, caring about the people they represent, and I think deserving; if there needs to be a continuity of these programs, Adelante is deserving of this money. So I would hope we would do this today and not hurt the people who need these services.

P.O. TONNA:

Thank you. Legislator Foley. Oh sorry, Legislator Fisher first.

LEG. FISHER:

Thank you. I wanted to make the needs clear here, what we were addressing. I agree with Legislator Binder that we are -- our primary concern is with the people of the community who are serviced by these agencies. Yes, we are concerned about what happened with La Union Hispanica. I was the sponsor of the resolution that provided the \$50,000, I am disappointed that we weren't able to help them see

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themselves clear and extricate themselves from the fiscal issues that were at hand; however, that is not the question at this point.

I think we do need to address at length, as Legislator Levy has mentioned, we do need to address the structure of La Union Hispanica if there is going to be a new La Union Hispanica, we don't know that. But

with Angie Carpenter, I spoke with people on Friday night from the Spanish speaking community and they were deeply shaken, this was a very traumatic event in this community, and the two weeks that we would need to have this go into committee will translate into another two weeks before we can go further and have the resolution passed.

LEG. CARPENTER:

It's a month.

LEG. FISHER:

And I spoke at length with Miriam Garcia Friday night, she has a very good structure, she has a very solid base, I am not concerned about mismanagement of this money. And I really think that we should take our concerns about La Union Hispanica and treat them separately and distinctly from the question at hand; this money is to provide services for people who are in need in those communities. Let us not lose site that this is not about the structure and the future of La Union Hispanica, it's about the people who need to be served. And this is not -- someone implied that it was only to serve Spanish speaking people; yes, it is primarily Spanish speaking people, but it is serving anyone who comes to their door. And you need people who speak the language, when you have people who don't speak English you need Spanish speaking people, but that doesn't mean that it's exclusionary, it's inclusive. And if you give this contract to an agency that can't handle people who don't speak English as their first language, you are indeed then being exclusionary and excluding people from the benefits who have been involved in this program already.

I urge everyone to please go forward with this. I don't think it's precipitous because we have already almost a month of services that have been missed by these people, and it would increase it by 100%, we would give them another month where they would be lacking services.

LEG. LEVY:

Mr. Chairman, may I make a recommendation or proposal? Maybe we could have the best of both worlds here. Janet, would it be possible to amend the resolution to make it for, say, \$20,000 to get us through the end of the month, where it would also give us the opportunity to do the review simultaneously, but there would be no interruption in service and then we would have the opportunity with another bill down the line to either confirm this into perpetuity or to look at other options.

MS. DEMARZO:

I would say that that's a very difficult request to make of an organization that is stepping in to take over significant new services. As Ms. Diaz has indicated, there is expansion of people that have to come on board to pick up this caseload, there will be resources that they need. If they're willing to take on this responsibility and do it well in the next month, I think that they need a little bit longer term commitment, and this would be for the remainder of 2000,

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but the Legislature as a body could consider at the end of the year in 2001 if they would like to continue that.

LEG. LEVY:

Well, I commend them --

MS. DEMARZO:

So I don't know if there's really a halfway mark that we could --

LEG. LEVY:

They're a fine group and I commend them. My only question was you get one bite -- we get one bite at the apple to make sure that they're going to be doing certain things, like having real bookkeepers and real analysis of this agency, and I haven't heard that because I didn't have a chance to ask those questions, that's why I wanted it in committee. And I was offering a compromise to let things continue for a month so that we can ask those questions, I didn't want to have to wait for a whole year inbetween.

P.O. TONNA:

Steve, in all fairness, I mean, I have run a non profit organization, when you all of a sudden take on a new responsibilities, when you all of a sudden have to shift your staff and everything else, okay, and when you want to provide those services, to say that you're going to do it for a month and get the funding for a month, it just --

LEG. LEVY:

That's why we should wait.

P.O. TONNA:

Now that's a disruption in services.

LEG. CARPENTER

If I could, Mr. Chairman.

LEG. LEVY:

But that's why you should wait, Paul, because if you don't --

P.O. TONNA:

I don't agree.

LEG. CARPENTER:

Mr. Chairman.

LEG. LEVY:

If you don't do it now -- I'm sorry, Legislator Carpenter. If you don't do it now to get the information, a whole year is going to go by, possibly with more bookkeeping that's not kept in the right way. I mean, we have been through this for what, a year before us where we have been told that the books are not being done properly, we said fix them. Now it's coming back, they're still not fixed, what are you going to do, wait another year before you finally look to see --

LEG. FISHER:

This is a different agency.

00180

LEG. ALDEN:

It's a different organization.

LEG. LEVY:

I understand that. But all I'm asking is for one -- a couple of questions to be answered in committee, what are you going to do to assure us that that's going to be handled?

P.O. TONNA:

All right. I don't think-- just a sense, I don't see that there's any sense of anybody else wanting to do that.

LEG. D'ANDRE:

Call the question.

LEG. CARACAPPA:

Right here.

LEG. CARPENTER:

May I just say one thing?

P.O. TONNA:

Legislator Carpenter.

LEG. CARPENTER

Just to hopefully calm your concerns about the financial credibility of Adelante, they have never had the kind of problems that we've run into with La Union Hispanica. They have a very vibrant, participatory, professional board of directors, the woman that serves as the president of the board of directors, Henrietta Gardiner, is manager and Vice-President of EAB. So I really have a good comfort level that when it comes to financial matters, they have the support system out there that they're going to need as they take on these new services.

LEG. LEVY:

See, one of the questions I would ask, though, is it going to be Adelante's people running this --

LEG. FISHER:

Yes.

LEG. LEVY:

-- or is it going to be deferred to the same people who are presently running La Union; I don't know.

LEG. CARPENTER:

No, she just told you that they have been directed to unemployment, that the people from La Union Hispanica have been directed to go to unemployment.

LEG. CARACAPPA:

Mr. Chairman?

LEG. FOLEY:

It's going to be the same staff then?

00181

P.O. TONNA:

Legislator Caracappa.

LEG. CARACAPPA:

But it was also said to us that they have already hired some people from La Union.

LEG. CARPENTER:

In the Nutrition Program.

MS. DIAZ:

The driver, the drivers for the Nutrition Program.

LEG. CARACAPPA:

And the Director of La Union, what's she doing?

MS. DIAZ:

Probably --

MS. DEMARZO:

We don't know.

MS. DIAZ:

-- looking.

LEG. CARPENTER:

She went to unemployment, she's looking; she's not going there.

LEG. CARACAPPA:

I still think it's incumbent upon us to have at least one committee cycle with this.

LEG. FOLEY:

Mr. Chairman? Mr. Chairman, please.

LEG. LEVY:

Motion to defer.

P.O. TONNA:

Legislator Foley, and then we're going to call the vote.

LEG. D'ANDRE:

Hallelujah.

P.O. TONNA:

We've got to let people speak, Michael, it's America.

LEG. FOLEY:

Thank you. I understand, Janet, that there is a necessity on the part of the Executive to move forward with this. But when I read in the back that there was a letter dated January 20th from Adelante to the County Exec's Office, what would help -- what would have helped us is to get as part of the back up what kind of positions are we talking about that are going to be transferred from La Union to Adelante, what additional persons would be necessary for Adelante to take on these responsibilities? We have heard, for instance, that the drivers for the
00182

Senior Nutrition Program are now part of Adelante; what are the other positions? Are the current staff of Adelante going to take these responsibilities, or is there going to be additional staff to take on these added responsibilities? If it's the current staff with no increase in staff, then how is that going to impact the quality of the program? These are the kinds of background information that I think is necessary for us in order to make -- again, to make an informed judgment on where we want to go with this? I'm not bickering, I just think that it's vitally important.

P.O. TONNA:

Okay. Just --

LEG. FOLEY:

And if you're not going to take --

MS. DEMARZO:

And I understand that it's a lot to digest in one meeting and that it's moved rather quickly to bring us to this point.

P.O. TONNA:

Can I just say, I think we have now pretty much gone full cycle, okay. Let's call the vote. The only thing is, Linda, can you get Legislator Fields back into the -- get Legislator Fields; she waited, waited, waited --

LEG. FOLEY:

Mr. Chairman?

LEG. CARACAPPA:

Can we get an answer, Mr. Presiding Officer?

LEG. FOLEY:

Mr. Chairman, they were going to answer my question.

P.O. TONNA:

Yes.

MS. DEMARZO:

What I can tell you is that there have been significant conversations with Adelante to identify the new staff that would be needed and the resources that would have to be put in place by then and what the contract would cover and so forth.

LEG. FOLEY:

Respectfully, until you have that, how do you know that this is the amount of money you're going to need for them to run the program?

MS. DEMARZO:

We have asked the people within the Division of Youth to sit with them to go over that and we have general assurances and a general understanding. It was not provided as back up, but there's a certain administrative component that we've tried to do to bring this resolution to you with confidence that we could do that.

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P.O. TONNA:

Okay, thanks.

MS. DEMARZO:

And that Adelante would be in a position to administer the program.

LEG. FOLEY:

I understand that.

P.O. TONNA:

Okay, roll call.

LEG. FOLEY:

No, Mr. Chairman, please.

P.O. TONNA:

Come on.

LEG. FOLEY:

I listened to many other Legislators speak on this, I haven't yet.

P.O. TONNA:

I know, and we've listened to you, Legislator Foley. Come on.

LEG. FOLEY:

No, I haven't, all right? And as a matter of fact, La union has a great tradition not only in the County but in my area.

P.O. TONNA:

Okay, go ahead; go ahead, ask your question, don't debate me, go ahead.

LEG. FOLEY:

Thank you. Now, normally speaking, Mr. Chairman, when there's this amount of money, we would know what those positions are before we'd agree to the money, Janet. So if you don't know what positions are going to Adelante, how do we know that this is the correct amount of money?

MS. DEMARZO:

Actually, what I had tried to express was that prior to bringing this resolution to you, there have been meetings between the Director of Human Services, the Youth Bureau and Adelante to identify those positions and that information. That is something that is available that was not provided, but that was part of the administrative processes before we, as an Executive Branch, brought the resolution to you, we wanted to make sure of those same things. That is information that could be provided to you, you know, we would be more than willing to set --

LEG. FOLEY:

Do we have that now? I'm sorry, Janet; do we have that now?

MS. DEMARZO:

Sylvia Diaz has some information that she could share with you about the provisions.

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LEG. FOLEY:

Thank you, Janet, thank you. Sylvia, can you answer -- at least partly answer that question?

MS. DIAZ:

Yes. We have asked Adelante to retain the same number of positions that supported the program, and they have --

LEG. FOLEY:

That supported the program over in La Union.

MS. DIAZ:

Yes, the same number of positions.

LEG. FOLEY:

How many positions are those?

MS. DIAZ:

It's three Case Management positions, full-time Case Management positions, and one part-time Outreach Worker position.

LEG. FOLEY:

All right. Now, are there any lateral transfers from La Union, or are these going to be all new people that Adelante will be hiring to run this program?

MS. DIAZ:

This is up to the administration at Adelante to interview, I believe they are interviewing; they had other positions also open in their agency and they were interviewing for those positions as well. But we have asked them to retain that because we felt that that was the level of commitment that they had to demonstrate in terms of serving these 500 individuals.

LEG. FOLEY:

So the 222 -- through the Chair, the \$222,736, that represents those three and a half positions plus the drivers for the Senior Nutrition Program?

MS. DIAZ:

No, the drivers for the Senior Nutrition Program are separate, that's through the Office for Aging.

LEG. FOLEY:

Separate. So that amount of money is for those three and a half positions; is that correct?

MS. DIAZ:

The three and a half positions, maintenance and operation, also administrative costs are associated with that as well.

LEG. FOLEY:

Is that about, what, 8%, 13%?

MS. DIAZ:

I believe it's 11%, if I'm not mistaken.

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LEG. FOLEY:

Okay. Okay, thank you.

P.O. TONNA:

Roll call.

LEG. LEVY:

This is to defer to committee.

P.O. TONNA:

What is this on?

LEG. CARACAPPA:

Motion to defer to committee.

P.O. TONNA:

Okay, this is on a motion to defer to committee.

(*Roll Called by Mr. Barton*)

LEG. LEVY:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

No.

LEG. BINDER:

This is a vote to --

MR. BARTON:

Send it to committee.

LEG. BINDER:

No.

LEG. POSTAL:

No.

LEG. BISHOP:

No.

LEG. D'ANDRE:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

No.

00186

LEG. FIELDS:

No.

LEG. FOLEY:

No.

LEG. FISHER:

No.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI: (Not Present).

LEG. CARACCIOLO:

Yes.

P.O. TONNA:

No.

MR. BARTON:

Five.

LEG. D'ANDRE:

Motion to approve.

P.O. TONNA:

Motion to approve by Legislator Carpenter.

MR. BARTON:

I have it.

P.O. TONNA:

We have it already? Who is the motion?

MR. BARTON:

Motion by Legislator Carpenter, second by Legislator Fisher.

P.O. TONNA:

Roll call.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:

Yes.

LEG. FISHER:

Yes.

LEG. COOPER:

Yes.

00187

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Pass.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. CARACAPPA:

No.

LEG. TOWLE:

Yes.

LEG. CARACCIOLO:

Nope.

LEG. LEVY:

Yes.

P.O. TONNA:

Uh-huh.

LEG. BISHOP:

Yes.

MR. BARTON:

14.

P.O. TONNA:

Okay.

LEG. CARPENTER:

Thank you.

P.O. TONNA:

Next CN, Janet.

00188

MS. DEMARZO:

The next CN that I present to you is Introductory Resolution 1131, it's establishing binding arbitration policy for Suffolk County Police Benevolent Association, the PBA contract. I actually ask that the

resolution be corrected to be Police instead of Patrolman's, I think it's just something technical with the CN that we could do on the floor here.

P.O. TONNA:

Right.

LEG. TOWLE:

Motion to approve.

P.O. TONNA:

I'll make that motion to approve, thank you.

LEG. TOWLE:

Second.

P.O. TONNA:

Okay, seconded by Legislator Towle.

LEG. POSTAL:

On the question.

P.O. TONNA:

Is there anybody on the motion? Legislator Postal.

LEG. POSTAL:

Yeah, I would like to ask whether there has been a contract negotiated at this point.

MS. DEMARZO:

There has been contract negotiations processes that have occurred. There actually was a mediator's report released, there has not been agreement to reach a contract.

P.O. TONNA:

Okay. Anybody else?

LEG. BINDER:

Yes, Mr. Chairman.

P.O. TONNA:

Legislator Binder.

LEG. BINDER:

I'm kind of curious why I heard we were so close to reaching a contract. My understanding was we were already talking terms, there was already discussion with Legislators and discussion about actually voting for a contract and we were listening to terms already. We were that close to a contract, why are we sitting here today talking about

--

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MS. DEMARZO:

We are close, there are some outstanding issues. And as I understand it, you have to actually be at an impasse to go to binding arbitration and that's where we would find ourselves.

LEG. BINDER:

Give me an idea of how many outstanding issues we're talking about.

MS. DEMARZO:

Actually --

LEG. BINDER:

How close are we? I would like to understand where we are.

MS. DEMARZO:

Actually, I would be unprepared to be able to discuss that. I don't have the Labor Relations person here and I don't have the details of the issues that are still outstanding in the negotiation process.

LEG. BINDER:

I guess I'm very disappointed because from what I heard, the numbers were such that there was a comfort level I think among a lot of members here, we were ready to probably vote on an actual contract today; we were even hoping that it might have even been before us. Now we could be looking at higher numbers, worse numbers than the numbers we were presented with to vote today and I'm just very concerned that we don't have this before us. Is there -- are we so far that we could -- that on the two sides so far, it's such an impasse that there is no conceivable way or it's improbable; I mean, what are the possibilities of us reaching terms that a contract could be put before Legislators?

MS. DEMARZO:

Well, I can't give you details. I have spoken to the Director of Labor Relations about the process of arbitration as the request for the Certificate of Necessity, and I understand that we are not in a position to come up with a contract and that there actually has been a date specific set and a request by the Police -- by the PBA to move forward to arbitration and the two parties would like to move forward to a four year arbitration, and that is the issue of the resolution; whether or not, as we go to arbitration, whether we look at a two year or a four year. So that is the question that we were looking for legislative action on.

LEG. HALEY:

You mean if you go to arbitration.

LEG. BINDER:

He is saying if you go to arbitration, that's still if. You're telling us, then, that there's no contemplation of coming to an agreement and bringing one before the Legislature.

MS. DEMARZO:

The process has begun. As I understand it, prior to going to arbitration there is a series of efforts to come up with a collectively bargained agreement that both parties will agree to, and that at a certain point they reach an impasse where there are items that they

00190

cannot come to agreement on. And that is the point that we are looking at and right now we have a scheduled date for the first arbitration award -- I mean the first arbitration meeting. So the question is as you go into that arbitration meeting, do you want to go in for a two year or a four year.

LEG. HALEY:

It's a lock.

CHAIRMAN BINDER:

Yeah, it's not sounding good, Legislator Haley. Is there a particular reason why Dave Greene isn't here, knowing you were putting this before us today, that there might come up questions as to where we are in negotiations so we could have a very full understanding before we talk about the two --

MS. DEMARZO:

Well, I think there's a variety of answers I could give to that, one of which is I really don't think that we negotiated -- we discussed the terms of a contract that's under negotiations in open forums. And number two is that sometimes I find that Dave Greene, um --

LEG. BINDER:

That was as close as you're going to get to saying it, I think.

P.O. TONNA:

It doesn't help the process. Why don't you just finish the sentence, doesn't help the process. As a matter of fact, we can have 18 people finish the sentence on that one.

LEG. TOWLE:

That's putting it mildly.

P.O. TONNA:

You weren't getting anywhere, Allan. Does anybody else want to try?

LEG. D'ANDRE:

Call the question.

P.O. TONNA:

Legislator Bishop?

LEG. BISHOP:

I just want to put on the record, and I think I speak for the majority of my colleagues, I'm very disappointed that --

LEG. HALEY:

Coalition or non?

LEG. BISHOP:

Both.

P.O. TONNA:

We're trying to have our cake and eat it here, too.

00191

LEG. BINDER:

Is it the coalition caucus or --

LEG. BISHOP:

I think I speak across those various demarcation lines.

LEG. BINDER:

Oh yeah, you did before, you really did.

LEG. CRECCA:

Let him talk, please.

LEG. BISHOP:

I'm disappointed that a contract was not bargained for and brought over, because a collectively bargained contract is a more creative document than a mediator's report or an arbitrator's ruling.

As for the mediator's report, I have had a chance to look at it -- it's very brief, it's extremely brief, it would take you about ten minutes to read it -- and it doesn't address some of the needs that we have in the community for more creative policing. There's no recommendation on training, on charter adjustments or training and that's disappointing as well. So I am hopeful that one of two things will happen; either a contract will be negotiated that will address those issues that I just mentioned and come to the Legislature, that would be the best of scenarios; or as a second best scenario, that we go to binding arbitration because there's a fiduciary for the taxpayers, I feel that we can do better in binding arbitration than we did with the mediator's report.

P.O. TONNA:

Janet, I just want to put on the record, I have asked that in -- if, in fact, we do go to arbitration, that Budget Review be used as a resource with the Budget Office in making an argument in front of the arbitrator and whatever level, as long as Fred -- and I'm sure you'll identify that, as long as there is no, you know, situation where you feel that you are compromising the legislative roll versus the County Executive's

roll. But I would ask that, you know, Budget Review Office be an integral part of presenting that arbitration argument.

MS. DEMARZO:

Yes. Actually, we have talked about there are papers and there are presentations that can be done for the arbitration and that Budget Review Office would work with the Budget Office in hopefully a collaborative fashion so that they would speak as one voice.

P.O. TONNA:

And the last thing that I ask is, Fred, just we have had conversations about arbitration and different views and stuff and I don't remember if, you know, what level those conversations took place as far as -- that this time there is a possibility that actually, you know, there is a sense that because of our economic situation or what's going on in Nassau, that you looked at them, you know, we might actually do well in the arbitration process.

00192

MR. POLLERT:

I couldn't make a judgment whether or not we'll do well in arbitration or not. What I had -- what the discussion was is that we would be happy to support the County Executive's Office with respect to what the impact of the various caps are with an arbitrator's award. What has not been completely discussed in previous arbitrations is the fact that the County is constrained by a variety of caps, expenditure caps, tax levy caps, and that it's a zero sum game. To the extent that one bargaining unit receives more than the 4%, it means that there is less discretionary funds in other areas of the budget to support personnel expenses in other unions and to meet other obligations. But I couldn't hazard a guess whether or not you'd do better in arbitration or not.

P.O. TONNA:

Okay, thank you. Roll call.

(*Roll Called by Mr. Barton*)

P.O. TONNA:

Yes.

LEG. TOWLE:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yep.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

00193

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. LEVY:

Abstain.

MR. BARTON:

16, one abstention, one not present (Not Present: Legislator Guldi).

P.O. TONNA:

All right. Any other business before us, because I would really like to adjourn this meeting. Okay, meeting adjourned.

[THE MEETING WAS ADJOURNED AT 6 P.M.]

{ } Denotes spelled phonetically.

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