

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FOURTH DAY

FEBRUARY 29, 2000

Taken by: Lucia Braaten
Alison Mahoney

Riverhead, New York

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

D.P.O. LEVY:

Let's have a roll call, please.

MR. BARTON:

Good morning, Mr. Chairman.

D.P.O. LEVY:

Good morning.

(*Roll Called by Mr. Barton*)

MR. BARTON:

Mr. Chairman, we have 10 present. (Not Present at Roll Call: Legs. Guldi, Towle, Fisher, Haley, Foley, Binder and Tonna)

D.P.O. LEVY:

Thank you. For members of the audience, to avoid confusion, our Presiding Officer, Paul Tonna, is at the Long Island Association breakfast giving a speech this morning. I'm the Deputy Presiding Officer, Steve Levy, subbing today at the helm. And, at this point, I would ask that we stand for a salute to the flag to be led by Legislator Jon Cooper.

[Salutation]

D.P.O. LEVY:

Please remain standing. I recognize Legislator Ginny Fields to introduce our guest clergy today.

LEG. FIELDS:

Good morning. We have as our guest clergy Lay Eucharistic Minister Pamela Burner from Saint John's Episcopal Church in Oakdale. This is a rather historic church. Saint John's is under the direction of the Long Island Diocese and is the mother church of Saint Mark's Church in Islip. Saint John's is also the mother church of Saint Anne's Church in Sayville and Saint Mark's Church in Patchogue. Saint John's Church is the oldest church on the South Shore, dating back all the way to 1765. The Jardine Organ, which is still played at services, is the oldest functioning church organ in Suffolk County. Saint John's has always maintained a mission status since its beginnings and always was a church where parishioners remembered the needs of the poor. It has never had an abundance of people in its congregation and never reached a parish status. It still works in the community serving the poor. British soldiers occupied Saint John's during the Revolution, and during the Revolutionary War, the church was used as a hospital. There's a cemetery on the grounds where Revolutionary soldiers are buried. There's also -- there are prominent family members of the South Shore buried there with names such as Nichol, Snedecor and Admiral Ludlow. And I would like to introduce our guest clergy, Lay Eucharistic Pamela Burner.

MINISTER BURNER:

Thank you. Good morning. I'd like to convey to you the greetings from Saint John's Episcopal Church in Oakdale. And I'd like to thank

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Legislator Ginny Fields for extending the privilege to be present here today with you and for us to join together in prayer. Let us pray.

[INVOCATION]

D.P.O. LEVY:

Thank you, Legislator Fields and Minister Burner. Please be seated. We have a couple of proclamations to be issued this morning, and we'll start with Legislators Crecca and D'Andre.

LEG. CRECCA:

Sure. Good morning. And I'd invite Legislator D'Andre to please join me and call up Nicholas Schroeder.

It's an honor for me this morning to introduce the Legislature and the members of the public that are here to Nicholas Schroeder, and as we present him with a proclamation this morning. He currently serves as the Smithtown Schools Athletic Director. He was recently selected as Athletic Director of the Year by the Suffolk County Chapter of the New York State Athletic Association. He also received that honor previously in 1992. And what's significant or extra special about that award is that it's an award given by his peers recognizing him for his contributions to working with students and athletes in the Town of Smithtown. He's responsible for 180 different coaches on 128 different teams in Smithtown. His programs have received 14 New York Scholar Athlete Championship banners in the last seven years. He lives in Smithtown with his wife, Susan. They have five children that they've raised here on Long Island.

And I think just to tell you very briefly about what's -- the kind of guy that Nick Schroeder is, is that when he received this award, what he said was, "It's not really an award for me," he said, "it's an award for all of Smithtown and for all the coaches and the kids in Smithtown stand for." So it is a great honor for me, with my co-Legislator from the Town of Smithtown, Michael D'Andre, to present to you this proclamation, Nick. And, again, we thank you for your hard work and dedication in the Town of Smithtown.

MR. SCHROEDER:

Thank you very much. Thanks.

LEG. D'ANDRE:

A real American. A real American.

(Applause)

MR. SCHROEDER:

I want to thank Legislator Crecca and D'Andre for the proclamation. I haven't even received the award yet and I've received proclamations from all over the place. I'll receive it on the 17th, which is Saint Patrick's Day. It's also my wife's birthday, so it's appropriate that I get it on that day up in Saratoga.

I speak for our kids in our school district and also all of our coaches who really do all of the work, and I appreciate the award very much. Thank you. I appreciate it.

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D.P.O. LEVY:

Thank you.

(Applause)

LEG. CRECCA:

And we've got one more this morning. And, at this time, I'd ask Art Rivers to join Mr. D'Andre and me at the podium. Art Rivers is here with his wife Maryanne this morning, and Art is celebrating his 40th year as the secretary and treasurer of the Nesconset Fire Department.

He moved to Smithtown in 1957. As a new homeowner, he joined the Nesconset Fire Department back in 1957. By the way, he bought his house for \$2,500 back in 1957 it sound like --

LEG. D'ANDRE:

Don't do that to me.

LEG. LEVY:

Good investment.

LEG. CRECCA:

Anyway, in 1960, shortly thereafter, he was elected treasurer of this fire department and later appointed -- and the same year, appointed secretary. In 1997, Art founded the Suffolk County Fire Department Treasurer and Secretary's Association. Art has gone -- has supervised the budgets of that fire department, starting in 1960 with a budget of \$25,000 to now, today, a budget of \$1.6 million. I believe, although I haven't been able to verify this fact, that he is the longest standing treasurer of a fire department on Long Island. Forty consecutive years, through some health problems, this gentleman, Art Rivers, has been there dedicating himself and his time to the Nesconset Fire Department and the Nesconset Community.

So, on January 4th, 2000, he was -- celebrated his 40th year in that position, and his fifth decade, commencing his fifth decade in that position. So I'd ask the Legislature to join in giving a big round of applause for Art Rivers today.

(Applause)

MR. RIVERS:

I wanted to thank the Legislators for giving me this award. And as I walked in here today, many years ago, in the 1950's '60's, in fact, the first day this building opened up, I was working in here as a tax searcher upstairs in the County Treasurer's Office. And I also was very pleased, a good friend of mine, I see his picture up there, John Wehrenberg, who was one of the first Legislators, and also Bill Richards. And it's been my pleasure to serve the Nesconset Fire District as Secretary Treasurer. I enjoyed every minute of it, with all the fights and arguments that we have sometimes. I know you people have them, too, here. But in the end --

LEG. CRECCA:

No, no.

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MR. RIVERS:

No, they say no.

LEG. CRECCA:

No, never.

MR. RIVERS:

But in the end, I really enjoyed it, and I thank you very much.

D.P.O. LEVY:

Thank you.

(Applause)

LEG. CRECCA:

Thank you.

D.P.O. LEVY:

Thank you. Michael, did you have a follow-up?

LEG. D'ANDRE:

No.

D.P.O. LEVY:

Or do you want to skip? Okay. We'll get back to your follow-up in a little bit. Okay?

LEG. D'ANDRE:

What do I have?

D.P.O. LEVY:

You want to do it now? I don't think it's prepared.

LEG. BISHOP:

What is it?

D.P.O. LEVY:

We -- I don't know. I think it's a surprise. At this point, we'll recognize Legislator Carpenter for a presentation.

LEG. CARPENTER:

Well, it was most appropriate that we started our morning off recognizing an outstanding coach, because the proclamations I'm awarding this morning are going to athletes. And I'm sure these athletes, as athletes across this County, will agree that no one achieves any level of success without a great coach behind them. The athletes we're recognizing this morning have participated internationally. They are part of the Suffolk Seagulls of UCP of Suffolk, United Cerebral Palsy, and they participated in the Seven Cross Multidisability Games this past year in Sidney, Australia. So they have taken Suffolk County internationally for us.

And the first athlete that I want to recognize has participated. He is also a part-time employee of UCP of Suffolk, has worked in their after school sports program, and it is Chris Engers. And he has participated

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in track and field and also plays wheelchair soccer. Chris?

(Applause)

The next athlete we're recognizing, who's been involved with UCP for many years, actually, since the age of two, he's been a patient, a student, a volunteer, and, finally, an athlete and that is David Gallo. And he has gotten the achievement of winning -- taking part in the games in the -- in several events, the 100 meter, the 200 meter, the four-by-one relay, and has over 30 gold medals. Also, he's received many silver and bronze. David is also a student at New York Institute of Technology, studying Psychology and Culinary Arts. David?

(Applause)

And, certainly, last, but not least, we have an athlete who's competed in the long jump, and also has won gold and two silver medals. He has participated in competitive sports for the physically disabled on many levels in track and field and cycling events. He is also giving unselfishly of his time by conducting awareness presentations to organizations and schools for sports for individuals with disabilities. And this athlete, who we're very proud to honor here today, his name is Tom Dietz.

(Applause)

We would like to just give the opportunity for Peter to say a few words. And I'm not sure who's going to do it, if it's Cathy Maul, who is the Executive Director, or the Coach here. So you guys can duke it out.

MS. MAUL:

As the Executive Director of UCP, I really want to thank all of you today for doing this honor, but the person who really should be speaking is the coaches and the athletes who have done a tremendous job for all people, not just people with disabilities, in representing our country in Sidney, Australia. And they will be back. They'll be at the Power Olympics following the Olympics in Sydney this year. Nick?

MR. BUBOLB:

Well, thank you. On behalf of United Cerebral Palsy of Greater Suffolk, our athletes, our volunteer coaches who voluntarily run coaching staff, we would certainly like to thank Legislator Carpenter, all of you Legislators. We thank you for that, for your support, for your friendship, and your well wishes, because we -- although we have three, three athletes in Sidney, Australia for the Multidisability Games, we hope to have twice that many athletes represent the United States and Suffolk County at the Power Olympics later on this year. So we thank you very much.

D.P.O. LEVY:

Thank you.

LEG. CARPENTER:

Thank you.

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(Applause)

MR. BUBOLB:

On behalf of the Suffolk Seagulls and United Cerebral Palsy, one of the ways in which we raised some money this year was to have a commemorative shirt, of course, prominent with U.S.A., representing the games, which we have for each one of you, and we would like the opportunity to present this to you with our colors, the colors of the United States. If you could --

LEG. CARPENTER:

Well, thank you.

MR. BUBOLB:

Okay, you're welcome.

(Applause)

LEG. CARPENTER:

On behalf of all the Legislators, I thank you very much. That was very gracious.

(Applause)

D.P.O. LEVY:

Thank you very much. At this point, we'll recognize Legislator Postal for a presentation.

LEG. POSTAL:

I'd like to ask Mr. Richard Gardiner and his family to please join me. During the early morning hours of January 21st, there was a house fire in North Amityville. Mr. Richard Gardiner and his wife and children escaped from the burning house, and it was only when they got outside that they realized that four year old Richard, Jr., who's right here, was still in the house. Mr. Gardiner, at risk of his own life, went back into the house, which was fully ablaze at this point, to rescue his son, Richard, Jr., who was in a back bedroom. He went through the house into the back bedroom, got Richard, and at that point, the doorway through which he had just come was fully engulfed in flame. So he broke a window, put his son outside in safety and got out through

the window. He was burned himself. He was treated at Good Samaritan Hospital. And he's here today, because every single person who's heard about what happened is just inspired by this man's love for his family and his courage, especially in these days when there are some people who won't even sacrifice a few hours to go to a Little League game, this man almost sacrificed his own life to save his own child. And, certainly, we all express our admiration to you, Mr. Gardiner, and for that reason, it is our pleasure, and this is from all of us, I'm standing up here, but this is from every single one of us, would like to present you with a proclamation telling you how much we admire your courage and your love of your family.

So it is my great pleasure to present you with this. I know your hands are full right now. And we know that in the fire, your family lost everything, all its possessions. You were fortunate because you saved the most important thing, which is the health and lives of the family

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members, but we know how hard it is to have lost absolutely everything you own. So the Legislators have made donations to you, to your family, to help you replace the clothing, and the household items, and the other vital things that you lost in the fire and that you need. So it is with great pleasure and admiration that I present to you donations from County Legislators to help you and your family, great pleasure.

MR. GARDINER:

Thank you very much.

(Applause)

LEG. D'ANDRE:

Mr. Chairman.

D.P.O. D'ANDRE:

Yes, Mr. -- Hold on.

LEG. POSTAL:

I think, Mr. Gardiner --

D.P.O. LEVY:

Do you want to say something?

MR. GARDINER:

Yeah. I was going to say, well, a lot of people actually like call me a hero, and I really don't feel like I'm a hero. It's just something that I just had to do, no matter what. But I just want to thank all the support from everybody all over, you know, from the Legislative Department all the way down to my wife's Long Island Head Start, to the churches, to all organizations all over, because everybody's just been coming out from everywhere. It's just been overwhelming all the support and just everything people that I don't even know just been doing so many stuff for me, and it's just great that I know that there's people in the world that do care, you know.

LEG. D'ANDRE:

Well, it was a great thing you did and brave thing you did.

MR. GARDINER:

Thank you.

LEG. D'ANDRE:

And that's to be recognized. And we waited until the sales tax had expired to give you that award, so your money goes further.

MR. GARDINER:

Thank you very much.

LEG. D'ANDRE:

We're very proud of you, a real father.

(Applause)

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LEG. POSTAL:

Don't go away, because I know so many members of the Legislature have spoken to me about this, that I know if I could beg the Chair's indulgence, if we could just take a photo of all of us who are here today together with the Gardiner Family, I think it would be a wonderful thing. I know that Legislators have asked me if they could have photos. So, you know, maybe we could do what we do when we take our group photo.

D.P.O. LEVY:

All right.

LEG. POSTAL:

Thank you.

D.P.O. LEVY:

Maybe we'll just come behind the circle and we can put them right in the front.

[PHOTOGRAPH WAS TAKEN]

(Applause)

Okay. Let's try this one more time. Now that I could recognize Legislator D'Andre, I don't think your subject is here anymore, is he?

LEG. D'ANDRE:

No, it doesn't appear so.

MS. SIRACUSA:

He just went out to make a phone call.

D.P.O. LEVY:

Okay. Let's --

LEG. TOWLE:

Legislator Levy. Legislator Levy.

LEG. D'ANDRE:

We got Siracusa to fill in, but she's not quite --

D.P.O. LEVY:

All right. Let's hold off for a second and I'll recognize Legislator Towle.

LEG. TOWLE:

Yeah, thank you. I appreciate it. I just want to take an opportunity to introduce -- we have some guests here this morning -- Professor Carl Berkowitz from the Dowling National Aviation and Transportation Center with his class. I'd ask them to rise and welcome them to our meeting of the County Legislature this morning.

(Applause)

Thank you.

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LEG. D'ANDRE:

Oh, Fred's here now.

D.P.O. LEVY:

Okay. Now I'll recognize Legislator D'Andre for a presentation.

LEG. D'ANDRE:

About time you got to the scene. Fred Pollert, front and center.

D.P.O. LEVY:

He was out combing his hair.

LEG. D'ANDRE:

Mr. Chairman, I've been waiting to do this a long time. When I look to the west and I see Nassau County floundering with all the smart guys, we're not so smart here, but we're out of debt, and we have not raised taxes in about eight or nine years, property taxes, and there's one good reason. It's not us, all our smart Legislators here, it's Fred Pollert's work and the Budget Review, who's so accurate with his figures and he's so innovative.

For instance, just to show you why we are ahead of the game, when we had to raise money for the land preservation, the farm preservation, sewers, Wall Street gave us a plan. Fred also gave us a plan with one slight difference. Fred's plan saved us \$300 million. Now, that's real money. And it's not our smart alecky things that made it work, it's Fred Pollert's doing the budget for us with accuracy and honesty. So I had to admire this man, I had to give him a proclamation. I had to bring him up here. And not to be neglected is his staff. And I didn't have room on the proclamation for the staff, it was just too many. But I had to cut it short and cut them out.

But, Fred, it's no small wonder the greatness that you have brought to this County, and you've kept our head above water and gave us very good, accurate and honest figures. And we're so proud of you and we're proud of this County. And, of course, we are bipartisan, which is the way to go. We're not dictatorial, everybody has a say whether they're right or wrong, and that's what made us the leading County in this New York State, and perhaps in the country, I don't know. And it's men like Fred who work for not the greatest wage, but the greatest patience. He's got a wonderful staff of brilliant mathematicians and figure people. And when he gives us a figure, you can go to the bank on it.

And, Fred, I'm so proud of you and what you've done for this County. You deserve to be the next Governor of this State.

D.P.O. LEVY:

I think he'll decline.

LEG. D'ANDRE:

Because we would not have any taxes like we have now, and all that ridiculous stuff.

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(Applause)

And, you know, you must admit, you've seen the television, you've seen these politicians running around telling them what they're going to do and how much they're going to reduce taxes, and playing all kind of games with figures. Fred doesn't do that. Fred gives us the figures the way they are, the way they appear, and what they mean. And if there's a better way of doing numbers, Fred has given it to us. And this goes way back when we had Don Gruen here, when you were in the Budget Review Office. And we thought Don was great, but it was Fred all along giving him those figures.

D.P.O. LEVY:

Just wait until he hears that one, Mike.

LEG. D'ANDRE:

Well, I have to say, Don -- and Gruen always says, "It's my staff, they're wonderful," and that's what he was talking about, Freddy and

his staff. So Siracusa is also a brilliant young lady. Stand up Siracusa. She's just a wonderful --

(Applause)

She stands up and stands behind those figures, and she's got a nice figure, too.

And all I know is we've kept our head above waters. I don't know if what we're doing is germane to the whole political system, but it's working for us, and that's what I like.

D.P.O. LEVY:

Thank you, Mike.

LEG. D'ANDRE:

And I have to just read this thing, which I normally don't like to do, but I have to do it because of Fred here.

D.P.O. LEVY:

Just to torture Fred. Go ahead.

LEG. D'ANDRE:

"The County of Suffolk stands tall as a paragon of financial soundness, fiscal prudence, budgetary stability, and stable taxes. Due to an accurate, honest, reliable analysis and reports provided by the Legislature's nationally acclaimed independent, nonpartisan Legislative Office of Budget Review; and, whereas Suffolk County's financial budgetary and fiscal accomplishments are a direct result of the guidance provided by the Legislative Budget Review Office under the wise and professional leadership of Fred B. Pollert, who's knowledge and expertise and work ethic are legendary; and, whereas Suffolk County's sunsetting \$156 million of sales eliminated of the sales tax on clothing, 89 million reduction in the County's tax levy, 248 million reduction in the Capital Budget and Program, rejection of deficit financing, implementation of the 2-25-5 pay-as-you-go debt policy, avoidance of 300 million in unnecessary spending for sewer tax district stabilization, funding the Suffolk County's nationally recognized

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Environmental Protection Programs, uncovering of the secret 5% LIPA surcharge, are just a few of the many accomplishments that would have not been possible without trustworthy, reliable, accurate forecast, calculations, projections and estimates from our Budget Review Office, who's professionalism is second to none." And I might add that it gets better. "The most persuasive and convincing confirmation of Suffolk County's fiscal tax and budgetary achievements, in this contrasting record of our neighboring County to the west, i.e. Nassau County. And now, therefore, be it declared that February 29th, the Year 2000, is hereby designated as Frederick B. Pollert Day in Suffolk County in recognition of the professional service to the taxpayers of Suffolk County and the monumental contribution that he and his staff," I have to emphasize that, "his staff have made an established -- establishing the financial soundness of Suffolk County, the government, and ensuring fiscal integrity for the people of Suffolk County. In witness hereof," and we got most everybody to sign this. There's a few we have to catch yet. But, Fred, this is a pleasure for me --

MR. POLLERT:

Thank you very much.

LEG. D'ANDRE:

-- at my age to recognize a young man like you with the honesty and

integrity that you bring to that office and this County. Thank you very much.

MR. POLLERT:
Thank you.

(Applause)

LEG. D'ANDRE:
Siracusa, come up here. You're just too good to be sitting down.
(Photograph Was Taken)

LEG. CARPENTER:
You can smile, Fred.

MS. MC GRATH:
Thank you, Angie.

D.P.O. LEVY:
He'll smile when it's over.

MR. POLLERT:
Thank you all very much. It's the first proclamation for the Budget Review Office and I really do appreciate it. We do have a great staff, and we have a great group of Legislators to work with as well. Thank you again. Good speech.

D.P.O. LEVY:
Thank you.

LEG. D'ANDRE:
Let me make one correction. Fred Towle is the one that had the sales
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tax elimination on clothing. You can't take credit for that, Fred.

MR. POLLERT:
No.

LEG. D'ANDRE:
Fred Towle. Okay? Freddy, is that okay?

LEG. TOWLE:
That's okay.

LEG. D'ANDRE:
Thank you, everybody.

LEG. TOWLE:
Mike, I'll accept a proclamation as well, if you'd like.

LEG. D'ANDRE:
You don't get one yet, Fred.

LEG. TOWLE:
Okay.

D.P.O. LEVY:
Okay, thanks. That wraps up the proclamations. Any other presentations by any Legislator? Any statement by any Legislators? If not, we will move into the public portion. Each speaker will be afforded three minutes. And our first speaker is Robert Wemyss.

Mr. Wemyss?

MR. WEMYSS:
Excuse me. I was outside.

D.P.O. LEVY:
That's okay. If you have some documentation, you could just give it to one of the Clerks.

MR. WEMYSS:
Okay. And I'll give another copy of what I put on everybody's desk to the Clerk.

My name is Robert Wemyss; I'm with North Shore Baymen's Association. I guess you all remember I was here last month. I address you to express our concerns about the illegal activities of Aquaculture Technologies and Peconic Oyster Company. We're here again to implore this body to act on this issue. We recognize the strange nature of this situation. We have concluded that the County of Suffolk is the regulatory authority responsible for what takes place on these grants of underwater land.

It is clear that no one in the County government is currently acting in the positions of the three shellfish commissioners created by the legislation which authorized the County to grant this underwater land in the first place. That does not -- that, however, does not shift the responsibility elsewhere, it rests with the County of Suffolk. It is the failure of the County to fulfill its obligation which allows these

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companies to continue their criminal pillaging of the bay. Suffolk County was given sovereign control of these public trust lands to manage them for the people. It is your obligation to restore these lands to the public, and once again, proactively protect them for the people. We recognize that you have inherited this situation and it is not typical of the issues you face.

As baymen, we live in a world of antiquity, still using primitive tools to make our livings. I came up in the clam business with men who had toiled their lives in the shadow of the dredge. They knew, as I know, that it was wrong that the government had sold the bay bottom out from under them. I have repeatedly offered to try to negotiate with any legitimate aquaculture interest involved and have had no response. It is our -- it is not our intent to inhibit the growth of legitimate business, but to separate the legitimate from the illegitimate.

The baymen's eminent demise has been foretold repeatedly in romantic prose. It would be nice if the government would stop helping bury us alive and acted to protect us from the longstanding abuse we suffer.

My feelings on this issue are I think what's in law is that this underwater land was given to the County in a sovereign capacity of the State to manage for the people, and that has to be restored. The idea that below the high water mark in any lands of this State is a public park, and a sacred trust that has to be protected in the present and for future generations is solidly founded in law. And the County was directly given control of this underwater land and directly ordered by that legislation to appoint these three shellfish commissioners, even though it's 120 years ago. You still have people acting as if they have real property rights under these grants. There are no shellfish commissioners appointed by the County to regulate these underwater lands. People are doing things with these underwater lands that they were never entitled to do by the original grants, and they are supported in this by the County and the State.

This Aquaculture Technologies owes at this point \$870,000 in back-taxes on land that is granted for oyster culture. And a grant of a right can't even actually be taxed as real property is what our counsel tells us. This whole --

D.P.O. LEVY:

You can sum up, Mr. Wemyss.

MR. WEMYSS:

Well, this whole situation is the responsibility of the County. There's no other way to look at the law that it gives the County the responsibility, and we would like you to take up that responsibility and discharge your duties. Thank you.

D.P.O. LEVY:

Thank you, sir. Our next speaker is Kevin Shaughnessy. Good morning.

MR. SHAUGHNESSY:

Hi. My name is Kevin Shaughnessy; I'm a Commissioner of the West Islip Fire Department. I'm here with Commissioner George Iwasiuk. We're presently seeking a grant of \$40,000 for a fire boat. I just wanted to

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make the Legislators aware of the situation before they make their vote on this.

West Islip Fire Department is a fire district. We're a taxable entity. We tax our taxpayers, they give us money, we buy fire equipment to protect their property in the boundaries of their town, just like every other fire department in Suffolk County. On the Legislative body here, I assume, giving one fire department opens up the door to many fire departments. But our situation is very unique to every fire department. We protect what is called a fire protection area, and fire protection area is, really quick, is an area covered outside your district, say as Brightwaters would pay Bay Shore, or Babylon beaches are protected by Babylon Town, Babylon Village for \$100,000, and they use taxpayers' monies with homeowners that live there to subsidize equipment.

Our situation is very unique to anybody in Suffolk County. We protect an area that has Suffolk County property, which is over at the Captree Boat Basin and Gardiner's Park, which is not a taxable entity. So we can't go to our taxpayers and say give us money to protect a piece of property outside our district. It's not fair to the taxpayers of West Islip.

We protect this area over there, which has two main span bridges, which is over five miles, and the beaches over there. We get absolutely nothing to protect us at all, which makes us unique, because we're the only town that has these major bridges. The problem has {arised} is we can't get there. As we know, the bridges are taken down during the summer for car accidents. We can't take equipment over there to fight the fires. If your property goes on fire or you're in Gardiner's Park, which I'll get to in a minute, we can't get there without a boat. Very potential hazard there, very potential. We need a method to get there and we don't have it. That's our first issue.

The other issue is we have Gardiner's Park, which is a very big park, which is waterfront, and we can't fight the fires there either, because we can't there. And you say, "Why can't you get there?" We can't drive into these woods where the marshlands are and put out these fires. The only accessible way is in a boat going down the canals, and on each side of the canals are homeowners. Once again, one side of it is not in our town, nontaxable people.

So we're protecting property of Suffolk County in areas that is fire protection -- fire protection area that we can't tax. So we're not taking away the responsibility of us to tax our taxpayers and buy a boat to protect our waterfront property, we're asking the Legislature to help us with equipment to protect your waterfront property, your

property, your workers of Suffolk that's on your property, and that's what we're coming here for today. This is basically for the welfare and the benefit of all taxpayers of Suffolk County that are over at the properties on the other side of the bay.

LEG. CARACCIOLO:

Mr. Chairman.

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D.P.O. LEVY:

Are you done with your presentation?

MR. SHAUGHNESSY:

I think that's it.

D.P.O. LEVY:

Okay, thank you.

MR. SHAUGHNESSY:

And the boat also is maintained for rescue. Just very quickly, the bridges, because of the hazard caused by the State, you know, the reconstruction of the bridges, we were sent a letter by Suffolk County, "Don't take a fire truck on the bridge." When they notified me, I said, How am I supposed to get there?" They made the limit 10,000 pounds. What do I do now? I can't get there, it's impossible, unless we come through Nassau County.

D.P.O. LEVY:

Thank you, Kevin. Legislator Caracciolo, followed by Legislator Fields.

LEG. CARACCIOLO:

Yes. Chief, I have a question with respect to, first, the rescue issue. You said you would need this boat for rescues.

MR. SHAUGHNESSY:

Yes.

LEG. CARACCIOLO:

Where would the boat be dispatched from and what type of -- what amount of time, I should say, would it take to get to an individual at the far reaches of your district?

MR. SHAUGHNESSY:

Okay. The area that we protect is the Captree Boat Basin and the Robert Moses State Park. Islip Town has granted us docking spaces directly on the opposite side of the Captree Bridge. We respond right across. It takes approximately seven to eight minutes to get to the Captree Boat Basin.

LEG. CARACCIOLO:

Are there personnel in proximity to where this boat would be launched from?

MR. SHAUGHNESSY:

Yes. We have -- the volunteer fire service has people throughout the whole town. Response time for that boat to actually get in the water is only three or four minutes that it's actually launched. We have a rubber raft that they were using, but it's a little -- can't be used correctly.

LEG. CARACCIOLO:

Well, that was going to be my other question. Up to this time, how did you effect water rescues?

00016

MR. SHAUGHNESSY:

We were basically using a rubber raft with a little motor, but that just doesn't work anymore. And the bridges --

LEG. CARACCIOLO:

And that has limitations with respect to sea conditions and so forth?

MR. SHAUGHNESSY:

Very, very limited. The boat that we were looking to purchase for our fire department and Suffolk County, we were given all the specifications from the Suffolk County Police, which you people fund, on all their boats, was basically a boat designed by the Suffolk County Police, which had told us which was the best piece of equipment to buy to get over there, protect it. We come with doctors. We're a fire department that has a surgeon that responds to all calls. Like most fire departments, everybody in their fire district says, "Wow, you know, give us money for something in our town." Our issue is it's a piece of property that's five miles away. We protect it and we can't call up anybody over there and say, "Hey, charge your taxpayers and give us some money." There's no houses on it, it's just the property of the County.

LEG. CARACCIOLO:

The concern I had was that if we gave you the equipment, that you had not only the equipment, but the means, the personnel to effectuate quick water rescues when that becomes necessary.

MR. SHAUGHNESSY:

We have, just so the Legislative body knows, the United States Coast Guard, which we have a very great relationship with now over the last year, has sent over -- right now, there's -- our fire department is being trained by the United States Coast Guard to work with them. They basically -- we are designated as the advanced rescue scuba team for the United States Coast Guard at Fire Island, because we are the closest and we are the only hamlet that connects the beaches. So we have a very well organized situation in place and this would be a great asset to everybody. There's a million people go to those beaches during the summers.

LEG. CARACCIOLO:

Thank you.

MR. SCHAUGHNESSY:

And potential hazard is overwhelming.

LEG. COOPER:

Mr. Chairman.

D.P.O. LEVY:

Legislator Cooper.

LEG. COOPER:

Chief, what is the total purchase price of the boat?

MR. SHAUGHNESSY:

We were pricing a Thompson Marine Boat that the Suffolk County Police
00017

buy. The total purchase price originally started out at \$100,000. We had allocated money out of the taxpayers of West Islip to help fund this, to help fund this project, but after going out to the Suffolk County Police and having their input of what we need, the United States Coast Guard, to make this thing probably one of the most effective boats to protect property, the price has gone up to \$150,000, which we're trying to allocate by taking away from equipment from our

taxpayers. So this, in essence, would be a joint venture of the County Legislature helping us to equip with the best.

LEG. COOPER:

So you'll actually be paying for the majority of the purchase.

MR. SHAUGHNESSY:

Yes, we'll be paying for the majority, and, of course, we'll be operating it, running it, funding it, gassing it, everything. We just want some help to protect property that we can't tax.

D.P.O. LEVY:

Legislator Fields?

LEG. FIELDS:

Can you tell me why you can't get to Gardiner Park?

MR. SHAUGHNESSY:

Well, Gardiner Park, if you see the picture we sent, it's about -- there's a couple of thousand yards of marshlands which is tulle weeds. It's very explosive -- not explosive. There's channels and creeks and it's all marshland. When we had like the Pine Barrens and things go up on fire, if you have a fire over there, because there's a lot of people that use these parks, kids are lighting barn fires, in that park, you can't drive a fire truck in on marshland, you have to come in from the water. Up until now, that's one of the few parks that has all that kind of brush. If you ever drive over the Captree Bridge, it's a massive park with brush and you can't get there.

LEG. FIELDS:

Isn't there a road that goes from Montauk Highway up to the marshland?

MR. SHAUGHNESSY:

Yes, there's a road. It's about four-and-a-half feet walking path.

LEG. FIELDS:

No, I think it's longer than four-and-a-half feet, though, isn't it?

LEG. CARPENTER:

If I could.

MR. SHAUGHNESSY:

Well, it's about -- if you actually walked into the park, we've examined it, if you walk into the park that taxpayers walk down with their dogs, it's a narrow path. As we know, fire trucks are rather huge. You could pull down, but the marshlands goes hundreds and -- it's a hundred to four hundred yards to the west of that. You can't take any equipment there. You can barely walk on it.

00018

LEG. CARPENTER:

If I could, Mr. Chairman. I actually walk in that park quite frequently, and the path, it starts out appearing to be a very narrow dirt road in the beginning, but as you get further back towards the bay, it narrows, and then it comes to a point where it's basically just sand and very narrow. And then along the bay, there is an area of beach, and, unfortunately, it has been the scene of many bonfires. A lot of times kids will break in at night, set bonfires on the beach, and you see the remnants of it in the morning. So there have been instances when there have been fires there. And there are residents that live adjacent to the Gardiner Park on either side, the community of West Islip and the community of Bay Shore. And it is -- I forget what the acreage is, it's something like 50 acres, but a lot of it runs along the bay and it really is totally inaccessible.

MR. SHAUGHNESSY:

Just to clear, what happens is, in most brushfires, we use what they call brush equipment, which are trucks that go in and knock down brush. This type of equipment doesn't go on marshlands. There's no possible way.

LEG. CARPENTER:

And I think, too, specialness of Gardiner Park, if a fire truck were to make its way down to the beach to put a fire out, it would totally destroy the vegetation on both sides and endangering the species that are there. It would really be a disaster if you had to push something down there.

MR. SHAUGHNESSY:

A fire truck, just so you know, usually only comes with 500 gallons of water. You can't take a fire truck down a path and put out a major brushfires, you have to have some other means. That's one of the problems with these brushfires. That was one of the major problems that we had out east. They had plenty of fire trucks, just no way to get water there.

D.P.O. LEVY:

Thank you, Gentlemen.

MR. SHAUGHNESSY:

Okay, thank you.

D.P.O. LEVY:

George Iwasiuk was here. You were up there, sir?

MR. IWASIUK:

Yes.

D.P.O. LEVY:

Okay, thanks. John McCrink, Long Island Senior Games.

MR. MC CRINK:

Good morning. I'm here with Eleanor Scott, Executive Director of the Long Island Senior Games. We had athletes up earlier. We had an athletic director up earlier. It seems when we talk about sports and recreation, most people speak about the youth and people in their
00019

twenties getting up. Long Island Senior Games is dedicated to people over 50 getting involved in recreation and physical fitness activities. It's a nationwide program. Empire State Games, held Upstate, New York, every two years. And last year, Eleanor and some other friends got together and formed the Long Island Senior Games, put it together, and it was held last year at Farmingdale College. We had approximately 600 participants. And considering that the Suffolk population is almost 30% over the age of 50, we felt that something should be offered for these people.

I recently retired from the military, spending 28 years in the Navy. I spent many years in Hawaii, and in Hawaii, there's a large sense of {ohana} or family, and they spend a good deal of time and efforts and money on the senior citizens, keeping them active and participating in outdoor events. When I came back to New York, I felt that I wanted to get involved in the community, and the senior citizen -- or the Senior Games seemed like an ideal avenue to participate. It's a four-day venue, with approximately 19 sport activities and other recreations, line dancing, tai chi, something to get people out and get them involved.

Last year, at the initial games, we had approximately 600 participants with 60% from Suffolk. We're looking for some additional funding. We anticipate expenses for the 2000 Senior Games to be approximately \$40,000. We're looking for approximately 15.

MS. SCOTT:

Just I did let you know that we do have -- what we've done is try to offer a wide variety, so any senior can come over and say, "Oh, this is what I'd like to do. I didn't even know these things existed." So there are many things. The other one other thing I want to say is that when we were little, any of you who are my age, know that there was nothing for -- nothing, no sports period, and now we have the opportunity, finally, to participate.

And I just wanted to add that we have added to our other events, we've added bicycling, yeah, track and -- no, we had track and field. And we added a 5K race, shuffle board, lawn bowling, horseshoes, and other things. So it's really going to be a specific terrific event for the enjoyment of all the seniors, and we anticipate doubling the people we had last -- we expect around 1,200 without any question. And we thank you very much.

D.P.O. LEVY:

Thank you very much.

LEG. CARACAPPA:

Thank you.

MR. MC CRINK:

Last item was all of the people that run the organization, our volunteers, there's no funding for -- you know, no paid people, with the exception of some of the instructors. They get a stipend of approximately \$50. But all officials and other volunteers, it's strictly volunteer.

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D.P.O. LEVY:

Thank you.

MS. SCOTT:

Thank you.

D.P.O. LEVY:

And you're Miss Scott?

MS. SCOTT:

Yes, I am.

D.P.O. LEVY:

Okay, thanks. Thank you, sir. Kenneth Jensen. Mr. Jensen?

MR. JENSEN:

Yes.

D.P.O. LEVY:

Yes.

MR. JENSEN:

Okay. You didn't say what this was about, but it's about Resolution 1010, to rescind a right-of-way, an easement that was granted to a property in Manorville. This right-of-way would extend across a piece of land which is owned by the County of Suffolk, and it would cross over a greenbelt hiking trail.

In the past, 1991, there was a Resolution 654, whereas this hiking trail was taken out of the road system and put under the jurisdiction of the Parks Department. Whereas the resolution says the land is in a

natural state, has natural beauty, it's worthy of dedication. And, also, it goes on to say they don't want to convey any rights to adjacent landowners that did not exist prior to the dedication. If this right-of-way would be granted across the piece of land, seems to me like the guy who owns the land is getting rights that did not exist before it was granted. And this right-of-way would also be kind of like a common driveway, a roadway. And I don't see how a developer can really get the right to use public lands for personal means. Okay.

D.P.O. LEVY:

Thank you.

MR. JENSEN:

That's about it.

LEG. CARACAPPA:

Thank you.

D.P.O. LEVY:

Gale Rullmann, the same topic.

MS. RULLMANN:

Hi.

00021

D.P.O. LEVY:

Hi.

MS. RULLMAN:

Good morning --

D.P.O. LEVY:

Good morning.

MS. RULLMAN:

-- Legislature and everyone else attending. My name is Gale Rullmann, and I'm just going to read you a few lines of what I wrote about this Resolution 1010. It is -- is it normal practice to allow crossover of Suffolk County parklands anywhere on Long Island, or is it because the trail, better known on the tax maps as CR 91, is not publicly known or hidden away from the public and the public is not aware of it, except for the residents of Manorville? Already this Suffolk County park trail has been --

D.P.O. LEVY:

Excuse me, ma'am. Could we just have a little less conversation around the horseshoe, please? Thank you?

MS. RULLMANN:

Thanks. Already this Suffolk County park trail has been broken into pieces throughout Manorville with housing developments and roads. If we allow this area to become developed, living on Bauer Avenue will actually be living on the L.I.E., which is immensely loud already. I'm sure I speak for the residents who unfortunately could not make this meeting due to the demands of their job and support of their families. Please vote for Resolution 1010, to repeal the cross, not only for the residents of Manorville to have a peaceful sanctuary to enjoy, but, also, for all of the wildlife in our neighborhood that is their only place to live. Please reconsider this area for development, as it is the last green area in the midst of overdevelopment between Ryerson Avenue and Bauer Avenue, building has become a daily routine. There is not one empty plot left on Bauer Avenue, and with Silver Ponds directly behind Bauer Avenue, with accommodations for over 635 people, I'm sure this parcel is candidate for Proposition 6.

D.P.O. LEVY:

Thank you, Gale. Next speaker, Glenn Svoboda.

MR. SVOBODA:

Thank you very much, Steve. This message is for -- I've recently read an article in Newsday, and I spoke with Kelly in Mr. Caracappa's office regarding the boot to be putting on deadbeat parents. I want to thank you, number one, for then not being gender biased. We have a lot of gender bias in Suffolk County against men in this County.

We have a couple of bills up in Albany. One is 182, and another bill is 5606, that we're trying to get people out of the Family Courts and the Supreme Courts of Suffolk County and Nassau County.

00022

We all have read this one-week ad in Newsday, Judges in Black Robes. We're getting robbed, people. This is a billion dollar industry.

Right now, the New York Times for reporting this has a gag order on in Federal Court. Bruce {Lambit} put an ad of the judge racketeering racket going on in Nassau County and Suffolk County. I'm going to leave you gentlemen with that information.

Also, we have an article from the Daily News. New York divorce is killing us. It's the worst in the nation, people. We're not protecting our children. Now, Mr. Caracappa, you just recently put this article in. And I want you to let you know, Mr. Caracappa, according to the New York census, I wish we would take care of our children, because we have children that are killing themselves from suicide what's being done to the fathers. Now I just spoke to Mr. Steve Levy about three weeks ago, I went to his office. I know he's very busy. He gets five complaints a week from this. I've been in close contact with Mrs. Vivian Fisher. I've been to many politicians in Albany, and you people must do something.

I'm a divorced father. I wasn't able to see my children because I was taken out of my house from Donald Blydenburgh. Mr. Crecca was my attorney. He knows the -- he knows the corruption that's going on inside this building. I lost five automobiles. I was given a boat, but nothing to tow it away. I lost all four of my cars, plus one that I replaced it with. This is not a joke. We see commercials, people. We must stop this strife. I know parents that are killing themselves in this County, I know children that are slicing their wrists. And I'm in too many other organizations to discuss this right now, but this is a hardship. I know Mr. Levy said there's not much he can do, but Mr. Gaffney, I had to go see him the day me and Mr. Crecca on the 16th of last month went into court. I went and I seen Mr. Gaffney up on the stairs outside. He refuses to give us any time on these matters and he knows what's going on.

Now, I want to tell you what. I worked on Mr. Levy's car in Bayport. My boss was good friends with him and I was there nine years. My boss was subpoenaed, Robert {Danotto}, his wife was subpoenaed into court, Robin {Danotto}. They tried extorting money from my boss Robert {Danotto}. You on know what, Glenn was terminated, and it was found in a hearing in unemployment insurance that I wasn't entitled to it. And you know what, Glenn still had to pay \$160 a week. I immediately filed a downward modification and I went to jail. I did eight days in Riverhead and had to come up ransom against Donald Blydenburgh. Mr. Crecca was there.

D.P.O. LEVY:

All right. Glenn.

MR. SVOBODA:

I had to sign over my fifth car.

D.P.O. LEVY:

Glenn, I know this is very emotional for you, and I just have to ask you to wrap up. I made a mistake with the time. I let you go a little bit over. But if you can please wrap it up.

00023

MR. SVOBODA:

Okay.

D.P.O. LEVY:

Okay?

MR. SVOBODA:

Gentlemen, you all know what's going on, ladies and gentlemen. I'm begging of you, stop the strife. Please, I beg of you, every one of you are listening to me, please, you know this is not a joke. You have any two children, two boys, 50-50 chance they will be in the same situation.

I want to leave you with some paperwork. And, please, if anyone wants to contact me, I -- we have a T.V. show. My number is 941-9147. And we would really love to try to set things straight. Thank you very much.

D.P.O. LEVY:

Thank you. You can give your documentation to the Clerk. Thank you. Next speaker is Mark Gatz.

MR. SVOBODA:

It's a little bit out of order, I'm sorry, but -- thank you once again.

D.P.O. LEVY:

Thank you.

MR. GATZ:

Good morning.

D.P.O. LEVY:

Good morning.

MR. GATZ:

My name is Mark Gatz. I'd like to bring to your attention the following facts. I found out through CNBC Television that Tom Otis, owner of the Otis Ford Car Dealership in Quogue put used parts on my new car. As I was picketing the business peacefully, Otis Ford salesman Mark Layburn burned me with a cigarette. This incident I have on video tape. I was falsely arrested by Paul Haines, Mary T. Otis, the daughter of Tom Otis, and also the Quogue Village Police Department with gross civil rights violations. I was then falsely imprisoned by the Quogue Village Justice. I was then beaten inside of the Suffolk County Correctional Facility in Riverhead by two correction officers. I was slapped in my right ear.

(Applause by Member of the Audience)

D.P.O. LEVY:

Let's give the speaker respect, please.

MR. GATZ:

I was slapped in my right ear, left side of my face, and I was then thrown into a brick wall.

00024

I'd like to submit to the Clerk, these are six letters, most are certified. I've been waiting six months. One letter was hand delivered to Legislator Guldi. I've been waiting six months for a reply, he has not responded. I'd also like to submit to the Clerk, this is a hand delivered letter to Legislator Caracciolo. I've also been waiting six months. I have not yet received a reply. I'd like to submit to the Clerk.

In the Public Officers Law, Section 74, Code of Ethics, under (3) Standards, Subsection (h). It says, "An officer, employee of a state agency, member of the Legislature, or Legislature employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust."

This is a list I'd like to submit to the Clerk, that -- also given to Legislator Guldi and Legislator Caracciolo. It's a list of 85 people who feel that they were cheated or ripped off by Otis Ford. I'd like to submit that to the Clerk.

For the record, I'd like to ask both Legislators if they reported to the District Attorney? If not, why not? Respectfully, both Legislators have a responsibility to the public and must respond to the public's request of help, and they both have an absolute right to intervene. This matter has statewide implications. Again, I'm asking for your help. Thank you.

D.P.O. LEVY:

Thank you. I would just note, sir, you have every right in the world as an individual to go to the District Attorney and to present your claim to him to see if he will bring any charges. You also might want to present your documentation to our Consumer Affairs Department that could look into whether there is any validity to the allegations. And did anyone want to respond? Okay. Thank you very much.

MR. GATZ:

Thank you.

MR. SVOBODA:

This is Glenn Svoboda again. I'd like to add the remarks.

D.P.O. LEVY:

Glenn. Glenn, I --

MR. SVOBODA:

I was just told to go up here, Mr. Levy. That I

D.P.O. LEVY:

Glenn, if you'd like, if you want to sign, maybe we can do something later, but we have to keep it in order, okay, or it's unfair to the other speakers.

MR. SVOBODA:

I was abused also, that's why I clapped. Thank you very much, Steve.

00025

D.P.O. LEVY:

Okay, thanks.

MR. SVOBODA:

I'm sorry for clapping.

D.P.O. LEVY:

That's okay. Fred Havemeyer. Havemeyer, I believe.

MR. HAVEMEYER:

Good morning.

D.P.O. LEVY:

Good morning.

MR. HAVEMEYER:

I'm from the East End, Frederick Havemeyer, and I live at 1874 Montauk Highway between Water Mill and Bridgehampton. I'm here today to talk on the sand bypass project, which George Guldi will be introducing to you very soon. It's a massive Public Works project at the Shinnecock Inlet, right by Shinnecock Bay on the beach in Southampton. This project is the baby of the Department of State. \$4 1/2 million to build, approximately, maybe five, and it's somewhere between 700,000 and a million-two each year to maintain. This project, as it is now, is going to be put in a County park, a pristine and gorgeous County park, this sprawling project of a very large pumphouse, a crane, bulldozer and all sorts of pipes all over the beach and up and down the dunes, and a large pipe is to be put across Shinnecock Inlet underneath and down the beach 6,000 feet. The purpose of this project is to carry sand from one side of the inlet to the other.

Now, the reason I'm here is to speak in opposition to this project, not the transferring of sand, but the jeopardy to the park, the incredible cost, and, also, there is a number of other viable environmentally sound and much less expensive ways to do this very same thing, i.e. a jackup dredge could maintain itself around the inlet. At the mouth of the inlet, there's a very large volume of sand. I should explain, the sand that is carried down the beach is deposited at the mouth of the inlet and inside the inlet. This sand could be easily transferred for beach replenishment, down the beach to the west at a much less cost and with no jeopardy on the park.

And I would like to say again, I'm a member of the Southampton Village Coastal Policy Committee. We followed this very carefully for almost two years. I've been at every meeting that there has been by the Department of State, Town level, Village level. I'm very aware of this project. And I ask you as our Legislators, all of you, to please look into this very carefully. The park that we have there is a unique resource. It's the only park that I know of that people, anyone, you people and your families can go there, and for a very minimal fee in this County park, you can camp for the night and you can be a beach front homeowner. At this particular moment it is pristine. It does not need to be obliterated by the sprawling Public Works project, because, very easily, we can transfer this sand in a very flexible way down the beach with a dredging system. I want to thank you very much.

00026

D.P.O. LEVY:

Thank you, sir. Legislator Foley. You want to stay for a second, sir?

LEG. FOLEY:

Mr. Havemeyer?

MR. HAVEMEYER:

Certainly.

LEG. FOLEY:

Is it Havemeyer or Havemeyer.

MR. HAVEMAYER:

Both are fine.

LEG. FOLEY:

Okay.

MR. HAVEMEYER:

But Havemeyer is the way we pronounce it.

LEG. FOLEY:

Okay, very good. Next Thursday will be the Public Works Committee meeting on this particular project. I'm the Chair of the committee, and we reviewed this last year. We had Mr. Fred Anders from the State Department of State come down, as well as a representative from the State Department of Environmental Conservation. We had -- in fact, it was the last meeting of the year, and we had a robust debate, discussion, on the issue. It was tabled at that time. With the new session, if you will, it had to be reintroduced. It has been reintroduced with this new packet. So next Thursday at 2:30 is when the Public Works Committee will be tackling this issue. It's somewhat short notice for the State, but I would -- I'm going to again invite Mr. Fred Anders in Department of State to attend that particular committee meeting. You're more than welcome to attend, sir. And if there are others that you mentioned earlier who are very interested in this issue, they also are welcome to attend. The meeting will be in Hauppauge, it will not be here in Riverhead. But we have had a number of people speak on this in the past, LIBA, a number of other beach enthusiasts, park enthusiasts.

The Department itself has officially gone on record as opposed to the project. But there's no doubt there needs to be some kind of method to bypass or to bring sand from one side of the inlet to the other. And, certainly, we need to look at all possible alternatives to doing that, because we need to continue that littoral drift of the sand and not just have it stop on the east side of the inlet, so --

MR. HAVEMEYER:

Could I speak just a little bit more?

LEG. FOLEY:

Sure.

00027

MR. HAVEMEYER:

I couldn't agree with you more. I'm attending -- I'm intending to come to your meeting on Thursday.

LEG. FOLEY:

Good. Very good.

MR. HAVEMEYER:

I'm looking forward to it.

LEG. FOLEY:

A week from Thursday.

MR. HAVEMEYER:

A week, yes, of, course. And I'd also like to say that the Town Trustees, which is a very important ruling body in our Town, Southampton Town, is opposed to the fixed base project in the park, but they're not opposed to sand transfer. And I'd also like to say, in the two years that I've been involved with this, I know Fred Anders very well, we've spoken together enumerable times, that there is a very viable, as I said, in my preamble, a very viable way of moving the sand. I've talked to many marine contractors on this where a jack-up dredge can be -- a long-term contract, low bid can come in and move the requisite amount of sand each year, not from the park, but from the

bars that are in the way anyway, move it on down the beach, again, long-term, low bid for a minimal cost compared to this multi-million dollar projects, which is really in jeopardy of the entire storm cycle there, too, because one good hurricane and you could lose the entire 4 1/2, \$5 million system just like that, where with a dredge, at this time of year, when there's not a lot going on at the inlet, would have no consequence whatsoever.

So, again, we're not advocating the Village Coastal Policy. I'm not speaking for the Trustees, though I know them well. We're not advocating just say no to the whole thing --

LEG. FOLEY:

Right.

MR. HAVEMEYER:

-- we're asking all of you to readdress this and to work with Fred Anders and come with a much better way to do it and much more ecologically sound.

And, Brian, I would like to say, have you ever been to the park, the Shinnecock East Park?

LEG. FOLEY:

Absolutely, yep.

MR. HAVEMEYER:

You appreciate it as much as I do, because I go there with my son, who's eight years old, and I fish there and I have all of my life. And it's such a valuable resource. It would be a tragedy if it was virtually wiped out by the sand bypass project.

00028

LEG. FOLEY:

Okay.

MR. HAVEMEYER:

Thank you, Brian, very much.

LEG. FOLEY:

Thank you.. Okay

D.P.O. LEVY:

Sir, would you remain there for a second? Legislator Guldi.

LEG. GULDI:

Thank you. Fred, thanks for coming down, and thanks for your willingness to continue the dialogue that we've had here at the Legislature. I think it's important that my colleagues hear some of the flaws in this project, as well as pushing some of the technical and practical sides of alternate approaches to moving the sand.

What I would ask Chairman Foley of the Public Works Committee to do is to let my office know as soon as he gets confirmation from the Department of State and Anders whether or not they will be there. If they will not be there at that meeting, I'd ask that you table this resolution until such time as they appear, and we will give you notice as to whether or not they're anticipated or it will be tabled, so that you won't be making a trip to Hauppauge for a meeting that won't be productive.

As I've urged you before, to the extent that you can continue to pound the benefits and relative merits of alternate approaches, I think that it might be helpful to advance the consideration of the utilization of the State funding behind this project in a more productive way.

MR. HAVEMEYER:

Sounds good to me.

LEG. GULDI:

Okay, thank you.

MR. HAVEMEYER:

I think I just would like to close by saying I think, really, this is a situation that if everyone works together and works together purposefully, that we can come up with a good solution that will save the taxpayers a lot of money, and would also save the taxpayers a beautiful, beautiful park. I want to thank you very much.

D.P.O. LEVY:

Thank you very much, sir. I just want to note for the record that Legislator Tonna is with us in the building. He's feeling very ill, so he'll be in the back for most of the time. He'll be up for votes a little bit later. Bill Leudemann.

MR. LEUDEMANN:

Good morning, Ladies and Gentlemen. For those of you who don't know
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me, my name is Bill Leudemann. I'm here representing the Suffolk County Restaurant and Tavern Association. I'm here on a twofold basis.

First of all, I'd like to thank each and every one of you who voted on Fred Towle's resolution to eliminate the taxes on our fuel oil and our gas in our small businesses. And, Fred, I'd like to thank you personally for helping us try to survive.

Secondly, I would like to request that the sales tax on home heating oil, which is only 1%. But I think it's just as important as clothing and shoes and whatever to have that sales tax eliminated on our home heating oil.

As everybody knows in the letters I guess that I sent to everybody, the sales tax that we pay at the present time amounts to almost 16%, and whenever I get a delivery, it costs me anywhere from 150 to \$170 in taxes on my business, and this would be a great saving, and I appreciate what you've done already. I burn approximately 35 gallons of oil a day in my establishment, so it would certainly help me. But I would like to say that the 1%, which is not much, but it's something and it's a necessity, and I don't think that the sales tax is necessary.

If you're wondering where there's supposedly \$16 million that this 1% generates, I would say over the course of this year, since you've redoubled the sales tax on the oil this year because of the doubling of the prices, that that should take care of the loss in sales tax for next year, and maybe by the following year, we could find some place to make up for that \$16 million. Thank you very much for letting me present this --

LEG. CARACCIOLO:

Mr. Chairman.

MR. LEUDEMANN:

And thank you again for --

D.P.O. LEVY:

Hold on one second, Bill. First of all, before I recognize Legislator Caracciolo, motion by Legislator Postal, second by Legislator Cooper to extend the public hearing. In favor? Opposed? Motion carries. Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. Hi, Bill. I, like Legislator Towle and other Legislators, received your correspondence back in December concerning this issue. And since you're in business, I have some questions for you. As a businessman, when you have fixed expenses, including labor expenses, you have to generate income in your business. It's through the prices you charge your customers.

MR. LEUDEMANN:

Correct.

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LEG. CARACCIOLO:

Correct. In government, we're not in business. We don't have a for-profit motive, we have a not-for-profit motive, we provide services. And in doing that, we have to provide salary and benefits for 11,000, almost 11,000 County employees, all of which are up for labor contracts and negotiations later this year. I say that because you mentioned that 1% is not much. And we're really talking about two issues and I think we have to all be clear about the two issues. One is the repeal of the home residential fuel tax, which is 1%.

MR. LEUDEMANN:

Correct.

LEG. CARACCIOLO:

And the other is surcharge, and the other is the surcharge on businesses, which is much more.

MR. LEUDEMANN:

Right.

LEG. CARACCIOLO:

Together, we're talking about not \$16 million in lost County revenues, but let me get an updated figure from Vicky Siracusa. Vicky, do you have a number that would be accurate as of today, approximately, the County share of that?

MS. SIRACUSA:

I'm sorry, I didn't hear the beginning of the question.

LEG. CARACCIOLO:

We're talking about if the County were to repeal the residential and business surcharge on fuel oil, what the financial impact on the County would be.

MS. SIRACUSA:

The residential and business?

LEG. CARACCIOLO:

Yes.

MS. SIRACUSA:

The 1%?

LEG. CARACCIOLO:

Yes. Well, 1% is residential. We're talking about the business surcharge. It's -- what is it, 4%? What is it, Paul?

MR. SABATINO:

Four and -- the business portion would be 4 1/4%.

LEG. CARACCIOLO:

Okay. So my question was what would be the financial impact?

MS. SIRACUSA:

I really would like to get back to you on that, because we have some questions about our original number, just to verify.

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LEG. CARACCIOLO:

Well, you had -- you did publish some original numbers --

MS. SIRACUSA:

Right. Well --

LEG. CARACCIOLO:

-- And those are the numbers I'm asking for.

MS. SIRACUSA:

16.5 million was our original number.

LEG. CARACCIOLO:

On the residential fuel tax.

MS. SIRACUSA:

Yeah. That's the part I'm --

LEG. CARACCIOLO:

I'm talking about on the business and residential.

LEG. TOWLE:

Legislator Caracciolo, would you suffer an interruption?

LEG. CARACCIOLO:

Yes.

LEG. TOWLE:

First of all, I think Budget Review is working on that 4 1/4%. But there actually is some debate now whether or not that \$16.5 million is accurate. In fact, after doing some research independently on my own with a couple of other members of the County Legislature, I went back to Budget Review yesterday to discuss whether that number was factual and how we came to that \$16.5 million, because, in fact, based on some of the research I've done, the number I've come up with is much less, and I put that call in yesterday. So that number might not even be \$16.5 million, just as an aside.

LEG. CARACCIOLO:

Okay. I appreciate that. Counsel, do you recall what the preliminary financial impact if we repealed the State -- I mean, the business surcharge?

MR. SABATINO:

I thought the statement that was made, with the caveat that it was preliminary, was 68 million, but that's --

LEG. CARACCIOLO:

That's 68.

MR. SABATINO:

Sixty-eight's the number that I remember, but that was in a dialogue.

LEG. CARACCIOLO:

That's 68, plus approximately 14, 15, \$16 million.

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MR. SABATINO:

15.8 is the other number --

LEG. CARACCIOLO:

Okay.

MR. SABATINO:

-- which is the residential portion.

LEG. CARACCIOLO:

Okay. So the question I have for you, Mr. Leudemann, is, as a business person, if you were to reduce your receipts by a significant amount, and now we're talking about a significant amount of money cumulatively,

we're talking about \$85 million, what would be compromised in terms of either your product, or your service, or your quality control?

Something would have to give, would it not?

MR. LEUDEMANN:

Well, it wouldn't have to give for a couple of years, because this year you've redoubled the amount of sales tax that you would have normally, because the sales -- the fuel oil is doubled, more than doubled.

LEG. CARACCIOLO:

Right. You say this year -- wait a minute.

MR. LEUDEMANN:

As a matter of fact, it was 85 cents and now it's up over \$2.40, you know.

LEG. CARACCIOLO:

Back down into -- it's over a dollar, but it's not up to two dollars anymore.

MR. LEUDEMANN:

Well, it was. No, not anymore. I'm sorry.

LEG. CARACCIOLO:

Well, it was for a two-week period.

MR. LEUDEMANN:

Right, correct.

LEG. CARACCIOLO:

Okay? So you're right, there was a spike. But the larger issue here is can the County afford on a year-in-year-out basis, as you as a business owner know well. If you cut your prices, if you have a loss leader in your product line, you do that so you can bring people into your establishment and they're going to spend money elsewhere. Okay? Again, I want to make clear, we are not in business as you are with a profit motive. If we cut 16 million or \$85 million in taxes on fuel surcharge, then the challenge to my colleagues is to find an offsetting amount of revenue or cuts in services to pay for it. I mean, that's the way it works.

Now, I'm going to tell you what will happen, because I've been here long enough, and there's only five of us left that went through the

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1990, '91, '92 era, when this County had a \$200 million deficit like Nassau County, and the heartache and grief it caused a lot of people. And you know what happened, the County raised taxes. And I can tell you right now, the same people who advocate in repealing this tax, they won't stand up when the time comes to raise taxes. You know what's going to happen then? Well, then the County's going to have to cut services, because something has to give, and they won't vote to cut services. So they don't have the courage to do anything except placate and posture and pander to special interest groups. And I just want you to understand that we have a larger responsibility, because what's going to happen if we repeal 16 million or 85 million is later this year or next year, eventually, when it catches up with us, property taxes are going to have to be raised. And that's where we really run into a bind, because unlike Nassau County and other municipalities, we have in Suffolk County cap laws, and under our cap laws, we cannot exceed a certain percentage of an increase in any given year without 14 members of this Legislative body voting for it. Very, very difficult benchmark to reach.

So while it may sound good and even feel good, we have a lot of analysis and a lot of research to do before we act on that. And I for one just wanted to share that with you, and I appreciate your writing to me, as I know you did to everybody else. But since I had this opportunity to share my views with you, I wanted to do so. Thank you very much.

MR. LEUDEMANN:

Thank you. But I would like to know why -- I mean, we dropped the sales tax down on home heating oil to 1%, but, yet, a small business, which is a backbone of all the communities, we have to pay the full amount. Why? I mean, I don't understand. Are we exceptionally rich? Don't we ever go out of business for any particular reason? I mean, this is a lot of money that we're talking about and, you know, over and above what we normally pay. And we can't raise our prices every day. You know, you can't raise two or three cents on a bottle of beer, or whatever. I can't raise a dollar on an catering affair, you know. I mean, these are all unexpected expenses that we have.

LEG. CARACCIOLO:

What's the average profit on an alcoholic beverage in a retail establishment in Suffolk County for a bottle of beer or a hard drink, you know, mixed drink? You pay three, four dollars. What does it cost to make? You're going to tell me it costs you a \$1.50? It costs pennies.

MR. LEUDEMANN:

What is the point?

LEG. CARACCIOLO:

There's tremendous profit. Well, the point is we're talking about a few pennies here on a residential home fuel tax where the average consumer would save, save on an annualized basis somewhere around 11 to \$14. What are we talking about? I mean, you know, it sounds good to say you want to cut a surcharge of 1%, but what's the real meaningful effect? The real problem is gasoline taxes. But because that's a federal issue and that's a state issue, nobody -- everybody just punts
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and says it's {OPEX} fault and everybody accepts that. There are larger -- bigger fish to fry is the point I'm making here. We're talking about pennies. Thank you.

D.P.O. LEVY:

Thank you, Bill. Legislator Towle.

LEG. TOWLE:

Yeah. Thank you, Legislator Levy. A couple of points that I think it's important that, you know, you walk out of here with a clear picture, Bill. First and foremost, Legislator Caracciolo is absolutely wrong, that the bill that we passed at the last meeting of the Legislature at this point has no fiscal impact, because all the bill did was call on the State to allow us to consider eliminating the sales tax that you're paying as a business and other businesses are paying here in Suffolk County. That's number one. Number two, it would be quite irresponsible to eliminate that sales tax all at one time. And in many conversations that I've had with you, I've never said that that was going to be my intension. My intention is to look at that and possibly phase that out over a period of time.

Let's talk about the 1%, because I think that's important. We want to

talk about being honest, we want to talk about being truthful, then let's be honest and truthful. Let's not sit here and spew a line of baloney to the people that are here in Suffolk County. That 1% surcharge was implemented to bail out the Southwest Sewer District. The voters of Suffolk County concluded that bailout last year when they passed the tax stabilization plan. Originally, that 1% that's been on the books, it was actually 3% when it started, was on the books for over 30 years. That 3% was phased to 2%, then it was phased to 1%. All right? We've dealt with the issue of the financial problems of the Southwest Sewer District. So to continue to take that 1%, whether it's 16.5 million or four to five million, based on some of the estimates that I've done, I think that number is quite inflated, 16.5 million. All right? But let's go on the assumption, for the purpose of the argument, that that is the figure today, that's a lot of money, and that money is being collected falsely, as far as I'm concerned. All right? So I think it's to be honest to the public, we should return that money. And if we're going to have to tax them for services, or for contracts, or for any other thing that this County decides to do or don't do, then we should be honest with them. We shouldn't slap on a user fee on home heating oil to absorb the fact that we don't want to raise property taxes to pay for contracts. That's a lie, that's a sham, and I'm not going to partake in that kind of activity. Number two.

Number three, you're right. I don't know if Legislator Caracciolo has filled up his home fuel tank recently, but I fueled up mine and it was a buck-eighty-nine, a dollar more than I paid last year. All right? So you're absolutely right, there is going to be an increase in the anticipated revenues that we collected under that 1%.

MR. LEUDEMANN:

Right.

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LEG. TOWLE:

So one would think what are we going to do with that money? That money is going to go into the General Fund and it's going to plug holes in our budget. All right? That's what's going to happen with that extra money, Bill. That money's not going to go back to the taxpayers.

MR. LEUDEMANN:

Right.

LEG. TOWLE:

We're not going to provide additional services. We're not going to pay for, you know, improvements to the County Center here in Riverhead, unless that was something that was scheduled in our budget already. So that's going to be absorbed by the General Fund, and that's going to be a lot of money. I think you're right. I don't see this oil issue, as far as homes and businesses are concerned, going away because we're going into the summer. You know, you still have to run your businesses, you still have to heat your ovens, and you still have to do other things. And Legislator Caracciolo is right, there is a mark up on selling alcoholic drinks. But if we're going to talk about the cost of doing business here in Suffolk County, then we ought to be honest, because the cost of that drink is not only what it costs you for the alcohol, it's what it costs you for the staff, it's what it costs you for insurance, it's what it costs you for property taxes, it's what it

costs you to open -- to put the key in your door.

MR. LEUDEMANN:

Right.

LEG. TOWLE:

I imagine to walk into your business that I've been into, it could cost you probably somewhere in the area of 30 to 40 to \$50,000 a month just to stick the key in the door and start your business, no less have people in there doing business.

D.P.O. LEVY:

Okay.

LEG. TOWLE:

So if we're going to be honest and talk about all those things, I think those are the things that we need to look at. There are a lot of additional revenues that have materialized in this year's budgets. The PILOT payments, which are \$20 million alone, is one thing that we could start talking about. So if we're going to start talking about facts and figures and information, we should talk about everything evenly and equally, not paint this picture of doom and gloom, the same nonsense that I heard last January, February and March when we talked about eliminating the sales tax on clothing and footwear. And some of the people that sit in this very institution that I do, and it is an institution at times, all right, every one of them voted for it after eight months of debate. We were going to stop buying environmentally sensitive properties, we were going to lay County employees off, we weren't going to be able to hire people, we were going to be cancelling contracts for Social Service agencies, we were going to be cutting overtime, we weren't going to have police on the street, we weren't going to be able to negotiate contracts, all the same doom and gloom

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nonsense. All right? And every person in this institution voted for it, and including the County Executive, and most people campaigned on it to get reelected.

LEG. CARACCIOLO:

Mr. Chairman.

D.P.O. LEVY:

First we have Legislator Carpenter, then Legislator Caracciolo. But I should say, I'm guilty of this myself, we are going into debate here, so let's try to keep it to a minimum; okay?

LEG. CARACCIOLO:

I was asking questions, I wasn't making speeches.

LEG. TOWLE:

Sounded like a speech to me.

D.P.O. LEVY:

Legislator Carpenter.

LEG. CARPENTER:

I would just -- in the interest of coming up with the facts, I agree with almost everything that Legislator Towle just said. The one thing I will have to take exception with, and I would ask Counsel to refresh -- well, not our memories, because it precedes all of us, and that is the fact that I did check with Legislator Rizzo, who was here, and that 1% was not instituted to bail out the Southwest Sewer District. And I would just ask Counsel if he could let us know exactly why that 1% was put in place?

MR. SABATINO:

The 3% tax was already in place. It was lowered to 2% and then down to 1%. The 1% in either 1976 or '77, I don't remember the exact year, was pledged as additional security or collateral for some 1976 sewer district bonds. So the tax was already on the books, it was not initially imposed for Southwest Sewer District purposes. The only relevance of the 1% was that, at some point in time, it was allocated as additional collateral and security, which we now believe was addressed by the Quarter Percent Extension Program.

LEG. CARPENTER:

Thank you.

D.P.O. LEVY:

Thank you. Mike, for a quick question.

LEG. CARACCIOLO:

Yes. Well, no. I think I wanted to do exactly and I appreciate what Legislator Carpenter did, because it clarifies, if we want to be accurate, you know, the record, and it's important that we do that and we don't mislead the public as to what the record is. But I would just submit to you, Bill, sooner or later, if you repeal any tax, any revenue, it's only a matter of time when the economy is going to take a downturn, and, hopefully, it will be a mild, soft landing, as economists like to describe Mr. Greenspan's actions. But, you know,

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there is a business cycle. You know that probably better than we do. And when we go into that decline, you're going to be affected and we're going to be affected. So my question is would you rather us consider a 1% repeal of the surcharge in home heating oil and for three, four-and-a-quarter percent on businesses, and as a substitute, when the time comes and the revenues have to be made up, increase your property taxes?

MR. LEUDEMANN:

Well, I believe that if it's spread out over a period of time that the impact wouldn't be that great.

LEG. CARACCIOLO:

What do you base that on?

MR. LEUDEMANN:

Base it -- you could base it on the fact that the home heating oil was 3% and now it's down to one. Where was the impact on that?

LEG. CARACCIOLO:

Oh, the County has other revenues to make up for those shortfalls, for those --

MR. LEUDEMANN:

Did you raise taxes for that to --

LEG. CARACCIOLO:

Well, back in the '80's, they raised taxes substantially, and in the '90's we reduced taxes substantially.

MR. LEUDEMANN:

But I don't think it was because of the tax on oil. I don't think, you know --

LEG. CARACCIOLO:

No. You're taking something that's very complex, a \$2 billion County budget, and you're trying to simplify it in simple terms and you can't do that.

LEG. TOWLE:

We do that every day. What are you talking about?

LEG. CARACCILOLO:

No, no, no, no. Some people try to do that every day. Those people who are dutiful and diligent don't fall for those gimmicks. Thank you, Mr. Leudemann.

MR. LEUDEMANN:

Thank you. I really appreciate it. I think you again --

D.P.O. LEVY:

Thank you, Bill.

MR. LEUDEMANN:

-- for what you have done for us already. And I would just appreciate it if you would look into the feasibility of my request. Okay?

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D.P.O. LEVY:

Thank you for your --

MR. LEUDEMANN:

Thank you.

D.P.O. LEVY:

-- three minutes of comment and your 15 minutes of sitting there patiently and listening to debate. Okay. Tim Behringer.

MR. BEHRINGER:

Hi. My name is Tim Behringer; I'm a resident of the Village of Southampton. I'm here on behalf of the Surfrider Foundation, a national organization. We have an opinion, and on the proposed sand bypass project out at Shinnecock Inlet, we consider this proposal to be incredibly expensive. It makes use of unproven technology. It will be -- if it is built, it will be inflexible in the event of a breakthrough along the South Shore. I don't think anyone in this room needs to be reminded how fast Pike's Inlet fortified itself when there was a breakthrough back a few years ago. The proposal is to place this concrete monster in a very unique environmentally fragile County park. This park is utilized by many, many people, campers, surfers, fishermen, boaters, beach-goers, bird-watchers, piping plovers, and even just the daily beach-goers.

The proposed project is an impermissible use of taxpayer money, and alternatives such as portable dredges really should be considered as a more viable means of protecting the beach. And we ask that you give serious consideration to these alternatives, which Fred said, and from what we've heard so far today, it sounds like will happen. But we do ask that everybody in this room be aware of this project. It is something that has been kicking around for a couple of years and it seems to keep getting itself back out of the casket on occasion and reliving itself. And we'd like it to be permanently taken off the table and in favor of less environmentally disastrous -- less -- better, environmentally more sensitive alternatives. Thank you.

D.P.O. LEVY:

Thank you, Tim. Lynn Goleski. Bill Smith.

MRS. GOLESKI:

That's me.

D.P.O. LEVY:

I'm sorry, Ms. Goleski.

MRS. GOLESKI:

It's Goleski.
D.P.O. LEVY:
Goleski.
LEG. D'ANDRE:
Don't rush the women.

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MRS. GOLESKI:
Hi.
D.P.O. LEVY:
Hi.

MRS. GOLESKI:
My name is Lynn Frankenbach Goleski. I'm a native of Southampton. I was -- I've been a beachgoer my whole life. I'm talking about the sand bypass program that Tim was just speaking about and Fred Havemeyer spoke about. I've sailed on Shinnecock Bay. I've gone clamming with my father as a child. I've had a lot of freedom as a child. I've been able to ride my bike from the beach -- from town to the beach to the bay, and to enjoy the outdoors that we have, the beautiful beaches that we have, especially. I'd like to see them preserved. We have -- we have a patent, the Dongen Patent, that protects the rights of beachgoers and this patent supersedes all other legislation, I believe. It provides that people may -- the general public may pass along the beach. We may not allow walls to build up on the beaches. We may not permit huge structures to be built along the beaches that are permanent. We may not influence the beaches in a way to take away the public's right to these beaches.
I'm sorry. I forgot a photo I needed to bring here.

D.P.O. LEVY:
Ma'am, as you're coming back, you can certainly feel free to give a copy of the photo to the Clerk to send around to us.

MRS. GOLESKI:
Yeah. I'm sorry. I just found out about this meeting this morning.

D.P.O. LEVY:
Okay.

MRS. GOLESKI:
And I have not prepared at all. It is --

D.P.O. LEVY:
Now, I just want to let you know, it's a quick three minutes. We'll give you a little more time to sum up, but we're not voting today on this resolution. You'll have another opportunity to come back --

MRS. GOLESKI:
I know.

D.P.O. LEVY:
-- and speak.

MRS. GOLESKI:
I have three children and my husband works out of town, and they go to gymnastics on Thursday in Riverhead, and I don't have --

LEG. GULDI:
And I know where you're going to be on Thursday.

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LEG. FOLEY:
Don't worry about it, you'll be well represented.
D.P.O. LEVY:

All right. Why don't you just conclude. Go ahead.

MRS. GOLESKI:

I need a few more minutes, if you --

D.P.O. LEVY:

Well --

LEG. GULDI:

Mr. Chairman.

D.P.O. LEVY:

One of the ways we can stretch this is we'll have a question posed by Legislator Guldi.

LEG. GULDI:

Yeah. I'm going to ask you a rather open-ended question so that you can tell us what you have to say. Go ahead. Now, you don't have three -- now you don't have a time limit.

MRS. GOLESKI:

Thank you. Okay.

LEG. GULDI:

That's how it works.

MRS. GOLESKI:

I believe that there are other solutions to this problem at Shinnecock Inlet, solutions that no one has even looked at. I think there are possibly some studies that are already being done that can be done very easily. I think that -- I attended the College of Environmental Science and Forestry in Syracuse, New York. I took a course in satellite technology. I know what the satellites can do. I know that they circle around the earth and you can take pictures. There's a website. You can get these pictures downloaded. There's a U.S. Geological Survey who has all these maps. We can get maps from them. We can do a progression analysis and determine what's happening with the beaches from Montauk to Rockaway. We can look at the pictures over time and determine where the beaches are going. We don't need to spend money to do something that is going to be a stopgap fix and not get anything done in the long run. We need to take a broader view of this.

If you take a look at this picture, and I'm sorry it's not bigger, this is the Shinnecock Inlet. And what's happening here is there's a direct correlation between the size of the jetty and the scouring on the opposite side in Hampton Bays. If you look down at this picture, you can see the length of the jetty, flip it over, and that's the length of the scouring on the other side. Now, tell me that isn't interesting. I took fluid dynamics in college. That's a study of water rushing through tubes or rivers. It rushes faster in the middle of a river.

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It rushes fast and it rushes hard, and it takes more sand with it. The bigger your channel, the more sand you're going to have in that bay and the more it's going to be clogged up. Now, you've got sand pushing down the beach, going around the jetty, going in and clogging up the mouth and you got a big channel. If you let the channel -- if you let the floor bottom decrease in depth to the point where it's not quite as deep, to a point where a boat can still get through, but it doesn't have to be so deep that you can get an ocean liner in there, for instance. I'm just exaggerating. But, you know, the -- we don't have to get a tanker in there. We saw the boat coming in with the airline

wreckage from that Flight -- was it Flight 800?

LEG. CARACCIOLO:

Flight 800.

MRS. GOLESKI:

Yeah. Okay. I don't know how big a boat that is, I don't know anything about boats, but you just don't need too big a boat coming into that, unless there's some super agenda and we have -- we need a national defense through there? Do we need a boat through there?

D.P.O. LEVY:

But we have a question from Legislator Foley, and Legislator Guldi has something.

LEG. FOLEY:

Thank you. As I mentioned earlier, we had a lot of discussion on this issue at a committee meeting at the end of last year. And I guess we're going to be revisiting the whole issue whether next Thursday or the following committee meeting, whenever Fred Anders from the Department of State can attend the meeting. I'll just let you know that as part of what was discussed at the last committing meeting of last year, the point was well made that in a -- less than a two-week period, the Army Corps of Engineers moved more sand out of the inlet, in that two week period than does this proposal do on an annualized basis.

So there was a lot of discussion about the cost effectiveness of this project. The fact that you have a very, what I will say relatively flat topography in that given area, thereby any structure would really stand out given the topography of the beach, and a whole host of other very well reasoned criticisms of the proposal. That's why, as I stated earlier, both I, as Chair of the Committee, even the Department of Public Works, who's opposed to it for a number of reasons, one of which, in typical State fashion, they were going to burden the County with some of the operating costs.

And Legislator Guldi and I have had somewhat of a respectful difference of opinion on this, but from the facts and figures I had received from the Department, we're looking at a very, let's say, mid to high six figure annualized operating cost to the Parks Department and/or to the Public Works Department. And I can tell you that as we currently speak, there are positions that need to be filled for their current responsibilities in those two departments. They don't need to have any other additional burdens placed on them by any other level of government. So it's a very problematic proposal. The State knows

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that. As I have coined it in the past, it's a solution looking for a problem. And I really think that there are other ways to go about this proposal.

That being said, I would say one of the services that Legislator Guldi is providing with this kind of resolution is to try to bring to bear all the talents of folks at the State, Federal and local level to try to create the momentum to find, if not a final proposal, but at least to come up with some kind of project or proposal that will address this issue of boating safety, navigational safety in that channel, and also as a way of trying to shift the sand from one side of the inlet to the other, because the status quo I think is unacceptable to everybody. So if there's any service being provided by this resolution, it's that,

hopefully, it will bring to bear all of people's talents to try to come up with some other alternative to the present situation, notwithstanding this proposed resolution, which I think is very, very problematic. So with that said, we all need to sharpen our pencils and come up with some other alternatives that can be utilized.

MRS. GOLESKI:

I would like to --

D.P.O. LEVY:

Thank you.

MRS. GOLESKI:

-- Recommend -- I'd like to make two other observations about this picture.

D.P.O. LEVY:

Please do it quickly, ma'am.

MRS. GOLESKI:

I will. I will. Thank you.

D.P.O. LEVY:

I'll give you 30 more seconds. And I ask that we have --

MRS. GOLESKI:

Okay.

D.P.O. LEVY:

-- Legislators come to the horseshoe. We don't have a quorum at the moment.

LEG. FOLEY:

You'll have plenty of opportunities after today to discuss this.

MRS. GOLESKI:

Okay. This jetty could possibly be angled a little. It could be shortened. Just suggestions. It could be angled this way to the west.

LEG. FOLEY:

To the west.

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MRS. GOLESKI:

To the west, and it wouldn't stick out as far. I don't -- you know, I think a progression analysis could be done. You understand what I'm talking about?

LEG. FOLEY:

Yes.

MRS. GOLESKI:

And one other observation is very interesting. Notice how there's so much sand on the Hampton Bays side. It's double the size of the sand on the east side, on the Southampton side. It just -- it blossoms out into the bay. It's just very interesting. But I thank you. And I appreciate that you'll be working on this.

D.P.O. FOLEY:

Okay.

MRS. GOLESKI:

And thank you for the opportunity to speak.

D.P.O. LEVY:

Thank you, ma'am. Bill Smith.

MR. SMITH:

Thank you. My name is Bill Smith; I'm the Executive Director of Fish Unlimited, the environmental group. As you know, the Department of

Energy plan to clean up the contamination of the Peconic River was released on February 15th with a 30-day public comment period. We believe, as do many other organizations and individuals, groups on the East End, that the proposed plan is a flawed plan, and, if allowed to go forward, would actually create more problems in the Peconic River and in the Peconic Estuary than we presently have. What they're proposing to do essentially is to use conventional excavation technology to remove the contaminated sediments, which would destroy the integrity of the river, the wetlands, the plant life, and in doing so, to stir up the bottom sediments, send the stuff further down the stream and into the bay.

So I'm here today to ask you for two things. Number one is to send a letter to George Malosh, who's the Department of Energy Head at Brookhaven National Lab, asking him to extend the public comment period another 60 days until May 15th. This has already been done by Congressman Forbes, by Assemblyman Thiele, and a number of other people. They were confident that we'll get that 60-day extension. That will give us the opportunity to bring to the community the other alternatives for cleaning up this river in a safe and responsible manner, primarily phytoremediation, which I've talked to a number of people here about, which uses plants to uptake these contaminants. It doesn't destroy the integrity of the river, and is actually more effective and less expensive than this conventional technology.

So the second part of my request, I know I've been trying to -- I've been playing phone tag with Legislator Towle and Legislator Guldi on this, but we would like the Legislature to hold a hearing on this, the Energy and Environment Committee to hold a hearing on this to bring the

00044

representatives from Eden Space, which is the company which does this kind of cleanup, to Suffolk County, and to present their side of the story, to explain to you how this process works, how it's much safer than conventional technology, how it's much more cost effective and how in using this as part of the cleanup process, we wouldn't have to worry about contamination further downstream in the Peconic River or in the Peconic Bay. Thanks.

D.P.O. LEVY:

Thank you, Bill. Okay. Thank you. Legislator Guldi.

LEG. GULDI:

Yeah. Bill, thanks for your comments. One of the things I'm going to ask Counsel to do is prepare a Sense Resolution asking BNL and the other addressees you just listed to extend the comment period for 60 days on the remediation program --

MR. SMITH:

That would be great.

LEG. GULDI:

So that we can entertain it as a full Legislative body and approve it today as a resolution, as a Sense Resolution instead of a simple letter as you suggested.

MR. SMITH:

Okay.

LEG. GULDI:

Okay?

MR. SMITH:

And then could we get a hearing?

LEG. GULDI:

Well, as you know, my office has been talking to you about a potential hearing. We've got one of the issues that even one of the my colleagues has already raised, as you suggested, is costs on the hearing. As soon as we get -- as soon as we get beyond that issue, which I'm sure we're already beyond --

MR. SMITH:

Okay.

LEG. GULDI:

-- we'll schedule that through E & E and announce it at a later date.

MR. SMITH:

So maybe we can talk about it on Thursday.

LEG. GULDI:

Sure.

MR. SMITH:

Okay. Thank you.

00045

D.P.O. LEVY:

Thank you. William Holst, last speaker.

MR. HOLST:

Good morning, Mr. Presiding Officer, and Members of the Legislature.

I'm here today to talk about I.R. 1083, extending the deadline for the Citizens Advisory Panel for Downtown Revitalization.

Most of you remember that the whole creation of the Downtown Panel was

a Legislative initiative, and I think that it says a lot about the selection process that each Legislator went through, in terms of selecting a representative, the efforts of the Legislature to make sure that there was funding for downtown revitalization, that we got -- the Committee has gotten to the point that it has today. And I think there's going to be a number of projects that are actually going to be done this year, and I think there's going to be a great deal of evidence of the importance of the Downtown Revitalization Panel.

You know, this effort's going ahead in a bipartisan effort. There was bipartisan support to create the panel, there's been bipartisan support to fund the efforts in terms of downtown revitalization. There's been work with the County Executive's Office. Steve Jones, the Director of Planning, was very instrumental in terms of the early meetings with the panel. And Alice Amrhein and her whole Economic Development Department has been very helpful for the last year or so in terms of moving the process forward.

The way that the original legislation was set up was that there was actually a sunset date in March of 1998, and this is one of the few panels and few groups that was set up that actually issued the report on time. Not only did the panel meet and move ahead with a number of initiatives, but, actually, the report that was required in the initial legislation was actually completed on time, and, as you recall, I made a presentation to the Legislature in terms of the findings of that panel.

There's a current sunset date of March. Legislator Levy has put forward 1083, to extend the deadline. I think that's very appropriate given the fact that the efforts of the Legislature and the County Executive have become permanent in the County budget. There's going to

be a permanent budget line for Downtown Revitalization. So I would suggest to all of you that in terms of keeping this bipartisan effort going and keeping it going in a way that recognizes the efforts of the Legislature in terms of forwarding the progress in terms of downtown revitalization, that 1083 be passed today. Thank you.

LEG. FOLEY:

Thanks, Bill.

D.P.O. LEVY:

Thank you, Bill.

LEG. FOLEY:

And --

00046

D.P.O. LEVY:

Legislator Foley.

LEG. FOLEY:

Thank you, Bill. And it's good to see you, and it's good to see that you're staying involved in the process. Very good.

MR. HOLST:

Thank you.

D.P.O. LEVY:

Thanks, Bill. I'll hand it back over to our Presiding Officer.

P.O. TONNA:

Thank you, Deputy Presiding Officer. I appreciate this morning.

Okay. I'd like all Legislators, please, to enter the horseshoe.

Do we have everyone here? Can you just do a roll call? I just -- I want to make sure everyone's here.

(*Roll Called by Mr. Barton*)

LEG. CARACCIOLO:

Here.

LEG. GULDI:

Here.

LEG. TOWLE:

Here.

LEG. CARACAPPA:

Here.

LEG. FISHER:

Here.

LEG. HALEY:

Here.

[LEG. FOLEY-NOT PRESENT]

P.O. TONNA:

Somebody get Legislator Foley, please.

LEG. FIELDS:

Here.

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

Here.

00047

LEG. D'ANDRE:

Here.

LEG. BISHOP:

Here.

LEG. POSTAL:

I'm sorry. Here.

P.O. TONNA:

Somebody get Legislator Postal here, please.

LEG. BINDER:

Here.

LEG. POSTAL:

I'm right behind you.

P.O. TONNA:

Okay, thanks.

LEG. COOPER:

Here.

LEG. LEVY:

Here.

P.O. TONNA:

Here. Okay. Thank you, Henry. I would like to take out of order Resolution 1130, confirming and appointing of Gary Brunjes as District Court Judge for and -- for and of the Second District Court to fill a term ending December 31st, Year 2000. I make a motion. Is there a second?

LEG. ALDEN:

Second.

P.O. TONNA:

Second. All in favor? Opposed?

LEG. CARPENTER:

Roll call.

P.O. TONNA:

Roll call on --

LEG. BISHOP:

This is on taking out of --

P.O. TONNA:

This is taking it out of order. Thank you.

(*Roll Called by Mr. Barton*)

P.O. TONNA:

Yep. Yes.

00048

LEG. ALDEN:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Taking out of order, yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yeah.

LEG. CARPENTER:

Yes.
LEG. FIELDS:
Yes.
LEG. FOLEY:
Yes.
LEG. HALEY:
Yes.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Pass.
LEG. TOWLE:
Pass.
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
Yes.
LEG. COOPER:
Yes.
LEG. CARACAPPA:
Yes.

00049

LEG. TOWLE:
Yes.
MR. BARTON:
18.
P.O. TONNA:
Thank you. Now I make a motion for approval. Is there a second?
LEG. ALDEN:
Second.
LEG. HALEY:
Second.
P.O. TONNA:
Legislator Binder, do you want to -- do you want to make the motion to second?
LEG. HALEY:
Second.
P.O. TONNA:
Okay. Second, Legislator Haley. All in favor?
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
Opposed?
LEG. CARPENTER:
Roll call.
LEG. TOWLE:
Roll call.
P.O. TONNA:
On the motion?
LEG. CARACAPPA:
On the motion.

P.O. TONNA:

Okay.

LEG. CARACAPPA:

I know this went through committee, Mr. Chairman, and I don't know if Mr. Brunjes is here.

P.O. TONNA:

He is.

LEG. CARACAPPA:

I, as one Legislator, have not even met the man or heard of any
00050

qualifications. I don't have a resume in front of me. So if we could just have a brief --

P.O. TONNA:

Wait. You have the bill?

LEG. CARACAPPA:

Just a --

P.O. TONNA:

It's attached to the bill, isn't it?

LEG. CARACAPPA:

Just a brief comment or two, like we always have had.

P.O. TONNA:

Sure. Do you want to ask him a question? He's right here.

LEG. CARACAPPA:

Sure. And just as we have done --

LEG. BISHOP:

Well, no, there's provision for that. Let's --

P.O. TONNA:

Oh, okay.

LEG. BISHOP:

Just --

P.O. TONNA:

What do you want to do, just vote?

LEG. BISHOP:

If he has a statement, he can make a statement, but --

P.O. TONNA:

Go ahead, Joe.

LEG. BISHOP:

-- we're on a roll call.

LEG. CARACAPPA:

I have no statement, I just think it's my right as a Legislator just to have an introduction, because I haven't had one.

P.O. TONNA:

Yeah, that's no problem. Go ahead. Joe, you have a question for him?

MR. BRUNJES:

Good morning.

LEG. CARACAPPA:

Thank you for coming down. Could you just give us a quick, brief background of yourself?

00051

MR. BRUNJES:

I'm a graduate of SUNY Albany, New York Law School. I began my career working as an Assistant Town Attorney and a Deputy Town Attorney for the Town of Babylon. I was in private practice with the law firm of

VanNostrand and Martin for six years. And for the past six years, I have been the Principal Law Secretary to Justice Gerard D'Emilio in Supreme Court.

P.O. TONNA:

Thank you.

MR. BRUNJES:

I've been an attorney since 1983. I'm also a volunteer Small Claims Arbitrator for the County system.

P.O. TONNA:

Thank you. Joe, any further questions?

LEG. CARACAPPA:

No.

P.O. TONNA:

Okay.

LEG. CARACAPPA:

Roll call.

P.O. TONNA:

Somebody requested a roll call?

(*Roll Called by Mr. Barton*)

LEG. TONNA:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:

Yes.

LEG. POSTAL:

Abstain.

LEG. BISHOP:

Abstain.

LEG. D'ANDRE:

Yes. We must promote our young people.

LEG. CRECCA:

Yes.

00052

LEG. CARPENTER:

Pass.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Abstain.

LEG. FOLEY:

Yes.

LEG. FISHER:

Pass.

LEG. CARACAPPA:

Pass.

LEG. TOWLE:

Pass.

LEG. GULDI:

Pass.

LEG. CARACCIOLO:

We're passing.

LEG. LEVY:

Yes.

LEG. COOPER:

Abstain.

LEG. CARPENTER:

Abstain.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Henry, change my vote to a yes, please.

MR. BARTON:

14.

00053

P.O. TONNA:

Thank you very much.

LEG. ALDEN:

Congratulations.

P.O. TONNA:

Congratulations.

LEG. HALEY:

Congratulations.

MR. BRUNJES:

Thank you very much.

P.O. TONNA:

Thank you. Now to the normal course of business. Okay. We go to the Consent Calendar.

LEG. TOWLE:

Motion to approve.

P.O. TONNA:

I make a motion to approve, seconded by Legislator Towle. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

It's approved. Go to Finance and Technology. Motion, 1052 is --

MR. BARTON:

That's on the Consent Calendar, Mr. Chairman.

P.O. TONNA:

Sorry.

MR. BARTON:

Page 7.

P.O. TONNA:

Where are we? Here we go.

MS. FARRELL:

Seven?
LEG. LEVY:
Page 7.
MS. FARRELL:
No, no, no. Six.
MR. BARTON:
Page 6.

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P.O. TONNA:
There we go, Ways and Means.
MS. FARRELL:
Six.
MR. BARTON:
Six.
P.O. TONNA:
Page Six? Okay, thank you.
MR. BARTON:
We're on tabled resolutions.

TABLED RESOLUTIONS

P.O. TONNA:
Okay. Number 1010.
LEG. CARACCIOLO:
Motion to table.
P.O. TONNA:
Motion to table. Is there a second?
LEG. HALEY:
Second.
P.O. TONNA:
All in favor? Opposed?
LEG. GULDI:
Opposed.
P.O. TONNA:
Tabled.
MR. BARTON:
18 -- 17, 1 --
P.O. TONNA:
17.
MR. BARTON:
One in opposition.

WAYS AND MEANS

P.O. TONNA:
Okay. To Ways and Means. Resolution Number 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). Is there a motion?
LEG. LEVY:
Motion.

00055

LEG. CARPENTER:
Second.
LEG. CARACAPPA:
Second.
LEG. BISHOP:
What is it? Explanation.

LEG. POSTAL:

I can explain.

P.O. TONNA:

Hold it. Legislator Postal, go ahead. Do you want to say something?

LEG. POSTAL:

Yes. This would modify the standards for waiving interest and penalties on late payment of taxes. If you remember last year, the way that things stand now is a senior citizen -- a senior citizen who is permanently disabled, who's annual income is under \$18,000 a year, can apply for an exemption. However, that person cannot be granted an exemption if that person has applied for another abatement, which would be a senior citizen's tax abatement or a veteran's abatement. That really seems terribly unfair to me, because those people are entitled to their abatements because of either their veterans service or their low income. If anyone needs help in waiving interest and penalties, it would be a disabled senior citizen whose income is under \$18,000 a year, and to deny that person the right to get that abatement just because they had applied for a senior citizen's abatement doesn't seem fair. So it would remove the stipulation that that person not have applied for and not have received any other abatement.

P.O. TONNA:

Thank you very much. Okay. There's a motion and a second. All in --

MR. BARTON:

Mr. Chairman, who were they?

P.O. TONNA:

Motion by Legislator Postal, I think seconded by Legislator D'Andre.

All in favor? Opposed? Approved.

Number 1040 (Revoking conveyance of parcel under 72-h General Municipal Law to Town of Babylon for Fellowship Community Development). Is there a motion?

LEG. POSTAL:

Motion.

P.O. TONNA:

Okay. Is there a second?

MR. BARTON:

16-2 not present. (Not Present: Legs. Towle and Haley)

00056

LEG. CARPENTER:

Second.

P.O. TONNA:

Second by Legislator Carpenter. All in favor? Opposed? Approved.

Number --

MR. BARTON:

Who made the motion, Mr. Chairman? I didn't record it.

P.O. TONNA:

Legislator Postal.

MR. BARTON:

Legislator Postal. That's 16 --

LEG. FISHER:

Henry, list me as a cosponsor on that.

MR. BARTON:

Two not present. (Not Present: Legs. Towle and Haley)

LEG. BISHOP:

Uh-oh, waivers.

P.O. TONNA:

Number 1054 (Authorizing waiver of interest and penalties for property tax for Frances Moller). Is there a motion?

LEG. BISHOP:

Motion.

LEG. POSTAL:

Joe.

LEG. BINDER:

Joe's motion.

LEG. CARACAPPA:

Motion.

P.O. TONNA:

Motion. Second?

LEG. BISHOP:

Second.

P.O. TONNA:

Just what's the story with Frances Moller? Joe?

LEG. CARACAPPA:

This one's good, right, Paul?

P.O. TONNA:

Does this meet the criteria?

00057

MR. SABATINO:

This individual alleged that the bill was sent to the Secretary of Housing and Urban Development, but there was no written documentation acknowledging the error. But the committee discharged it, believing that the copy of the tax bill was accurate.

LEG. CARACCIOLO:

Question for Counsel. Did I hear you say that the tax bill was sent to the Secretary of HUD? That's the allegation by the --

MR. SABATINO:

That's what the allegation was that was made.

LEG. CARACCIOLO:

Is there any documentation that, at any time, a tax bill was sent to the Secretary of HUD? Was there any evidence by the Town Tax Receiver?

MR. SABATINO:

Well, there was a copy of a tax bill that was attached, you know, showing that it didn't -- it wasn't addressed to Frances Moller, and that it listed the Secretary of Housing and Urban Development.

LEG. CARACCIOLO:

Okay. So there is documentation that it was addressed to the Secretary of HUD.

MR. SABATINO:

There was a copy of the tax bill, but there was no documentation from the Town.

LEG. CARPENTER:

It wasn't in blood.

LEG. LEVY:

Mr. Chairman, I just note this was a 3-1-1 vote in committee. Thank you.

P.O. TONNA:

Thank you. Okay. There's a motion to approve and a second. All in favor? Opposed?

LEG. LEVY:

I'll abstain.

P.O. TONNA:

Abstain, okay. You record that? Number 1064 (Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of the properties for drainage improvements on C.R. 48-Middle Road, in the vicinity of Hashamomuck Pond, Town of Southold, Suffolk County, New York, C.P. 5533.210/55003, Phase III). Is there a motion?

LEG. BINDER:

Motion.

00058

P.O. TONNA:

Motion, seconded by myself. All in favor? Opposed?

MR. BARTON:

Mr. Chairman.

P.O. TONNA:

Yes.

MR. BARTON:

I'm sorry, I didn't get the motion.

P.O. TONNA:

Number 1064.

MR. BARTON:

Yes. If you could just say their names.

P.O. TONNA:

Motion by Legislator Binder, seconded by myself.

MR. BARTON:

Thank you.

P.O. TONNA:

All in favor? Opposed? Approved.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

P.O. TONNA:

Okay. Number 1065 (Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of the properties for drainage purposes on C.R. 80-Montauk Highway at Fulton Avenue, Town of Brookhaven, Suffolk County, New York, C.P. 5534.210). Is there a motion?

LEG. FOLEY:

Motion.

LEG. POSTAL:

Motion.

P.O. TONNA:

Motion by Legislator Foley, seconded by Legislator Postal?

LEG. POSTAL:

Yes.

P.O. TONNA:

Did you second it?

LEG. POSTAL:

Yes.

00059

P.O. TONNA:

All in favor? Opposed? Approved.

MR. BARTON:

17, 1 not present. (Not Present: P.O. Tonna) (Not Present: Leg. Towle)

P.O. TONNA:

Number 1066 (Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of the properties for drainage improvements on C.R. 48-Middle Road at Queen Street, Town of Southold, Suffolk County, New York, C.P. 5526, Phase II). Is there a motion?

LEG. CARPENTER:

Motion.

P.O. TONNA:

Motion by Legislator Carpenter. Is there a second?

LEG. POSTAL:

Second.

P.O. TONNA:

Second by Legislator Postal. All in favor? Opposed? Approved, 1066.

MR. BARTON:

18.

P.O. TONNA:

1067 (Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of the properties for intersection improvements on C.R. 10-Elwood Road and S.R. 25-Jericho Turnpike, Town of Huntington, Suffolk County, New York, C.P. 3301.218).

LEG. BINDER:

Motion.

P.O. TONNA:

Motion by Legislator Binder, seconded by myself. All in favor?

Opposed?

MR. BARTON:

18.

P.O. TONNA:

Approved. 1068 (Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 of the Eminent Domain Procedure law, in connection with the acquisition of the properties for intersection improvements on C.R. 35-Park Avenue at C.R. 11 - Pulaski Road, Town of Huntington, Suffolk County, New York, C.P. 3301.219). Is there a motion?

00060

LEG. BINDER:

Motion.

P.O. TONNA:

Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

1069 (Authorizing the Director of the Division of Real Estate,

Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in properties designated as Town Southamptton Suffolk County Tax Map No. 0900-054.00-02.00-019.000). A motion?

LEG. BISHOP:

Same motion.

P.O. TONNA:

Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

1070 (Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in properties designated as Town Southamptton Suffolk County Tax Map No. 0900-005.00-01.00-030.000).

Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

1071. Okay. This is a little different. Sale of County-owned real estate pursuant to Local Law 13-1976, Wayne Kaufman.

LEG. BISHOP:

Motion.

LEG. LEVY:

Motion.

P.O. TONNA:

Seconded by myself. All in favor? That was Legislator Bishop.

Approved.

MR. BARTON:

18.

P.O. TONNA:

Okay. Number 1072 (Rescinding authorization to sell County-owned property pursuant to Local Law 16-1976 Ray Sanders and Geraldine Sanders 0100-124.00-01.00-001.000). Is there a motion?

00061

LEG. LEVY:

Motion.

P.O. TONNA:

Motion by Legislator Levy, seconded by myself. All in favor? Opposed?

Approved.

MR. BARTON:

18.

LEG. CARACCIOLO:

I'm sorry. I'm sorry. Was that 1072?

P.O. TONNA:

That was 1072, yes.

LEG. CARACCIOLO:

Could I just have an explanation?

P.O. TONNA:

Well, we've already called the vote. But you want an explanation, fine.

LEG. CARACCIOLO:

Well, I may request that it be reconsidered. I'd like an explanation.

P.O. TONNA:

Okay. No, I don't have a problem with an explanation. For you, Michael, you know.

MR. SABATINO:

The original redemption was authorized, but the parties that requested it never consummated the transaction, even though it was approved in August of 1999.

LEG. CARACCIOLO:

Thank you.

P.O. TONNA:

Thank you. That's okay? Great. We're on to 1086 (Establishing policy for Suffolk County Hispanic Advisory Board). Is there a motion?

LEG. ALDEN:

Explanation.

P.O. TONNA:

Motion by Legislator Levy. Is there a second? And then an explanation. Is there a second to this bill?

LEG. FISHER:

Yes.

P.O. TONNA:

I'll second for --

00062

LEG. FISHER:

I'll second.

P.O. TONNA:

Okay. Second by Legislator Fisher. Explanation.

LEG. LEVY:

This just codifies the Hispanic Advisory Board into the Charter, and also creates a separate Legislative Liaison Committee. It was --

LEG. ALDEN:

It does what?

LEG. LEVY:

Creates a separate Legislative Liaison Committee to have more interaction with the Legislature and the Board.

LEG. CARACCIOLO:

On that last point, Steve, could you explain what exactly you mean by a Legislative Liaison Committee?

LEG. LEVY:

Well, right now, the Hispanic Advisory Board meets on a monthly basis and they have appointees from the County Executive. This new subcommittee, a new subcommittee is being created to deal with Legislative initiatives and to provide the Legislature with information from the Board.

LEG. CARACCIOLO:

So there would be a Legislative subcommittee?

LEG. LEVY:

Yes.

LEG. CARACCIOLO:

And who would be on that --

LEG. LEVY:

No not -- no, not a committee coming from the Legislature, it's their -- it's a subcommittee of --

LEG. CARACCIOLO:

Within the board there would be --

LEG. LEVY:

Yes.

LEG. CARACCIOLO:

-- a Legislative subcommittee. Got you.

LEG. LEVY:

Right. And it's supported by the board itself, and Christy Thomas was here last meeting saying the Executive's on board as well.

P.O. TONNA:

Thank you. Okay. There's a motion and second. All in favor?

00063

Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Number 1106. I guess you say approved, right, Henry?

MR. BARTON:

No.

P.O. TONNA:

We'll leave that to you.

MR. BARTON:

Okay.

P.O. TONNA:

Okay. 1106 Amending the Suffolk County Classification and Salary Plan and the 2000 Operating Budget in connection with a new position title in the Department of Finance and Taxation (Chief Financial Analyst).

LEG. TOWLE:

Motion.

P.O. TONNA:

Motion by Legislator Towle.

LEG. CARPENTER:

Second.

P.O. TONNA:

Second by --

LEG. CARACCIOLO:

On the motion.

P.O. TONNA:

Wait. Just seconded by Legislator Carpenter. On the motion.

LEG. CARACCIOLO:

Who's the individual in question and what is -- what are their qualifications?

P.O. TONNA:

Maybe we can get --

LEG. CARPENTER:

The Treasurer is here.

P.O. TONNA:

John, you're here? The County Treasurer's here to give a response.

MR. COCHRANE:

Good morning, Mr. Presiding Officer, Ladies and Gentlemen.

00064

P.O. TONNA:

Good morning, John.

MR. COCHRANE:

Mike, to answer your question, during the Early Retirement Program, we had a Grade 31 Chief Accountant, Allan Tuthill, who retired under the early program. Step two, as part of the savings envisioned and projected under this plan, we were exceeding the savings that were called for. To answer your question specifically, this young lady that we are requesting the position be created for, this Grade 31, would replace the Grade 31, which is the Chief Accountant title. This would be Chief Fiscal Financial Analyst. She's been with the department a number of years, done an outstanding job, is number three on the Chief Accountant list, but it's open competitive list rather than the promotional list. So the idiosyncrasies of the Civil Service system, given her responsibilities and her capabilities, we've asked for that 31 to be downgraded from Chief Accountant and this title created in its place. So it's really not a budgetary impact whatsoever.

LEG. BISHOP:

Mr. Chairman.

MR. COCHRANE:

And she's well qualified, well experienced, and a member of the Department for a number of years.

P.O. TONNA:

Legislator Bishop.

LEG. BISHOP:

Well, that was an exhausting explanation.

MR. COCHRANE:

Hi, Dave.

LEG. BISHOP:

I only followed bits and pieces. But I hope what I followed is not true, that a Grade 31 was abolished in early retirement.

MR. COCHRANE:

Yes.

LEG. BISHOP:

And now you want to use that abolishment of a Grade 31 to create a new Grade 31 for someone else?

MR. COCHRANE:

Yes, but the grade --

LEG. BISHOP:

So doesn't not -- doesn't that frustrate the purpose of the early retirement?

MR. COCHRANE:

No, because the early -- for two answers. The early retirement savings was a department as a whole. The second part of it is that the Grade

00065

31 that left, Chief Accountant Allan Tuthill, had 30-some years with the County. He was at the extreme step, the 12th step, now I think now under the new contract the 18th step. She would be starting at the lower step, we we're still achieving the savings, even though we're creating a similar position.

LEG. BISHOP:

Okay.

P.O. TONNA:

Okay. Legislator Levy, you have a question?

LEG. LEVY:

No. I'm just going to make the point that there is a fiscal impact here in that the person is going from a Grade 28 to a 31, and you know that that person, that vacancy now in the 28 will eventually be filled. And I think it does thwart the intent of early retirement, which is supposed to create savings by not backfilling, or at least limiting backfilling. And I know John is doing what he has to do as a strong advocate for his department, I respect that, but it seems like we're taking inconsistent positions in the Legislature, and I think it does have a fiscal impact.

MR. COCHRANE:

May I respond to that, Mr. Presiding Officer?

P.O. TONNA:

Sure, absolutely, John.

MR. COCHRANE:

Steve. We're not going to backfill that 28, Steve. We've reorganized the department, taking into account the required savings, and taking into account the operational responsibilities of the department. So I think if you had the opportunity, I'd be delighted to sit with you and/or your staff and show you our proposed reorganization and our savings as a result of the Early Retirement Program. So I understand and respect what you're saying about are we now going to refill or backfill a 28 position. No, we are not.

LEG. LEVY:

So you're saying that --

MR. COCHRANE:

We've earmarked some of the -- several positions down to lower positions to be able to fill them at a lower cost to the County and to ourselves.

LEG. LEVY:

So this person, who's going from the 28 to the 31, what --

MR. COCHRANE:

At a lower step.

LEG. LEVY:

What was the position that that individual was filling?

00066

MR. COCHRANE:

Chief -- I'm sorry, not Chief. Principal Financial Analyst. We're not going to -- we're not going to refill that.

LEG. LEVY:

That will be abolished, that position?

MR. COCHRANE:

That's correct.

LEG. LEVY:

Okay. Will any other individual be hired under a different title or a different name to perform similar services?

MR. COCHRANE:

Yeah. Well, similar services, no, because this person will have broadened responsibilities. But we will be asking, under the terms of our allotment by way of the budget for personnel, we are earmarking, for example, a Chief Accountant down to Accountant, we're earmarking an Accountant down to an Accountant Trainee. So we're stepping down a number of the positions to meet the needs of the at the Department and to meet the needs of the financial reduction. So I think that you have

to have some confidence in the department head or the person responsible for the department to meet the objectives that the Legislature has set. And I can assure you that we're meeting those objectives both financially and operationally.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Yes, Legislator Binder. Oh, no, Fisher. I'm sorry.

LEG. FISHER:

Thank you.

P.O. TONNA:

Legislator Fisher, then Binder.

LEG. FISHER:

The person, the individual in question had tested for a competitive position, yes?

MR. COCHRANE:

Didn't have enough time in the position in the County to take the promotional exam. This is one of the idiosyncrasies, as you and I know, of the Civil Service --

LEG. FISHER:

But what position was she in? She was in the position of Principal Financial Analyst?

MR. COCHRANE:

Right now, she's a Principal Financial Analyst.

00067

LEG. FISHER:

And that's a competitive position?

MR. COCHRANE:

Yes.

LEG. FISHER:

Okay.

MR. COCHRANE:

She was able to take that. She could not take the promotional exam for Chief Accountant, because she didn't have enough time, but she did take the open competitive for Chief Accountant and placed third. But I can't use that list because there's a promotional list and there's an open competitive list.

LEG. FISHER:

And with this resolution, she would move out of a competitive position to an appointed position?

MR. COCHRANE:

No, no, that's also competitive.

LEG. FISHER:

It would --

MR. COCHRANE:

Oh, there's no exam here. This will be a new position for which there will be an exam. She will have to score well enough on the exam to be able to be entitled to retain that position.

LEG. FISHER:

Okay. So if this resolution were to be approved and she took the exam and didn't score in the top three, what would happen?

MR. COCHRANE:

Then she would revert back to a Principal Financial Analyst. That's

her permanent title.

LEG. FISHER:

But then the position will have already been created, and one of the top three taking that exam would then fill that Grade 31 position?

MR. COCHRANE:

If the department wanted to fill it under those conditions. We don't have to fill it. We can leave the position vacant, then the Legislature normally dispels the position.

LEG. FISHER:

Then who would do the duties of that position? How would the duties of that position be performed then, if you've eliminated the Principal Financial analyst at that point?

MR. COCHRANE:

We have eliminated -- the Chief would be eliminated.

00068

LEG. FISHER:

The Chief Accountant would have been eliminated. That's a grade 28?

MR. COCHRANE:

No, that's a Grade 31.

LEG. FISHER:

That's also a Grade 31. If she's --

MR. COCHRANE:

That's being eliminated now.

LEG. FISHER:

-- already in a Grade 31 position, then why doesn't she just perform the functions in that position? Where are we going --

MR. COCHRANE:

She's not a Grade 31 now.

LEG. FISHER:

What is she? She's a Grade --

MR. COCHRANE:

28.

LEG. FISHER:

And what is her title now?

MR. COCHRANE:

Principal Financial Analyst.

LEG. FISHER:

Okay. And you said the Principal Financial Analyst, if she were to move into the 31, then the position would be eliminated from the department?

MR. COCHRANE:

The 28, yes.

LEG. FISHER:

The 28. If she were to fail the test for the Grade 31 position, then how could she revert back to the Principal Financial Analyst if you're eliminating the position? I'm very confused by the explanation that you've given.

MR. COCHRANE:

We're not filling the number 2 -- the Grade 28?

LEG. FISHER:

Yes.

MR. COCHRANE:

That will remain vacant. Then the Legislature, at budget time, would

undoubtedly eliminate that position. If she were to fail the exam, she'd revert back to Principal Financial Analyst. I'd have to come

00069

before the Legislature and the County Exec to ask for reinstatement of that position, I couldn't do it automatically.

LEG. FISHER:

Okay. When will that test be given again?

MR. COCHRANE:

Whenever Civil Service would have the test available, sometime probably within six to twelve months.

LEG. FISHER:

Okay, thank you.

MR. COCHRANE:

You're welcome, Vivian.

P.O. TONNA:

Okay. Legislator Binder.

LEG. BINDER:

Yeah. Thank you, Mr. Chairman. I just want to make sure we're cautious about not at every turn saying that we're not going to backfill, we're not going to put people into positions. Let's just be careful, because one of the biggest concerns we had, as we went forward with early retirement, was that we would cause massive dislocation in government. And I think a lot of that's come about because it's gone beyond our wildest dreams, I think, the number of people who have left. And if you look across government, there are a lot of positions that need to be filled.

Now, I understand that we want to maximize the savings, but there's a delicate balance that government has to play in maximizing savings, at the same time, making sure we deliver efficient government services.

In the end, if we don't put in some people into the right positions, it could end up costing us. I think this is one of the places where we're talking about that, where if we don't have people in the right positions, it will actually cost the County.

So, on one hand, it looks like we're saving a certain amount of dollars by not putting someone in because you're looking dollar for dollar in turnover savings. On the other end, if you're losing productivity or some abilities to execute and do government services, then what we're talking about is a loss. And a loss in productivity, it may not look dollar for dollar, but in the end cost us, and also in our ability to, especially in the Treasurer's Office, to be able to take care of, you know, our finances.

So I would just caution us, as we're going forward, this is the first of maybe a number of resolutions that come before us. I think we have to give our department heads the widest latitude in making sure that they can fulfill their jobs.

P.O. TONNA:

Legislator D'Andre.

00070

LEG. D'ANDRE:

That's a good explanation from a lawyer. Now, you hear one from a businessman. Is this on? No. You hear one from a businessman. John runs the Treasury Department, and if you want him to do the job he's been doing, which has been very good, say nothing the fact that the

veterans are in now, he's a World War II veteran and a Navy man, but the fact remains he's running that office, he's responsible for it. And if you take away good help, you can't then judge him. Give him the good help, and if he doesn't measure up, then you can take criticism. But for now, for the few dollars difference, I don't see why you should deny him a good help. If he wants that help, he should be allowed to have it. John, I wish you all the luck in the world.

MR. COCHRANE:

Thank you, Mike.

P.O. TONNA:

Okay. Anybody else? Let's call the vote on -- this is 1106. There was a motion and a second. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: P.O. Tonna) (Not Present: Leg. Towle)

P.O. TONNA:

Okay. Thank you, John.

MR. COCHRANE:

Thank you, Ladies and Gentlemen. Have a good day.

P.O. TONNA:

Okay. Number -- we have a bonding resolution. We have a bonding -- you know what, you want to mark him -- you want to be opposed? Just he likes consistency.

MR. BARTON:

Okay. So that's 16, 1 --

P.O. TONNA:

It's a little bit impossible in government, but, you know, we'll try he best we can. All right.

MR. BARTON:

16, 1 in opposition, 1 not present. (Opposed: Leg. Levy) (Not Present: Leg. Towle)

P.O. TONNA:

I was going to use that vote as an inconsistency, you know, and say, "See, Steve." No, I'm joking. All right. We have a bonding resolution, Resolution Number 1112A and 11 -- I guess we have to do them separately, right? Roll call. (1112 and 1112A - Appropriating funds in connection with the improvements for security measures in the tower building at the Cohalan Court Complex).

MR. BARTON:

They're companions. Who made the motion? It's --

00071

P.O. TONNA:

I made the motion, seconded by Legislator D'Andre.

LEG. ALDEN:

On the motion. Explanation.

MR. POLLERT:

Basically, this resolution would appropriate funds which are already included in the Capital Program and Budget, and it would provide security systems for the District Attorney's Offices, specifically two tower elevators would be restricted to the fifth to eighth floors, and a card access systems in the stairwells will be put in on floors five to eight, and there would also be construction of a security reception desk at the entrance to the tower.

LEG. ALDEN:

How much, Fred?

MR. POLLERT:

The total cost is \$39,545, and the cost of the debt service is about \$2,500.

LEG. ALDEN:

I have a question. For \$39,000, now, when we bond this out, how many years are we bonding it out for?

MR. POLLERT:

The period you'd probably use for life is probably going to be I believe about ten years, you know, as a building modification, but I'm not sure. That's up to the Comptroller's Office, but --

LEG. ALDEN:

Can you just give us a rough estimate of what that would cost with the interest expense?

MR. POLLERT:

The cost with the interest expense is -- hold on a second. It's roughly \$16,000.

LEG. ALDEN:

So 39,000 plus 16,000 to bond it?

MR. POLLERT:

Uh-huh.

LEG. ALDEN:

Okay, thanks.

LEG. BISHOP:

Well why doesn't it qualify for 5-25-5?

MR. POLLERT:

Because the cost is more than the \$25,000, and the component costs are more than the \$5,000.

00072

LEG. BISHOP:

But the useful life is not --

MR. POLLERT:

It's probably ten years as a building modification.

LEG. BISHOP:

So it doesn't meet one part of -- I'm sorry.

MR. POLLERT:

Under the 5-25-5 law, it has to have at least a five-year life, total cost has to be \$25,000, and each component has to be five.

P.O. TONNA:

It doesn't meet the criteria?

LEG. BISHOP:

It meets all three prongs.

MR. POLLERT:

Yes, it does.

P.O. TONNA:

It does, okay. So --

LEG. BISHOP:

Okay.

P.O. TONNA:

Okay.

LEG. ALDEN:

It meets the criteria.

P.O. TONNA:

It meets the criteria. Just barely, but it meets it. Roll call.
Thank you.

(*Roll Called by Mr. Barton*)

LEG. TONNA:

Yes.

LEG. D'ANDRE:

Yes.

LEG. COOPER:

Yes.

[LEG. BINDER-NOT PRESENT]

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes.

00073

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

[LEG. TOWLE-NOT PRESENT]

LEG. GULDI:

Pass.

LEG. CARACCIOLO:

Yes.

LEG. BISHOP:

Change my vote to a no, please.

LEG. LEVY:

Yes.

LEG. GULDI:

No.

MR. BARTON:

Thirteen. (Not Present: Legs. Towle and Binder]

LEG. CRECCA:

I didn't vote.

P.O. TONNA:

Thank you.

LEG. CRECCA:

I didn't vote.

P.O. TONNA:

On 1112, same motion, same vote. Roll call. Oh, no, you can't?

00074

MR. BARTON:

Once. We're done with that.

LEG. FOLEY:

We're done.

P.O. TONNA:

That's great. I'm learning. I'm just growing into this job. Okay.

11 --

MR. BARTON:

Oh, I'm sorry, Mr. Chairman.

P.O. TONNA:

1105.

MR. BARTON:

Mr. Chairman, I made --

P.O. TONNA:

Energy and Environment.

MR. BARTON:

Mr. Chairman.

P.O. TONNA:

Is there a motion?

LEG. ALDEN:

Mr. Chairman.

MR. BARTON:

On the vote on the last resolution, Mr. Crecca?

MR. CRECCA:

No.

MR. BARTON:

No.

P.O. TONNA:

Okay. Are we down --

MR. BARTON:

So it's 12.

P.O. TONNA:

Twelve? Okay.

MR. BARTON:

It's approved.

ENERGY AND ENVIRONMENT

P.O. TONNA:

Number 1105 (Amending the 2000 Operating Budget and accepting and
00075

appropriating Federal (80%) and State (10%) Aid for conducting
alternate fuel and maintenance studies of the Suffolk Transit Program).

Is there a motion?

LEG. POSTAL:

Motion.

LEG. CARPENTER:

Second.

P.O. TONNA:

Motion by Legislator Postal. Second by?

LEG. FOLEY:

Second.

LEG. CARPENTER:

Second.

P.O. TONNA:

Legislator Foley. All in favor?

LEG. LEVY:

Just on the question.

P.O. TONNA:

Opposed? Yeah.

LEG. LEVY:

I'm not opposing the resolution, though.

P.O. TONNA:

That's good.

LEG. LEVY:

I definitely want to take the aid. But, Fred, I've been talking -- I've had a bill now for about a year asking for conversion of the bus fleet to natural gas, and Public Works informs me that they are studying the proposal. Now, how does this resolution dovetail with that? Is this a separate study? Is this money that's going to go to Public Works for the same study they're presently undertaking? Do you have any idea?

MR. POLLERT:

No. I know that this was a grant that was accepted during 1999 and the funds were not spent by the County. So this is basically a reappropriation of the funds, and that when with we did the fiscal impact on the alternative fuel study, we also spoke with the Department of Public Work and they indicated that they were going to be doing this study, but I'm not sure whether or not this resolution would specifically deal with that or not.

LEG. LEVY:

Okay. Well, I'll take that money, but I just want to make sure they're not doing two studies to do the same thing.

00076

P.O. TONNA:

Okay. Thank you very much. Roll call.

MR. BARTON:

There's a motion and a second.

P.O. TONNA:

Motion and a second? All in favor? Opposed? Approved.

MR. BARTON:

16, 2 not present. (Not Present: Legs. Towle and Binder)

ECONOMIC DEVELOPMENT AND EDUCATION

P.O. TONNA:

Thank you. Economic Development and Education. Number 1083 (Extending deadline for expiration of comprehensive Downtown Revitalization Plan Citizens Advisory Panel to implement recommendations and increasing membership). Is there a motion.

LEG. POSTAL:

Motion.

P.O. TONNA:

Motion by Legislator Postal. Seconded by Legislator Levy? What are you doing here?

LEG. HALEY:

On the motion.

P.O. TONNA:

Okay. On the motion.

LEG. HALEY:

Explanation on the increasing of the membership.

LEG. LEVY:

The bill will extend the deadline, so the board itself can have more time to put in -- put forth its recommendations, and, secondly, appoints former Legislator Bill Holst, who is the creator of the concept, as the Chairman of the committee.

P.O. TONNA:

On the motion. I just want to go on record, I'm going to abstain on this resolution. I just think that a precedent setting with a sitting Legislator on the horseshoe and somebody, whether it be Democrat or Republican, or whatever else, I would extend the same courtesy to the other side.

LEG. CARPENTER:

On the motion.

LEG. BISHOP:

Mr. Chairman.

00077

P.O. TONNA:

I just -- I can't vote for that. Thank you.

LEG. BISHOP:

On the motion.

P.O. TONNA:

Yes.

LEG. BISHOP:

Very briefly.

P.O. TONNA:

Legislator Bishop.

LEG. BISHOP:

I don't know. Is there a motion to table yet before the vote?

P.O. TONNA:

No, there is no motion to table.

LEG. BISHOP:

I'd make a motion to table for one meeting --

LEG. FISHER:

I'll second it.

LEG. BISHOP:

-- with the hope that Legislator Holst can reach out to the current Legislator in the district, and perhaps some of the other members around the horseshoe, and alleviate fears that this is a political maneuver --

LEG. D'ANDRE:

Are you kidding?

LEG. BISHOP:

-- rather than one that's designed to ensure the smoothest running of the Downtown Revitalization Committee, something that I know every Legislator here seeks as a goal. So if we can move the political tinge from this and do what's best for the Committee, then I think that would be the best result.

So I'll make a motion to table it, because I don't think that's occurred yet, and I can understand the anxiety of opponents of this at this time.

LEG. LEVY:

Mr. Chairman, if I could just make a correction. I misspoke. It's

extending the committee to create another position, of which -- which would be filled by Legislator Holst, but it's not to be Chairman.

LEG. CARPENTER:

On the motion.

00078

LEG. LEVY:

That was my original intent, and then it was just put in as a regular appointee.

P.O. TONNA:

Yes, Legislator Caracappa. Sorry. And then --

LEG. CARACAPPA:

Thank you, Mr. Chairman.

P.O. TONNA:

-- Legislator -- I mean Carpenter.

LEG. CARACAPPA:

Legislator Bishop really hit it on the head. And what I'd like to see done, if at all possible, you know, by way of suggestion, that to remove the political tinge, so to speak, were to be a separate resolution naming Bill to the Committee. This way you don't lump him in with all of the Legislators, liaisons to the Committee, which is done so well over the last couple of years. And I'd hate to see politics get involved in delaying their job in the Downtown Revitalization efforts. So, if you would consider, Steve, in the next coming meeting to do a resolution, or even through a CN later to nominate Bill through a separate stand-alone resolution so it separates the issue.

P.O. TONNA:

Okay. Right now, we have a motion to -- oh, Legislator Carpenter.

LEG. CARPENTER:

On the motion. Basically, what Legislator Caracappa said I agree with. The only suggestion or the only comment I would like to make is that by going this way, we are allowing one Legislator to have more than one appointment, and we each have one appointment. And if anyone feels that they would like to use their appointment to appoint former Legislator Holst, that that would be an avenue that they could use, but that not one Legislator should have more than one appointment to the Economic Development Commission. It would be --

LEG. BISHOP:

It's by --

P.O. TONNA:

Okay. Right now there's --

LEG. BISHOP:

I have a motion to table.

P.O. TONNA:

Is a motion to table. Is there a second?

MR. BARTON:

Yes.

00079

P.O. TONNA:

Legislator Fisher. Okay. All in favor? You want to roll call?

Let's do -- no? All in favor? Opposed to tabling?

LEG. LEVY:

I'll oppose.

P.O. TONNA:
I'm opposed to tabling.

LEG. ALDEN:
Opposed to tabling.

LEG. HALEY:
Opposed to tabling.

LEG. D'ANDRE:
Opposed to tabling.

LEG. HALEY:
Roll call.

(*Roll Called by Mr. Barton*)

LEG. BISHOP:
Yes, to table.

LEG. FISHER:
Yes.

LEG. COOPER:
Yes.

[LEG. BINDER-NOT PRESENT]

LEG. POSTAL:
No.

LEG. D'ANDRE:
No, to table.

LEG. CRECCA:
No, to table

LEG. CARPENTER:
No.

LEG. ALDEN:
Nope.

LEG. FIELDS:
No.

LEG. FOLEY:
Pass.

00080

LEG. HALEY:
No.

LEG. CARACAPPA:
Yes, to table.

[LEG. TOWLE-NOT PRESENT]

LEG. GULDI:
Yes, to table.

LEG. CARACCIOLO:
No, to table.

LEG. LEVY:
No, to table.

P.O. TONNA:
You know what, I'm going to switch my vote yes to table. I know, I know.

MR. BARTON:
That's okay.

LEG. FOLEY:
No, to table.

MR. BARTON:
Six. (Not Present: Legs. Binder and Towle]

LEG. LEVY:

I'll make a motion to approve, Mr. Chairman --

MR. BARTON:

We have that.

MS. FARRELL:

We have one.

LEG. LEVY:

-- since the tabling resolution failed. And just to point out that, you know, I already have a Chamber of Commerce member on the committee. This was a request by a former Legislator and did it as a courtesy, not because he's a former Legislator, but because he is the individual who brainstormed the idea. And, in fact, the Committee seemed to be on board with wanting Legislator Holst's presence, and I said, "Fine, I'll put it in." I don't really have a problem with that and I'll leave it to the Legislature to vote as they might with it.

LEG. HALEY:

Roll call.

P.O. TONNA:

Roll call.

(*Roll Called by Mr. Barton*)

00081

MR. BARTON:

Legislator Postal, the motion to approve.

LEG. POSTAL:

On approval? Abstain.

LEG. LEVY:

Yes.

LEG. COOPER:

Abstain.

[LEG. BINDER-NOT PRESENT]

LEG. BISHOP:

Pass.

LEG. D'ANDRE:

Abstain.

LEG. CRECCA:

No.

LEG. CARPENTER:

Abstain.

LEG. ALDEN:

Abstain.

LEG. FIELDS:

Abstain.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. FISHER:

Abstain.

LEG. CARACAPPA:

Abstain.

[LEG. TOWLE-NOT PRESENT]

LEG. GULDI:

Pass.

LEG. CARACCIOLO:

Abstain.

LEG. BISHOP:

It's dead, right?

00082

LEG. TONNA:

Abstain.

LEG. GULDI:

Yes.

MR. BARTON:

Four.

LEG. BISHOP:

Yes. I'm a yes, Henry. I passed on mine.

MR. BARTON:

Oh, I put down yes.

P.O. TONNA:

That was an interesting vote. All right. Motion fails. Number 1099 (Accepting and appropriating an amendment to the college budget for a grant award from the State Education Department of the State University of New York for a State Adult Literacy Education Program 100% reimbursed by State funds at Suffolk County Community College).

Is there a motion? I'll make a motion, seconded by Legislator Fields.

All in favor? Opposed? Approved. Number 11 --

MR. BARTON:

16, 2 not present. (Not Present: Legs. Binder and Towle)

P.O. TONNA:

1100 (Accepting and appropriating a grant proposal to the National Technical Institute for the deaf for a professional development for Educational Interpreters Long Island Site 50% reimbursed by State funds at Suffolk County Community College). I'll make a motion to approve, seconded by Legislator Cooper. All in favor? Opposed? Approved.

MR. BARTON:

16, 2 not present. (Not Present: Legs. Binder and Towle)

BUDGET

P.O. TONNA:

Budget: Number 1049 (Amending the 2000 Operating Budget transferring funds to Middle Country Public Library). A motion by Legislator Fisher.

LEG. CARACAPPA:

Second.

LEG. HALEY:

Explanation.

P.O. TONNA:

Second by Legislator Caracappa.

LEG. FISHER:

That's just a technical change.

00083

P.O. TONNA:

Okay. All in favor?

LEG. ALDEN:

Explanation

P.O. TONNA:

Opposed?

LEG. ALDEN:

Explanation, please.

P.O. TONNA:

Explanation, please. Explanation, please.

LEG. FISHER:

I explained -- who wanted the explanation?

P.O. TONNA:

No. I think Legislator Alden would like an explanation, Legislator --

LEG. ALDEN:

On the record, I'd like an explanation.

LEG. FISHER:

Okay.

P.O. TONNA:

Grab the mike, Viv.

LEG. FISHER:

It's not a change in the amount, it's a change in the party to whom the money is going. In the original line on the budget, it said CrissCross, and it's actually the Middle Country Library that's providing the service. So the money has to be directed to the Middle Country Library where the community resource data base is developed. So that's why it's a resolution now. It's not a difference in -- it's not a budgetary impact, this resolution.

LEG. CARACAPPA:

Just to take it a step further --

LEG. FISHER:

It's \$10,000.

LEG. CARACAPPA:

This was incorporated within the omnibus budget amendment that we did in the fall and it's no impact fiscally at all.

LEG. FISHER:

There's no fiscal impact at all. It's a change in the party's name.

P.O. TONNA:

Okay.

00084

MR. BARTON:

I have a motion and second.

P.O. TONNA:

Make a motion and second.

MR. BARTON:

Got it

P.O. TONNA:

All in favor? Opposed? Approved.

MR. BARTON:

16, 2 not present. (Not Present: Legs. Binder and Towle)

P.O. TONNA:

Number 1051 (Amending the 2000 Operating Budget to provide funding for Long Island Senior Games, Inc.). Is there a motion?

LEG. CARACAPPA:

Motion.

LEG. BISHOP:

Second.

LEG. CARPENTER:

Second.

P.O. TONNA:

Okay? All in favor?

LEG. LEVY:

On the motion.

P.O. TONNA:

Okay. On the motion, Legislator Levy.

LEG. LEVY:

We -- in the Omnibus Budget, there was a good deal of money that was allocated for individual Legislators to put in this type of County-wide proposals. And I know the individual -- these individuals have come here in prior years to try and get money for this program. I don't think they were very successful in getting it in other areas, and we balked at it last year. I think there was the opportunity in the omnibus budget to put it in. I think there'll be an opportunity next year to put it in. I just don't know if we should be in the middle of the year amending a budget for this type of an item. You know, it's one thing if it was a technical correction, but this seemed to be a real addition that I think could have been included in the omnibus budget, if someone wanted to use their allocation of funds for that purpose. That's why I would recommend we table.

LEG. CARACAPPA:

Mr. Chairman.

00085

P.O. TONNA:

Yeah. On the -- go ahead, Legislator Caracappa, and then I'd like to say something, ask a question.

LEG. CARACAPPA:

Granted, sometimes, you know, that's what the budget process is for, but sometimes there are things that come after the budget cycle, such as this one. We in the County and we, as Legislators, are making a conscious effort this year and in coming years to promote sports throughout Suffolk County, and that, as a speaker said earlier on this issue, is not designated to the youth or the middle aged, but a growing increase of participants that are elderly and senior. Thank you, Mr. Chairman.

P.O. TONNA:

Guys, Legislator Caracappa has the floor.

LEG. CARACAPPA:

Just to make a point about the Senior Games, almost three-quarters of the participants are from Suffolk County. Next year, the Senior Games will be calling Suffolk County their home forever, due to the coming on line of our Suffolk Community College Sports Wellness Center. So I think it's incumbent upon us to give them a little boost to show the ever-growing senior population that is staying more active throughout Suffolk County, that we support them in this very small, minuscule effort. Thank you.

LEG. D'ANDRE:

Mr. Chairman. Mr. Chairman.

P.O. TONNA:

Yes, Legislator D'Andre.

LEG. D'ANDRE:

It seems funny to me how we look for excuses when it comes to seniors. And, Steve, no disparagy on you, but, you know, you don't come off too

good knocking seniors like this. And I think to find excuses, it shouldn't be for our seniors, it should be maybe in other areas. And I want to be a cosponsor, Caracappa, and I'm supporting this a thousand percent because I happen to be a senior.

LEG. LEVY:

Well, Mike, I know it was meant with a good heart, but I'll take exception to the comment that we're knocking seniors.

LEG. D'ANDRE:

That's what we're doing, Steve, if we deny them.

LEG. LEVY:

Not at all. What I'm saying is there's a process by which we can try and get money for different programs. And if you're going to start opening the door now in the middle of the year, and you're always the first one, Mike, when there's someone up here at that microphone to talk about things in the business sector, you're first one to cry about how foul it is that people pay so many taxes out there. And the reason you pay taxes is because you're paying for more and more programs that

00086

come into the County. And at least if it's in some type of a controlled process in the beginning of the year, you keep tabs on it. But when you open the floodgates in the middle of the year for anything goes, then --

LEG. D'ANDRE:

It's a few dollars and not floodgates, Steve. I'm sorry.

LEG. LEVY:

Mike --

P.O. TONNA:

Okay. On the -- just to ask Joe, I remember -- oh, Legislator Guldi, let me just say something and then -- Joe, I remember them coming before Budget Committee, I think it was two years ago.

LEG. CARACAPPA:

Last year.

P.O. TONNA:

It was last year? And -- how time flies. And one of the questions that I had was we asked the group then was whether Nassau County is kicking in any money. We know that the games are in Nassau. We know that there are -- I heard that there are a lot of participants from Suffolk County. But what's Nassau kicking in?

LEG. CARACAPPA:

Nassau, what are they kicking in? The two cents they can rub together, I guess. More seriously --

P.O. TONNA:

I don't think they have two cents --

LEG. CARACAPPA:

Right, that's the problem.

P.O. TONNA:

If you listen to today's LIA thing. Gulotta said they had a surplus and Judy Jacobs said they're \$300 million in the hole. It was interesting dialogue.

LEG. CARACAPPA:

Someone should bite those pennies and make sure they're real when they rub them together. No. Seriously, Mr. Chairman, what Nassau is putting forward to them this year is the in-kind services that they're

providing through the facilities. As I mentioned a few minutes ago, that the Senior Games will be moving away from Nassau County and using their facilities in the future years and using our facility at our Community College Campus, because what it provides in regards to all the activities that they have. So, again, this is a small amount of money.

P.O. TONNA:
How much?

00087

LEG. CARACAPPA:

\$15,000. This very much -- this might not be a yearly -- a yearly thing. This may some --

P.O. TONNA:

This is a one-shot deal, right?

LEG. CARACAPPA:

This is kind of like, so to speak, an incubator type of deal for the Senior Games. They're, though nationally recognized here in the Tri-State Region, they're just coming of age. And I think it's, again, incumbent upon us to help and get it moving along. And if they are very successful this year, and next year, when they move into Suffolk County, they can offset the County dollars that we're providing them with this year with some sort of sponsorship from the outside community.

P.O. TONNA:

Thank you, Joe.

LEG. FOLEY:

Move the question.

P.O. TONNA:

Legislator Guldi.

LEG. GULDI:

Thank you. Yeah, my point precisely. We've been debating this for twenty minutes. Give back the tee shirt, vote against the resolution. We understand. Let's move the agenda along. And, by the way, there are a bunch of McCainiacs out on the lawn having a press conference.

P.O. TONNA:

Good. Okay.

LEG. D'ANDRE:

Never mind about that.

LEG. LEVY:

Motion to table.

LEG. D'ANDRE:

You need to give to these senior citizens now.

P.O. TONNA:

Motion to table by Legislator Levy. I'm going to second, and I will be glad to give some of my contingency funds over if this doesn't pass.

LEG. LEVY:

That's the way to do it.

LEG. D'ANDRE:

Why are you going to table it?

LEG. LEVY:

Use contingency funds. That's why we have them.

00088

P.O. TONNA:

Because I want to use my contingency funds for it.

LEG. D'ANDRE:

Let them vote against it. You call the question.

LEG. LEVY:

Motion to table.

P.O. TONNA:

Okay. Well, we have a motion to table and second.

LEG. D'ANDRE:

Steve.

LEG. LEVY:

You've got a contingency fund, Mike.

P.O. TONNA:

Just let's do a roll call. Then, when that goes down, then we'll vote to approve.

(*Roll Called by Mr. Barton*)

LEG. LEVY:

Yes, to table.

LEG. FOLEY:

Yeah.

LEG. COOPER:

No.

[LEG. BINDER-NOT PRESENT]

LEG. POSTAL:

No.

LEG. BISHOP:

No.

LEG. D'ANDRE:

No.

LEG. CRECCA:

No

LEG. CARPENTER:

No.

LEG. ALDEN:

No.

LEG. FIELDS:

No.

00089

LEG. FOLEY:

No, to table.

LEG. HALEY:

No.

LEG. FISHER:

No.

LEG. CARACAPPA:

No way.

[LEG. TOWLE-NOT PRESENT]

LEG. GULDI:

No.

LEG. CARACCIOLO:

No.

P.O. TONNA:

Okay. Motion fails.

MR. BARTON:

Two. (Not Present: Legs. Binder and Towle)

P.O. TONNA:

Let's make a -- there's a motion to approve and a second. All in favor? Opposed?

MR. BARTON:

16, 2 not present. (Not Present: Legs. Binder and Towle)

P.O. TONNA:

It passes. All right. Thank you.

LEG. BISHOP:

Even Steve gave in.

P.O. TONNA:

Number 1061 (Amending the 2000 Operating Budget and transferring funds to the Office for the Aging for the Shelter Island Affairs Council). Is there a motion?

LEG. CARACCIOLO:

Motion to table

P.O. TONNA:

Motion to table.

LEG. HALEY:

Second.

P.O. TONNA:

Second by myself. All in favor? Opposed? Tabled.

00090

MR. BARTON:

16, 2 not present. (Not Present: Legs. Binder and Towle)

P.O. TONNA:

Number 1093 (Transferring Contingent Funding for various contract agencies). Is there a motion. I'll make the motion.

LEG. HALEY:

Second.

P.O. TONNA:

Second by Legislator Haley. All in favor? Opposed? Approved.

MR. BARTON:

16, 2 not present. (Not Present: Legs. Binder and Towle)

P.O. TONNA:

Number 1120 (Provide funding for the West Islip Fire Department Rescue/Recovery Team). Is there a motion?

LEG. CARPENTER:

Motion.

LEG. BISHOP:

Second.

P.O. TONNA:

Motion by Legislator Carpenter, second by Legislator Bishop.

LEG. LEVY:

Motion to table.

P.O. TONNA:

Second.

LEG. LEVY:

On the motion.

P.O. TONNA:

On the motion, Legislator Levy.

LEG. LEVY:

Again, to be consistent, I had voted against Legislator Bishop's as

well way back when. And, you know, I talked about the opening the floodgates before. Listen, in Central Islip, you've got a huge court complex over there.

LEG. CARACCIOLO:

It's West Islip.

LEG. LEVY:

No, no, no, no. Central Islip.

LEG. CARPENTER:

No. He's talking about something else.

00091

LEG. LEVY:

You've got a huge court complex over there. That local fire department can come to us and say, "Hey, we need money to deal with that County Court Complex." I've got County buildings in my area. You have County buildings in all of your areas. You have County land in all of your areas. We start setting the precedent that we're now going to subsidize local departments for taking care of County land or State land, or any other land, there's no end in sight. We really should not be subsidizing in this fashion.

LEG. CARPENTER:

On the motion.

P.O. TONNA:

Legislator Carpenter.

LEG. CARPENTER:

I think the Commissioners that were here earlier this morning really made the case, that they cannot turn around and tax the residents of the hamlet that they protect, because these lands are not within the hamlet. These are County properties. They are not accessible, as you're talking about. We're talking about an accessibility factor here, too. You can't get a fire truck down through Gardiner's Park to protect the County property. So this is not the same kind of case, it is not going to set the precedent. The precedent that was set by the previous resolution that we approved like this for Copiague was that we had to show that they were, in fact, providing service and protection to County property, and this is the case with Gardiner Park. And I would ask for everyone's support on this. Basically, remember, too, that we are only making a partial contribution to this. The major burden of this, over two-thirds of it is going to be shouldered by the taxpayers in the hamlet.

P.O. TONNA:

Legislator Fisher -- Fields. Sorry. What am I doing?

LEG. FIELDS:

I think that a lot of us have parks in our districts that are not accessible. And I think to approve this would absolutely open up floodgates to every fire district in every community, and I think that it would be something a little bit difficult to handle for each one of us.

LEG. CARACCIOLO:

Mr. Chairman.

P.O. TONNA:

Thank you. Legislator Caracciolo.

LEG. CARACCIOLO:

While I could understand the constraints that some would like to put on

the County's possible exposure, financial exposure, I think there's an overriding issue here and that is, one, that we take an oath of office to ensure the public's health and safety. I think we have an obligation here, it's a partnership obligation, and I will support the resolution.

00092

P.O. TONNA:

Just my question with fire departments is they're a taxing entity, why can't they -- why can't they put this in their budget? I just don't -- I don't understand. Forty thousand dollars is a lot of money.

LEG. CARPENTER:

The Commissioner said that.

P.O. TONNA:

Yeah.

LEG. CARACCIOLO:

Mr. Chairman.

P.O. TONNA:

Yeah.

LEG. CARACCIOLO:

Just for your benefit --

P.O. TONNA:

Because they don't have the will to do it, that's why.

LEG. CARACCIOLO:

-- because I understand you were not feeling well earlier and you were not at the horseshoe during the presentation, we're talking about something that I know is very near and dear to you and that if someone who's been an ocean front lifeguard for many years, this fire district has that responsibility for water rescues. The direct question that I raised, they are going to have this boat right near the facilities to both the State and County parks that are within their fire district, but are used by over one million County and non-County residents annually. Again, I think there's an overriding concern here and we have an obligation to step up and meet that need of County residents, as well as those who visit. You know, you know we tout ourselves on being a tourism destination. Well, we have to ensure that people who come here and partake of those recreational facilities have every reason to believe that if they should go out into the water and get in danger, that there are going to be means available that we are going to provide, along with local fire departments, to ensure their safety.

P.O. TONNA:

Thank you very much.

LEG. CRECCA:

On the motion. On the motion, Mr. Chairman.

P.O. TONNA:

On the motion, Legislator Crecca.

LEG. CRECCA:

Very briefly. Just, again, to clarify your question further, this property in question is not taxable by this fire district, even though they do protect it for the benefit really of the County, Gardiner's Park and also the waterway areas, the other waterway areas they talked about. So this is really a County responsibility. And if anything, we

00093

should be commending the West Islip Fire Department for using their own

funds to partially pay for this boat. So, again, I think this is for the benefit of our County residents who use those parks and the waterways involved.

P.O. TONNA:

Okay.

LEG. LEVY:

Mr. Chairman, before --

P.O. TONNA:

Yeah.

LEG. LEVY:

I just want to point out, every parcel that is public in nature is off the tax rolls. Does that now mean that we have an obligation to give money to every single fire department out there that has some type of public land that they have to deal with? Again, are they going to have to get special equipment now in Central Islip because they have a very tall federal building there?

LEG. FISHER:

Or Stony Brook University.

LEG. LEVY:

Are we going to have to -- or Stony Brook University. Or what about Centerport when it comes to the Vanderbilt Museum. None of the local fire districts get money from taxes generated from those areas, because they're all public in nature and off the tax rolls. So, you know, again, where does it end? How do I tell the Sayville Department, "No, I won't put in a bill for you to do the same thing," or Vivian Fisher saying that to the folks up in Stony Brook? And the list goes on and on. So I'm saying, you know, be careful here, because it's not just going to be \$40,000, it's going to go into the millions by the time we're done with it.

P.O. TONNA:

We have a motion and second to table?

MR. BARTON:

Yes.

P.O. TONNA:

All -- let's do a roll call.

(*Roll Called by Mr. Barton*)

LEG. LEVY:

Yes, to table.

P.O. TONNA:

Yeah.

MR. BARTON:

Legislator Cooper. Motion to table, sir.

00094

P.O. TONNA:

He'll pass.

LEG. COOPER:

Pass, then.

LEG. BINDER:

No.

LEG. POSTAL:

No.

LEG. BISHOP:

No.

LEG. D'ANDRE:
No.
LEG. CRECCA:
No, to table.
LEG. CARPENTER:
No.
LEG. ALDEN:
Pass.
LEG. FIELDS:
Yes.
LEG. FOLEY:
Yes.
LEG. HALEY:
No.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
No, to table.
LEG. TOWLE:
No, to table.
LEG. GULDI:
No, to table.
LEG. CARACCIOLO:
No.
LEG. COOPER:
Yes.
LEG. ALDEN:
Yes, to table.

00095

MR. BARTON:
Seven.
P.O. TONNA:
Okay. We'll -- now there's a motion to approve and a second. Roll
call.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:
Yes.
LEG. BISHOP:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Yes.
LEG. ALDEN:
Pass.
LEG. FIELDS:
No.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Pass.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes. I'm pleased to be ten.

LEG. GULDI:

Yo, there's no sense passing when I'm going to be eleven. Yes.

LEG. CARACCIOLO:

Yes.

00096

LEG. LEVY:

I want to save this money for the fuel oil reduction. No.

P.O. TONNA:

Just the vote, Legislator Levy, just the vote. No.

LEG. ALDEN:

Yes.

LEG. FISHER:

No.

MR. BARTON:

14.

P.O. TONNA:

Okay. It being 12:30 --

LEG. POSTAL:

Can we just do the last resolution in this Budget Committee.

P.O. TONNA:

Okay, sure. 1126 (Amending the 2000 Suffolk County Adopted Budget and transferring funding for the Breast Cancer Patient Navigator Program from the Office for Women to the Department of Health Services). Is there a motion?

LEG. POSTAL:

Motion to approve.

P.O. TONNA:

Second by myself.

LEG. CARACAPPA:

There's one more, actually.

P.O. TONNA:

All in favor? Opposed? Approved.

LEG. POSTAL:

Thank you.

MR. BARTON:

18.

P.O. TONNA:

Number -- we'll do the discharge position, 1050 (Amending the 2000 Operating Budget transferring funds for enhanced service on County Bus Route 57 and landscaping on various County roads and facilities). Is there a motion?

LEG. CARACAPPA:

Motion.

LEG. CARPENTER:
Second.

00097

P.O. TONNA:
Second?

LEG. CARPENTER:
Second.

P.O. TONNA:
Second by Legislator Carpenter. All in favor?

LEG. ALDEN:
On the motion.

P.O. TONNA:
Okay.

LEG. ALDEN:
On the record, how much does this cost us in up-front funds?

LEG. LEVY:
We better do this afterwards. Let's do it after.

P.O. TONNA:
You know what, I think there's going to be -- I would ask --

LEG. CARACAPPA:
There's only question.

P.O. TONNA:
No. There's going to be a few, I think.

LEG. GULDI:
We can finish this agenda in an hour.

LEG. CARPENTER:
Come on, finish it.

P.O. TONNA:
Okay, go ahead. Do you want to finish the agenda?

LEG. CRECCA:
Yeah, just go ahead and finish it.

P.O. TONNA:
Wait, wait, hold it a second. Does everybody want to finish the agenda? Okay. We have to -- I'm sorry, I don't think -- Legal Counsel, could we finish this agenda, or do we have to break at 12:30?

LEG. CARACCIOLO:
Have a motion to extend.

P.O. TONNA:
Make a motion.

LEG. CARACCIOLO:
Motion to extend.

00098

P.O. TONNA:
Let's make it legal. There's a motion to extend.

LEG. CARACCIOLO:
For 15 minutes.

P.O. TONNA:
For 15 minutes. Is there a second?

LEG. CARACAPPA:
Second

LEG. FISHER:
Second.

P.O. TONNA:

Second by Legislator Guldi.

LEG. HALEY:

On the motion.

LEG. TOWLE:

Roll call. Roll call.

LEG. HALEY:

On the motion.

LEG. CARACAPPA:

Filibuster.

LEG. HALEY:

Mr. Chairman.

P.O. TONNA:

Yeah.

LEG. HALEY:

If we finish the agenda and we break, I will not be back for public hearings.

LEG. BISHOP:

Right. And that's what will happen with the majority.

LEG. HALEY:

And I suspect you will have that problem.

P.O. TONNA:

Okay. So cast your vote in how your conscience dictates. Okay. Let's roll call on the vote.

(*Roll Called by Mr. Barton*)

LEG. CARACCIOLO:

Yes.

00099

LEG. GULDI:

Yes.

LEG. COOPER:

No.

LEG. BINDER:

No.

LEG. POSTAL:

No.

LEG. BISHOP:

No.

LEG. D'ANDRE:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

No, to extend.

LEG. FIELDS:

No.

LEG. FOLEY:

No.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

No.

LEG. LEVY:

Yes.

P.O. TONNA:

Yeah. Okay.

MR. BARTON:

Seven.

P.O. TONNA:

We're adjourned until 2:30.

00100

[THE MEETING WAS RECESSED AT 12:30 P.M. AND RESUMED AT 2:35 P.M.]

D.P.O. LEVY:

Would all Legislators report to the horseshoe, please. Roll call.

MR. BARTON:

Mr. Chairman.

LEG. LEVY:

Yes.

MR. BARTON:

Mr. Chairman, the affidavits of publication for the hearings for this afternoon are in order and are filed here in Riverhead. There are several speakers who wish to address the Legislature.

D.P.O. LEVY:

Very good. Thank you. Could we have a roll call, please? That will get them in here.

MR. BARTON:

Sure.

(*Roll Called by Mr. Barton*)

MR. BARTON:

There are 11 Legislators present. (Not Present: Legs. Guldi, Towle, Haley, Foley, Alden, Binder and Tonna)

D.P.O. LEVY:

Thank you very much. We will go into the public hearings. Our first public hearing regards -- regarding Introductory Resolution Number 1041, a Charter Law to establish competitive bidding process for the selection of County Bond Counsel. I have no speakers on this. We have a motion -- I don't see Legislator Binder.

LEG. CARACAPPA:

I'll make a motion to close.

D.P.O. LEVY:

Let's make a motion to close by Legislator Caracappa.

LEG. CARACCIOLO:

Second.

D.P.O. LEVY:

Second by Legislator Caracciolo. We could always reverse later if Legislator Binder gets here. In favor? Opposed? Motion carries. It is closed.

1044, local law reforming seizure of personal property used in connection with or constituting the proceeds of crimes and reallocating the proceeds thereof to victims of crime. SEQRA is complete. Motion to close by myself, second by Legislator Crecca. In favor? Opposed?

Motion carries.

00101

1081, a local law to establish Animal Rights Advocacy Policy.

Legislator Fisher, what's your preference, close or --

LEG. FISHER:

Motion to close.

D.P.O. LEVY:

Motion to close by Legislator Fisher, second by myself. In favor?

Opposed? Motion --

LEG. FISHER:

Wait, wait.

D.P.O. LEVY:

Before I call the vote, would you like to change that?

LEG. FISHER:

Well, I thought there might be -- no, we can close it.

P.O. TONNA:

Okay. In favor? Opposed? Motion carries to close.

Public hearing 1088, a local law to reform judicial appointment process on County level through Judicial Screening Committee. I'll make a motion to close, second by Legislator -- oh, I'm very sorry. We have a speaker. Ruth Cusack of League of Women Voters.

MS. CUSACK:

Thank you. Good afternoon. A brief statement. Ruth Cusack for the League of Women Voters of Suffolk County.

The League of Women Voters supports merit selection of judges. In that process, we support use of nominating commissions that are broadly based, nonpartisan, composed of both lawyers and laypeople for 1088, we make these suggestions.

One, consider adding a layperson or persons to the committee.

Number two, consider the influence of party ties in the past, not just in the present.

That might be difficult to do, so we have number three. Look at the Court of Appeals Commission on judicial nomination for ideas. What that commission is, the one that we have in New York, the information I have here has been there since 1977. It's a 12-member commission balanced politically between lawyers and laypersons, and power of appointment is shared by the Governor, Chief Judge of the Court of Appeals, Majority, Minority Legislative leaders. So if your staff may want to look at that to get some ideas of how to constitute ours.

D.P.O. LEVY:

Great.

MS. CUSACK:

Thank you.

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D.P.O. LEVY:

Thank you very much.

MS. CUSACK:

Surely.

D.P.O. LEVY:

We appreciate it. Any other speakers on that particular hearing?

Being none, I'll make a motion to close, second by Legislator

Caracciolo. In favor? Opposed? Motion carries.

1089. We have a number of speakers. It's a local law to authorize

immobilization of "deadbeat" parent vehicles. The SEORA is complete. We have approximately thirteen speakers on this particular hearing, so each person will be allotted ten minutes. Our first speaker is Ed Heick, I believe that is.

MR. HEICK:

Good afternoon, Mr. Levy --

D.P.O. LEVY:

Welcome, Ed.

MR. HEICK:

-- Members of the Legislature and Ladies and Gentlemen. My name is Ed Heick and I'm here to speak on part of on behalf of myself and the other individuals caught in the system to reference to Ms. Carpenter's proposal. I agree that something needs to be done, and in some respects, this is probably one way of doing it.

A real quick background, my background, I was retired military, 23 years in, and divorced about eight years ago down in the State of Alabama. My ex-wife, my three daughters, I have no problem paying child support for. Don't get me wrong from the beginning. However, the way the system is structured, I am not only fighting the New York State system, I'm fighting the Alabama system on the amount of child support.

The State of Alabama is basically every month sending me a statement. According to them, I owe \$13,000, which is nowhere near it. According to the State of New York, I owe just over five. With the conflict between the time that the paperwork goes through from New York State through Child Support in Hauppauge, to Albany, to an out-of-state operation, it takes approximately four months, so I'm always going to be four months behind. Even if I send it out today. It's not going to get there until the end of the summer.

This happened in the system a couple of months ago. I've been arrested twice and had to put up in excess of \$5,000 bail. That was credited in Hauppauge, but not in the State of New York yet. Now that's -- this happened back in November or October. That's -- several months have past. I just came from the Treasurer's Office from the State; they don't have any account of it.

I am still dealing with the State of Alabama, who tells me I'm dealing with them. However, my lawyers here in New York say do not worry about

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them. I now have another problem with the State, because I fly as a commercial airline pilot. Okay. My passport has been revoked. My licenses have been suspended. Okay? So how am I supposed to make money if you take my vehicle? Okay? And that's not directed at Miss Carpenter or the law itself, it's directed at the people that are caught in the system who have nowhere else to try and fix.

We -- the part of being embarrassed has definitely happened. I get letters in the mail every day from my ex-wife basically with notes written on the back of them. According to the U.S. Postal Service, a government organization, this is perfectly legal. Okay? But I can't go and argue that, because I was told it's her right to write this through the State of Alabama. Yet, when I go to New York State, they tell me don't worry about it.

By booting the vehicle, what you're going to be doing is taking from people who are trying to pay who are caught up in the system right now

and it does not give us the chance to continue the way we've been going. I make the payments, it shows it every month, I've got the statements to show for it, I've got receipts that we pay, but the New York State system of child support is so far behind the rest of the country that the people that are standing -- sitting behind me are caught in this. And I agree it's both the parental side for the father and the mother, but there are families on the female side who don't have to pay a penny for child support. Why is it being pushed on us? By booting the vehicles, in effect, what you will do is you will take away my only option of going to work and turning around and continue the payments. Now, if I'm fighting New York State and I'm four months behind, according to New York State records, and if I turn around and I fight Alabama, Alabama disagrees with me, so now I've got another warrant coming up for Alabama because I haven't paid, when I've got documentation from New York State that says I've been paying it. So by turning around and booting the vehicles, you are taking the people who are honestly trying to make this happen.

My situation coming out of the military would be a mid point. The people that are sitting home on unemployment collecting money, not billing anything, yes, I would agree, there has to be something done for that. The people that are going out and trying to make money, okay, even everything that's stacked against us, has the availability to make the money and pay like we're supposed to be doing the way the laws are set up should not be -- have the vehicles locked down, windowed, whatever, you know, is going to be with it. And I just feel that it's going on a too broad a structure. It should be on a smaller structure and go into more the availability of saying if someone is not making payments at all, then, yes, I would definitely agree with you. If someone's been avoiding it, running around the country for six months and not paid a penny in five years, yes, I agree with it. But when I'm being taken -- my livelihood is being taken by me by the New York State, State of Alabama, and the federal government with \$3 1/2 million of training through the U.S. Government and my background and I can't use it to satisfy a judgment that's been put against me, I am up against the wall. And what that does is it does not allow me to even go to work for McDonald's and pay the system.

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My child support started out at \$3,000 a month. All right? So now by turning around and doing this, it's allowing me to say, "We don't care what you do, we're going to take your vehicle from you," and you can't even make the minimum payments anymore. And all I ask is that when you look at this, you look at it from our point of view. And I understand what the Legislature's trying to do and I applaud it, but, please understand it, there are people who are court in the system itself. From documentation, I've got a whole suitcase of it, that turns around, and when you attempt to turnaround and fix the problem, you're only compounding it by locking people down who are trying to make the payments. By removing the vehicle, it removes their livelihood. By removing their livelihood, it's cheaper to go on State support. Thank you.

P.O. TONNA:

Thank you very much, Mr. Heick. Next speaker, Janet Beck.

MS. BECK:

Hi. Good afternoon. I'm Janet Beck. I really didn't plan on speaking. It's my first public speaking that I've ever been to, but this is an important issue to myself.

As far as this gentleman, yes, everybody's got their own points of interest. But as for my own self, I've been in this system, myself and my children, since 1990; '92 I was -- settled my divorce. At the time of my divorce, I was put into slavery by my own state by telling me I had to stay in Suffolk County to promote visitation for a man that has not paid anything out of his pocket for medical, nor for child support. They attempted to garnish his salary, he went off the books. He got into a fender-bender December 24th with my two children, two of my three children in the car with him. I was not notified of this accident until six weeks later, until it was a slip out from my children. He served over -- received over \$300,000 for this lawsuit, put him out on disability permanent, in which he now longer -- can no longer work an on-the-books job, but can still lay a sod lawn down. I don't understand how someone can receive that amount of money when this same, very same person is in the system. I go to CSEB, who's supposed to be there to protect me. It's my tax dollars that are making these people have salaries. I am working seven days a week because my State tells me I have to live in Suffolk County to provide visitation. They have not told me how to survive. If I don't work seven days a week and I had my own disabilities, I should be sitting on a couch receiving all these fees, but I can't because where am I going to live with three children in Suffolk County? If I can't afford my house, I'm not going to afford anything else.

I am very for booting this system, whatever it takes, because I was just before Judge Blydenburgh less than a year ago for this very same lawsuit that I heard about. He told me if he received \$50 as much, he would go to jail. He has never done jail time. He has been found in contempt each and every time I've brought him into court for justice. He has never been gone to jail. I get the additional lawyer cost and I still get the additional hours of work required by me to maintain. Without me, there would be no children for visitation. How anybody can say visitation and child support are two separate entities beats me. I

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have yet to figure out that portion here. But to not -- to know that he has received such a large sum and myself not receiving a dime of it is absurd.

I think with the booting of this program, either them and their spouses, yes, because I've asked for CSEB to do a tailing, a private investigator. I'm told I can hire privately a private investigator. If I had \$1,500 to give three days of a private investigator, I wouldn't be needing child support. Why is it my right?

Every time I go from one job to the next, I have to hear Mr. Gaffney say, oh, we're saving the taxpayers billions of dollars by taking -- rounding up the deadbeats, by getting these mothers off of welfare. I got news for him, not all of us mothers are on welfare. I work seven days a week as a registered nurse. My tax dollars are providing a lot of incomes for a lot of people that I've hired to help me and provide for my children. I'm not looking for free handouts, but by darn it, I think he should be made responsible, or get lost. Put him somewhere, I don't care. Put him in jail. Everybody threatens it, nobody does it.

But I think as myself as a single mother trying to survive, the three children that have been put into this system to have to live in a horror, he gets a visit and I get to work? It doesn't make -- it doesn't make sense. For the life of me, I cannot figure it. If this is the only way to get money or that these computers, between CSEB, who lost my account twice, they've zeroed out my account twice, I'd like to know who audits them. They to date, as of today, say he owes me \$25,000. For a fact, he owes me over \$65,000. Even at \$25,000, if he received \$300,000, how did he get that, and how it did not get diverted? How comes these systems are not talking to each other, these computers? I don't understand. With all the money that we have and all the -- why you encourage people not to pay and allow them to father more children and get on with their life and remarry is -- I have no idea.

But as far -- if this is what it's going to take, I'm all for it.

Whatever it needs that I have to do to get this system to work, I want to work, because I am fed up with working seven days a week, fed up.

Thank you.

D.P.O. LEVY:

Thank you, ma'am.

LEG. D'ANDRE:

Young lady.

D.P.O. LEVY:

Ma'am, you want to hold on for a second?

LEG. D'ANDRE:

Young lady.

D.P.O. LEVY:

There's a question to be posed by Legislator D'Andre.

LEG. D'ANDRE:

This state is a horrible state for divorcees and women. My daughter
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went all through what you explained there. She's owed over \$65,000, and he laughs. He's not made to pay a dime. So the other day she called up Bush's office in Florida where he's living and says, "There must be corruption in the County, because I'm not getting a dime, they're not doing a thing about this." Luckily, she was earning a good salary. But to get to that point took many, many days and years, not days. In Pennsylvania, after two years, you must settle it, the divorce thing. But even settling it, they don't make these men pay. At least what Carpenter has come up with, the booting of the car, they have a love affair with their car.

MS. BECK:

He drives a bigger car than I do.

LEG. D'ANDRE:

Right. But he don't want that seized or booted, right? But that's only part of the problem. The problem is the women are taking a beating in the divorce and with the children business.

MS. BECK:

I tried speaking with Mr. Pataki. I formally wrote him a letter. I spoke to {Mr. Tassone}. I got no response, not even an acknowledgment.

LEG. D'ANDRE:

Let me tell you something, this is a paradise for lawyers in this state.

MS. BECK:

I know.

LEG. D'ANDRE:

They love it. And --

MS. BECK:

How do we change it?

D.P.O. LEVY:

Okay.

MS. BECK:

I should be able to leave Suffolk County. Why must I stay here?

LEG. D'ANDRE:

The lawyers are in all the politics. The lawyers control everything.

D.P.O. LEVY:

We have a few more Legislators who want to speak, so let's move on.

Legislator Foley.

LEG. FOLEY:

Yes. Thank you. And I know it was an effort, ma'am, for you to come out here to Riverhead to speak to us today on this very highly personal and sensitive issue. What I wanted to ask you, and it's something that those of us who either presently or in the past were members of the Human Services Committee, we have endeavored over the years as a Legislature to increase the number of workers particular, in the

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Divisions of CSEB and in Child Protective Services. Could you, over the next several minutes, just give us your thoughts about how the Child Support Enforcement Bureau, how you have interacted with it, where do you see it needs to be improved? You know, just to, let's say, constructively criticize their operations. Because, for instance, this time last year, we had a presentation given to our committee as a response to the -- that the committee gave to the Commissioner of Social Services about the dire straits of -- particularly of the CSEB unit, where you couldn't get a live person on the telephone, that many times our district offices were turning into adjunct offices for the Department of Social Services. And we were very, very upset as a body that the department was not responding as quickly as they should to the needs of the cases and the people behind those cases, particularly in Child Support Enforcement Bureau.

So a presentation was made. To its credit, the division made a presentation where they needed 22 additional positions. And if they received those 22 additional positions, they, in fact, would be bringing more money into the County than going out. And, also, they would be able to have some live person at the other end of the telephone when people would call. Well, the powers that be decided in June of last year just to hire 11 as opposed to 22. So -- and the reason given at that time by the Commissioner was they wanted to have a wait-and-see attitude, let a half year go by to see whether or not those 11 were enough, and whether or not there -- and then, at the end of the year, they'd make some determination of whether they need additional positions.

So what I wanted to ask you, ma'am, is, you know, what has been your experience? I mean, I'm sure you could speak for hours, but, I mean, if you could just give us, you know, an overview of your experience with CSEB, and how do you see how they could improve themselves? I'm

not talking about judicial judgments made by Family Court. That's something that's out of our hands, that's judges. I'm talking about the administrative follow-up, if you will, that CSEB is supposed to do. And I just would like to know for the record what has been your experience with them, and so forth, and how you would see how they could improve their services?

MS. BECK:

Well, first of all, the people that are working there have to be trained effectively. Their computers have to talk. They have to have some sort of internet to each other, so that one knows what the other is doing.

LEG. FOLEY:

Through the Chair, now, when you say they have to talk, do you mean talk to each other within CSEB or between divisions?

MS. BECK:

Through the divisions, through the town and leasing, the Records Department, the Sheriff's Department. How a man who owes -- he has never given -- my daughter's going to be -- my youngest is going to be 11 years old May 30th. He has not even paid for the birth of her, not as much as a diaper or a glass of milk.

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LEG. FOLEY:

Now, since they don't talk to each other, what has been the consequence of that?

MS. BECK:

He walked away with over \$300,000. He received a large settlement. He also received \$10,000 from the State in which he claimed he had to pay the landlord. He was never asked to provide proof of his payment. How so much money could walk when there's Social Security numbers, I don't understand. If you raise your voice --

LEG. FOLEY:

And you brought this to the attention of your caseworker?

MS. BECK:

Yes, through the administration.

LEG. FOLEY:

Through the administration?

MS. BECK:

Right to the supervisor.

LEG. FOLEY:

Okay.

MS. BECK:

They've downloaded, when they moved to Oser Avenue, they lost my account times two. They have zeroed me out. I started this --

LEG. FOLEY:

And this within the last half a year or --

MS. BECK:

Well, as of today, they say that he owes me \$25,000. I've questioned -- 24,427, in which they garner Social Security, because he won't work on the books any longer, at 603. So each month, he's to accrue 800, because that's my court order, multiple court orders settlement. But when I try to talk to CSEB going, "How do you see this? If I'm not receiving a dime of \$800 a month for four years, you should not have to be a rocket scientist to figure out that itself adds up to way more

than \$25,000. When I raise my voice, the guards stand up. They act like they're doing me a favor. They are not doing me a favor. I am not on welfare like I hear -- I can't tell you how many times I hear that on the radio? Not all of us are in the system.

LEG. FOLEY:

Yeah, yep.

MS. BECK:

But for them to say they're doing me a favor, no. It's my tax dollars that are doing them a favor, because they're working. They should figure out some way. You have to train the personnel, get the better equipment. Stop losing. They should have microfiches or some -- somebody should be auditing them. They should be monitored, because there's a lot of money that I presently lost. And if it's me, how many

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others of me are out there? They tell me to hire a private investigator. I can't afford that.

LEG. FOLEY:

CSEB suggested to you or recommended to you to hire a private investigator?

MS. BECK:

Right, to find that he's working. I've tried calling the Medicare fraud hotline number, the disability fraud hotline number. Guess what, there's no bodies over there either.

LEG. FOLEY:

Well CSEB is supposed to have field people that will go out into the field.

MS. BECK:

They will not because I'm not in the system. They are only rounding up the deadbeats of those women that are not -- that are in the system. I can't -- because I'm a nurse, I can't even get a block of cheese. I can't stay home or have surgery for my disabilities, because my kids will starve to death. Then I will be brought up on charges on neglect, and, you know, CPS would end up intervening. I'm -- just like this fellows caught in the middle, because I am a worker and I have to survive, because my children didn't pick me and my husband to be their parents, my husband and I to be their parents, how dare the system say, "You figure it out." I make a lot of money and I pay a lot of taxes, but CSEB needs to be brought up to gear. And this should never happen. Somebody that owes so much money should never be allowed to touch a dollar without -- people go to Foxwoods and get snagged all the time.

LEG. FOLEY:

When you have called the CSEB, have you -- how long have you had to wait to get a person to answer the phone or --

MS. BECK:

Oh, I never get anybody to go to the phone, I just show up.

LEG. FOLEY:

Just show up. Okay.

MS. BECK:

You can't get anybody on the phone and nobody knows anything.

LEG. FOLEY:

And then when you do show up, how long a wait do you have?

MS. BECK:

You can wait -- today I waited about 20 minutes. I've waited over an hour-and-a-half, even though Wednesday is the only day, because they all seem to take lunch, even the supervisor. I went to speak to a supervisor and I had the supervisor. I'm like this -- he couldn't understand that \$25,000, that's less -- that's saying he owes me a year-and-a-half in child support. I said, "Show me, pull microfiche all from 1990, from the -- since the day my docket began, pull that

00110

amount, and pull all mine and see all the contemptive charges." He's been held in contempt I couldn't tell you how many times. I know every judge from every system. But to say contempt and do nothing about it, and to say, "Thank you very much," and have to pay my attorney more money is ridiculous.

D.P.O. LEVY:

Okay. What I'm going --

LEG. FOLEY:

Thank you.

D.P.O. LEVY:

-- to try to do -- thank you -- is to move it on. There's some Legislators who want to speak. Remember, we have 14 more people who still want to speak. So John Cooper, followed Legislator Haley.

LEG. COOPER:

Actually, Legislator Foley asked the main question I wanted to raise. But I have spoken with a couple of constituents who have expressed their feeling that CSEB needs to be disbanded and reorganized, and that the debt collections process should be privatized. I know that it's not appropriate to discuss that today, that's for another day.

I had some concerns of my own regarding the booting, the proposed booting law. I feel that steps need to be taken to reform the system, and I certainly feel that any scofflaw parents should be forced to pay their fair share of child support. My concern, though, is that this may lead to increased incidents of domestic violence and may not produce the desired effect. So I just wish that more hearings could be held on this matter. I think that we also need to perhaps address the custody laws in New York State. I understand that, unlike in many other states, judges in New York are not allowed to require joint custody unless both parents agree. And I've received a number of letters from noncustodial parents that were denied custody that claimed that in states where there are joint custody laws in effect, compliance with payment demands is much higher than in New York. I don't know if that's true or not, but I'd like to get answers to that question. So again, you have my deepest sympathy. I just am not convinced --

MS. BECK:

Ten years is too much to hear, "I have your sympathy," and, "Keep up the good work." It is a long time. Try it seven days a week.

LEG. COOPER:

No. I know. And if I believed that booting was definitely the answer and would solve the problem --

MS. BECK:

Then round them up.

LEG. COOPER:

-- I'd vote for it in a second.

LEG. D'ANDRE:

It's a step, it's not the problem.

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LEG. COOPER:

Right. Well, I just also want to make --

MS. BECK:

I didn't even know there was --

LEG. COOPER:

-- sure that it won't be counterproductive.

MS. BECK:

I didn't even know the Sheriff Department had a deadbeat program. I've been living this system. How come I did not know about this system? How come you can't round them up? How come you -- the disability people, all the Newsdays and everything are looking to get the cops and the fire departments, the firemen that are out on fake disabilities. What about the deadbeats? He has gone on roller coasters with my children on visitation, he has laid sod lawns, he has been able to row canoe. He has gone to Israel, to Florida. How come he's not being rounded up? How come? And to say, "Yes, there is a problem, good luck, keep up the good work," I'm tired of it. There has to be something now, not ten years from now, because I have a right to work 40 hours a week as you do.

LEG. COOPER:

And that's why the answer to this, it may not be as easy as booting a car, it may that we really need to take a look at --

MS. BECK:

Put him in jail.

LEG. COOPER:

-- the entire system.

MS. BECK:

Whatever.

LEG. COOPER:

And the entire enforcement process, the debt collection process, and maybe take a close look at CSEB, and maybe they should be reorganized and turned into a purely administrative arm, and that the collection process should be privatized. It's something that I'd like to just take a close look at. But thank you very much.

D.P.O. LEVY:

Thank you. Legislator Haley.

LEG. HALEY:

You know, I liken this deadbeat legislation, deadbeat parent legislation to the death penalty. Although we don't like to put people to death, I think it -- what we're trying to do is we're trying to send a message. We're trying to add another tool that says that if you continue, there's something else that we can do to resolve the problem. When you went -- when you got the -- did you get divorced through Suffolk County's matrimonial courts?

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MS. BECK:

Suffolk County Supreme Court.

LEG. HALEY:

And, of course, when you went through courts, the judges ruled in your favor, or they ruled that a certain amount of child support, so on and so forth, and then, of course, you had an enforcement problem.

MS. BECK:

Right.

LEG. HALEY:

And the enforcement problem you probably had was that unless you hired another attorney, or you paid more for an attorney to go in and force an enforcement proceeding, you had -- probably weren't going to get too far. Is that --

MS. BECK:

That's true.

LEG. HALEY:

That's true? And that's without knowing. That's the first time I've heard you speak. And when we talk about systems, the problem that we have with the system is not one with Suffolk County Enforcement Bureau at the County level, and it's not one where we should expect the federal level to get involved. The problem we have is the State level. And that is, is that once, in the Matrimonial Section of Supreme Court, when they come to some sort of resolve as it relates to child support, there should be an enforcement process that's automatically in place. Because a lot of times what happens, I would imagine without knowing, I know you work now, and, allegedly, your husband works, but a lot of times the unmonied spouse in a divorce proceedings winds up on the short end of the stick, because they don't have the ability to hire an attorney to spend hundreds of dollars an hour, all right, to bring an enforcement proceeding to resolve your problem, and that's where that should be resolved. What's happened is that because they have failed to bring resolve to that, there's an expectation that Child Support Enforcement Bureau should do that. And we're not -- we don't mind doing that, we fully expect to do that, and we want to add this particular tool to the box of tools, if you will, to send the message that we're not interested in listening to anyone who's not willing to live up to their obligation to their children. So while I'm a cosponsor and I support this, I do agree with what Legislator Cooper says, is that there is a problem with the system. And I would hope, and I intend to work with Legislator Crecca, who happens, unfortunately, to be in that business, to try to work out some method by which we can send a signal to the State and perhaps make some changes, so that some of that stuff can come to resolve immediately. The only other thing I want --

MS. BECK:

Throughout the years, I've spent over \$60,000 in lawyers.

LEG. HALEY:

I know how it feels.

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MS. BECK:

Sixty thousand dollars to have justice be served.

LEG. HALEY:

You shouldn't have to pay for justice.

MS. BECK:

I agree.

LEG. D'ANDRE:

That's obscene.

LEG. HALEY:

No, I understand that.

LEG. D'ANDRE:

That's obscene.

LEG. HALEY:

I understand it. And I got a call, and I've been trying to reach a gentleman in my district who called and said they found -- and there was a Legislator that also mentioned this last time we met, that if you boot a vehicle, how is that parent going to go and now earn a living in order to pay that child support? Well, it's rather obvious that that parent hasn't been interested while he or she was working and paying that child support, so what difference will it make. And there is quite a number of criteria that has to be met before we will actually boot a vehicle and make it difficult for that person to go to work. But that tool is a message, and it may not resolve all our problems and it may not resolve yours, but it's one within which we can continue to fight the fight that we think is necessary, and is that parents have to be held accountable --

MS. BECK:

Right.

LEG. HALEY:

-- for the support of their children.

MS. BECK:

What about all these deadbeats that are hanging out on disability and in this system themselves?

LEG. HALEY:

We understand that.

MS. BECK:

Why aren't they investigated?

LEG. HALEY:

That's an enforcement problem. You know, while --

MS. BECK:

But they're not investigating.

00114

LEG. HALEY:

There's two sides to every story. You could tell me all day long, and I don't know you, you could tell me all day long that your ex is a deadbeat father, but we can't. It's not up to us to ascertain that. That's, unfortunately, part of the system to figure out whether or not he has beaten the system, he's on disability when he shouldn't be, so on and so forth. However, my thought is, is that if -- I think a judge very easily can come to the conclusion, if he's putting a reasonable roof over his head, he's getting some sort of income. And if he's getting some sort of income, he should be able to share that. And, you know what, right, no matter what, he should be forced to share that. We shouldn't be forced to ascertain whether or not he's beating the system one way or another, he should make his payments and on a timely fashion and let him worry about it.

D.P.O. LEVY:

Okay. All right.

MS. BECK:

He's remarried and has another child. He should have a vasectomy. If you can't pay for the ones you have, why go out and make more?

D.P.O. LEVY:

All right.

LEG. HALEY:

Thank you.

D.P.O. LEVY:

Legislator Crecca.

MS. BECK:

Thank you.

LEG. CRECCA:

Yeah. Hi, Ms. Beck. I have just a couple of questions for you and then a couple of comments just to sort of fill in or clarify some things that Mr. Cooper said and also Mr. Haley. But, first of all, you said that there were -- your husband was found in contempt on a number of occasions?

MS. BECK:

Multiple times.

LEG. CRECCA:

And were those in Family Court or Supreme; do you remember?

MS. BECK:

Both.

LEG. CRECCA:

Okay. And did the judge actually order their incarceration and it didn't happen, or no?

MS. BECK:

No. He's walked each and every time.

00115

LEG. CRECCA:

That certainly shouldn't be happening --

MS. BECK:

Right from Blydenburgh.

LEG. CRECCA:

-- especially when someone's been found in contempt more than once. And I do empathize with your situation. Your story is not different than many other people's stories. We are dealing with a rather large system.

But to clarify something Mr. Haley said about legal fees, just so everyone here is aware, too, right now, if someone's not getting support, they are able to go down to our Suffolk County Family Court, okay, once they have a court order for support. They can -- we have Probation Intake Services to provide it through the court system, which help you draw a petition up and that petition is then placed on the calendar automatically as a result of that. That doesn't require that you pay any legal fee for that assistance, it is put on in court then. In some cases, the County Attorney actually represents, and I say some cases, it's not -- would not apply to a situation like yours, but the County Attorney actually represents the custodial parent who's having the support collections problem.

I will be the first one, as someone who has handled literally hundreds of cases on both sides of the aisle, so to speak in this child support issue, to tell you that there are problems with our Child Support Collection Unit and our Enforcement Unit here in Suffolk County. However, you have to understand, and you all as Legislators know the volume that they deal with, and I'm not saying we don't need to fix it, we do need to fix it. Your case, the case we heard of the individual before you, those are examples of where there are some real problems in

the system that need to be fixed. But let's not lose sight of the reason we're here today. Let's not lose sight of the purpose of this public hearing. The purpose of this public hearing is to speak about another method of enforcement. I guarantee you, as a sit here today having been in this system, that this boot bill is not going to solve all the problems that we have in support. Every time we come up with a new remedy, there are still noncustodial parents out there, fathers and mothers alike, who will find a way to beat the system. But what we can do as lawmakers, what we can do as citizens who are sitting here today at this public hearing is support measures like this that give Child Support Enforcement Collection Unit that give our government another means to go after people who avoid their child support obligations. Remember, we're not talking about situations where someone's making an effort to pay. We're not talking about situations like the gentleman before you where there's discrepancy about the amount of support. Okay? Under the bill, not only do you have to be in excess of \$2,500 in arrears, but there have to be at least 90 days that those arrears are still outstanding before it could even be considered for enforcement. We're not going to be able to boot everybody's car, but, again, it's another tool, another means of getting after these deadbeat parents. So I think that based on everything we've heard, that you're in support of this.

00116

MS. BECK:

Yes, anything that will work, because nothing has worked. Anything that will work that won't cost me money I'm all for.

LEG. CRECCA:

And this won't. The other thing, too, is just to address one thing that Legislator Cooper brought up, he's concerned about raising incidents of domestic violence. I can tell you right now that whether you take someone's license away, you boot their car, or you take any other enforcement means, or you threaten to incarcerate them, or you make them come to court, any of those incidents can increase domestic violence. But when we as lawmakers start to say that we're afraid of somebody breaking the law in order to -- and that we're not going to take an enforcement measure because we're afraid of that, then you know what, then we're allowing chaos and we're buying into it in our legal system. We have to have the guts to do it. Yes, there are going to be incidents of domestic violence, but they're going to be there, and this is not going to necessarily make them happen or not make them happen. If we're going to put enforcement measures in place, whether it's the boot bill or some other means, we've got to have the guts to do it and we cannot -- that the whole reason we're going after these people is because they've seen how to beat the system and all that. So if they're going to do something unlawful in the first place, these are the exact people that we want to go after.

MS. BECK:

Even if the boot --

D.P.O. LEVY:

Okay.

LEG. CRECCA:

So that's why I'm asking my fellow Legislators to support this bill, and I'm asking the public to show their support for it, which I have

gotten overwhelming -- since we announced this bill, I've gotten overwhelming support, both at my office and people who've stopped me to show their support for this bill. Thanks.

MS. BECK:

I think it's 200 to \$500 a boot. It's worth the taxpayers. That I wouldn't mind paying my taxpayers for. If it stops it or alleviates it, it's worth my tax dollars.

D.P.O. LEVY:

Okay. Thank you, Ms. Beck. I just want you to know one other thing. It's been noted quite clearly that there's a problem with the system itself, and a great deal of it has to do with the State. But there is something we can do tomorrow, because on both sides of this issue, regardless of where you're for with this, the biggest complaint I get about Child Support Enforcement is the inaccessibility of the department itself to the public. I have a constituent, took two days off from work just to get a hold of a human being at the department and it was impossible, he couldn't do it. It's an absolute disgrace that you call this department and you cannot get a human being. This voice mail has to end. There has to be a process by which people on both sides of this -- the fence on this issue can at least speak to someone

00117

to get their problem resolved. In this case, it was a clerical error that forced him to take two days off from work, lose two days pay to resolve, because he had to sit by the phone to wait for them to call back after he left his taped message.

MS. BECK:

And to be treated with respect.

D.P.O. LEVY:

So that's got to change and it can change.

MS. BECK:

And to be treated with respect.

D.P.O. LEVY:

Right.

MS. BECK:

I'm a hard working individual. Why must someone else get treated with more respect? I'm not doing anything wrong. I need help. Thank you.

D.P.O. LEVY:

Thank you. Okay. Patti Houlihan.

MS. HOULIHAN:

I want to say good afternoon to everyone. My name is Patty Houlihan, which most of you may recognize. I recently sent a letter to each and every Legislator, the County Executive, three Congressmen, the State Senator and the Governor giving my support for this proposed law. I think it's a wonderful idea. I know that there'll be problems in determining who qualifies for this law, but, unfortunately, my ex-husband is a prime candidate.

I am in my thirties. I live at home with my mother and father and my two children. How humiliating is that? I work full-time. I get no help from the County or the State at all. My account is through CSEB. They have done nothing for me.

The morning that I got up and I saw the article in Newsday about the proposed law. I was pretty much kind of excited about it, thinking we finally have a way to get him, because he has everything hidden. He

just keeps going on his merry way. I got to work. My first phone call of the day was, "Gee, I'm so glad I don't have a car in my name." That did it. I was devastated. So that's what made me decide to finally take it upon myself to write to people to tell them that it is a great law. But you know what, it's not going to help everybody. He is self-employed. Child Support has pretty much told me, "If he's self-employed, you can pretty much forget it." He has taken a loss on his taxes for the last eight years, yet I do not have the right to say to him, "You cannot see your children." And that was told to me in Supreme Court, that I could not deny my children from seeing him, which I would never do to begin with. Sorry, I'm just a little nervous.

LEG. CARACAPPA:

You're doing great.

00118

MS. HOULIHAN:

The last payment that he made to Child Support was in September of '97. My arrears are in excess of \$14,000. I am listed on his credit report as child support payment arrears, which I did hear about when he went to go buy his new truck because he was denied the loan. His license has been suspended for two years now. He has bragged and boasted that he has been pulled over several times, and upon showing his PBA cards, his Sheriff card, and his little badge in his wallet, he has been let go every single time.

The justice system is failing me, they're failing my children, they're failing my parents, who are retired and should be enjoying life at this point. Instead, they're raising little children all over again so that I could go to work.

If you have candidates that clearly fall into the "I am not going to pay" situation, then I think this is a wonderful idea. Now, the only thing that I thought would help was if they are involved with someone who knows that they are hiding assets, that if it's a vehicle that they drive continually -- he has a car that he's drove continually for the last year. It has out-of-state plates on it. He's the only one that drives that car. I feel that car should be the one that's booted, because that is his mode of transportation. I understand that it would be a little hard to try and prove that, but something needs to be done.

There is -- CSEB says they do the best they can. They've proven nothing to me. I have to go back this Thursday again, of which I take off from my job to go there. I use my time at my job for when my kids are sick. I took a half a day today to come speak to you to tell you, you know, unlike the other -- you know, like the other lady, we struggle. We don't get help, we don't get food stamps, we make too much. I'm living at home, you know, and then there is -- there's someone who's clearly not even trying to pay. He's just trying to run and run and then rub it in everybody's faces as much as he can. So I really think that, you know, you should consider this law as a pretty good step, because I would love for it. I don't have the money left over week to week, but I'll tell you, if there was a way that they could boot his car, I would come up with the money just to have it put on his car, because it's enough is enough.

D.P.O. LEVY:

Thank you, Patti.

MS. HOULIHAN:

Thank you.

D.P.O. LEVY:

Jean McBrearty, I believe it is. I can't read the handwriting.

MS. MC BREARTY:

I have some copies for the Legislature.

D.P.O. LEVY:

Sure. Just hand it to the Clerk there, please.

00119

MS. MC BREARTY:

Good afternoon, Ladies and Gentlemen of the Suffolk County Legislature. My name is Jean McBrearty, and I'm New York State Director for ACES, the Association for Children for Enforcement of support. I truly appreciate the opportunity to testify today on behalf of the children owed child support in Suffolk County.

ACES members wholeheartedly support the immobilization of Suffolk's nonpaying parents' automobiles in an attempt to collect unpaid child support. We view this legislation as progressive and hopeful in the struggle to have all noncustodial parents support their children. However, we would like to offer a few recommendations to further strengthen this legislation.

ACES suggests you consider lowering the \$2,500 in unpaid child support to \$1,000. We also suggest that the time frame be adjusted to 60 days rather than 90. Time is of the essence to many children who are suffering the effects of nonsupport. Strengthening these two provisions would shorten the time that children go without and, hopefully, prevent the -- excuse me, arrearage amount from growing to the thousands of dollars.

ACES also suggests eliminating the provision requiring that a lien be placed on the vehicle before it can be booted for nonpayment. Single parents work and few can manage to take any extra time off from work to go to court to obtain a judgment for the lien. The necessity for a lien prior to the boot will only stall the goal of current child support by tying the enforcement to the courts, which we've heard today does not work efficiently.

Suffolk County's process for parking violations and the booting method does not contain a lien provision. Violation payments in these types of cases must be paid in full before the release of a boot. The success to keeping the problem on a more minuscule scale is to diminish the time frame before booting and making the booting an immediate consequence of nonsupport. ACES suggests that Suffolk County adopt the same procedure for delinquent nonpayers.

The written legislation before us today states in December of 1999, more than 4,780 people met the established eligibility for the County's booting bill. The amount from this action alone could collect over \$97 million of back child support in Suffolk County. Ninety-seven million dollars would prevent many single parents from being evicted from their homes this month due to lack of support. A child who is sick can see a doctor and possibly get necessary medication with this method of enforcement. Single parents who have been unable to pay their day-care costs could once again pay the cost it takes to be a single working person with children.

Suffolk County needs this bill to become a law. Regular methods of

enforcing child support are not always effective with all noncustodial parents who refuse to take responsibility for their children. Wage withholding will not work in self-employed cases that are traditionally the hardest cases to enforce. This proposed legislation would definitely help in enforcing these types of cases. There are currently 57,000 children in Suffolk County who are owed over 300 million in

00120

unpaid child support. This proposed legislation will take aggressive measures to ensure the well-being of the children owed support. We ask the members of this Legislature to support this bill to send the clear message that Suffolk County will no longer tolerate nonpayment of child support. Thank you.

D.P.O. LEVY:

Thank you, ma'am.

LEG. CARACCIOLO:

Steve, I have a quick question.

D.P.O. LEVY:

Legislator Caracciolo.

LEG. CARACCIOLO:

Could you just explain the size and scope of your organization? I see you're based in Massapequa.

MS. MC BREARTY:

I'm based in Massapequa. I'm the New York State Director. We are a national organization. We're based out of Toledo, Ohio. We have people in California, we have people in Nevada, we have people in Chicago, and we have a ton of people in Ohio. Go on.

LEG. CARACCIOLO:

Okay. Are there any models around the country in any municipality around the country that your organization's familiar with that has a debt collection system that works, be it through the municipalities or through private organizations?

MS. MC BREARTY:

Well, to be honest with you, the national average for child support collection is below 27%.

LEG. CARACCIOLO:

Do you have any statistics locally?

MS. MC BREARTY:

Locally for New York State?

LEG. CARACCIOLO:

Or Nassau and Suffolk?

MS. MC BREARTY:

Nassau and Suffolk is 23%.

LEG. CARACCIOLO:

So that's pretty close to that average.

MS. MC BREARTY:

It's a little bit lower.

LEG. CARACCIOLO:

Right, right.

00121

MS. MC BREARTY:

Nassau is a little bit -- not as well off as Suffolk, to be honest, but Nassau does do better with past arrearage than Suffolk County does. I think we're at 32% of past arrearage collection.

LEG. CARACCIOLO:

Are there any models that we could -- you know, rather than reinvent the wheel, so to speak, could we -- is somewhere in the midwest, the west coast, the south, another --

MS. MC BREARTY:

There's Virginia that has the booting laws.

LEG. CARACCIOLO:

Okay.

MS. MC BREARTY:

There's -- Massachusetts has booting laws. I think it's ironic, not necessarily just for child support, but also for parking violations, since this is pretty much where we're getting the idea. I spoke to a police officer in Suffolk County P.D. and he told me that no matter how they get to work, so to speak type thing, you put a boot on their car, you'd be amazed how fast the money comes.

LEG. CARACCIOLO:

Okay. Now you heard the two previous speakers and some of the issues they raised about their former spouse's ways to avoid using their vehicle, either by registering out of state or other means. Do you have any suggestions on how we could deal with those issues?

MS. MC BREARTY:

Well, if someone's going to boot your car, if Suffolk P.D. is going to go out and boot your car, you have to make sure that you're going to be driving that car. So, basically, they're going to have to be doing a little bit of monitoring. I don't know what kind of provisions you have for that in this bill, but there will have to be some sort of monitoring, just to make sure that you're booting the right car. If that's the case and you're seeing this person get in and out of this car on a daily basis, you know, that's basically what you're going to need to boot. I'm not sure if I answered your question.

LEG. CARACCIOLO:

Well, you tried to, and it's a tough one. It's a tough question to answer, you know, with an answer that I think we would find effective. In terms of Virginia and Massachusetts, what is similar or dissimilar with their legislation versus this?

MS. MC BREARTY:

It's pretty much very similar.

LEG. CARACCIOLO:

Because I know this is modeled pretty much after the Virginia -- at least that was my understanding, after the Virginia State Law. In Massachusetts, it's also a state law?

00122

MS. MC BREARTY:

Yes.

LEG. CARACCIOLO:

Okay. All right. Well, we would welcome the opportunity at any time, you or anyone else in the audience today, or that is aware of these proceedings, to make us aware of other effective measures that would work. And there seems to be perhaps the impression that oftentimes we're dealing with male spouses, but this law is applicable, it's -- particular --

MS. MC BREARTY:

It's one way or the other.

LEG. CARACCIOLO:

Not gender bias, it's --

MS. MC BREARTY:

You know, there are plenty of people who call the hotline on a daily basis who are complaining about their ex-wife's failure to pay. It's not specifically a male problem, you know, it's parents are parents basically.

LEG. CARACCIOLO:

Right.

MS. MC BREARTY:

Just to reiterate why we wanted these -- to strengthen the legislation with the time frames, 60 to 90 days, you don't know how many phone calls I get with regards to people being on their third month of not paying their rent. That's 90 days. And, normally, the fourth month is when they get kicked out. So, I mean, if we cut it down to 60 days, we can get it before they're evicted. You know, if it's a thousand dollars, a ten a thousand dollars, we can get it before it grows into five, ten, fifteen, thirteen thousand, like they were talking back here.

LEG. CARACCIOLO:

Do you have any statistics that pertain to the amount of unpaid child support, either nationally, or again, regionally, locally, what that amount might be?

MS. MC BREARTY:

In Suffolk County alone, it's 300 million.

LEG. CARACCIOLO:

Right. If you broke -- if you break it down, how many individuals would that pertain to, that 300 million?

MS. MC BREARTY:

It's between 54 and 57,000 families, which means there's an awful lot of kids in those families. So you could probably say 90,000 kids, something along those lines, 100,000, depending on the family. It could be one to three, four, five kids.

00123

LEG. CARACCIOLO:

And that figure of 300 -- I thought it was \$97 million in Suffolk County. Three hundred million, there are currently 57,000 children in Suffolk County. Okay.

MS. MC BREARTY:

Let me look. I could have misquoted myself. It's 97 million in -- actually, no. The amount for the people who are eligible for this bill would collect \$97 million just by booting 4,780 cars.

LEG. CARACCIOLO:

Which would be about a third of the money that's outstanding in terms of back child support.

MS. MC BREARTY:

Yeah.

LEG. CARACCIOLO:

Okay. So this is --

MS. MC BREARTY:

It would really help.

LEG. CARACCIOLO:

-- is a major step, but it's certainly not the beginning and end all.

MS. MC BREARTY:

No. It's another tool. You know, it's another tool where, when collection -- when someone falls through collection process, it's when someone falls through the enforcement process, this is another tool that we can use.

LEG. CARACCIOLO:

Thank you.

D.P.O. LEVY:

Thank you very much.

MS. MC BREARTY:

Thank you.

D.P.O. LEVY:

Next speaker, Nadine Allen.

MS. ALLEN:

Thank you. My name is Nadine Allen and I'm the mother of three young children. On February 17th, I read a copy of a press release by Suffolk County Executive Robert Gaffney which stated that the County's Department of Social Services continues to lead the way in forcing deadbeat parents to pay their fair share of support for their children. I disagree. My ex-husband is currently behind in his child support by over \$24,000. I first went to Family Court in November, 1998 seeking enforcement. Six months and five days in court later, all that was accomplished was a decision that the Supreme Court order was continued as a Family Court order, that support remain at \$209.27 weekly, and arrears were fixed at \$12,579 as of April 16th, 1999.

00124

In November of 1999, I was once again in court seeking enforcement, because he still had not paid any support. I have been to court three times so far and my case has not even been heard. He began paying \$50 per week in December, but the payments have once again stopped. For entire month of February, I received \$50 in child support for my three children.

In the past year-and-a-half, the only punishment he has received for his refusal to pay child support is suspension of his drivers license. This, however, has not stopped him from driving. An income execution was ordered and ignored by his employer, and I have been informed by Child Support Enforcement Bureau that they have no jurisdiction over the employer. It is ultimately his responsibility to pay.

When I asked CSEB how I was supposed to feed my children, I was told to apply for welfare. I have managed to stay off welfare so far. I do not want to go on welfare.

Meanwhile, my ex-husband has taken numerous vacations. He's moved to a new house, and by his own admission, spends several nights a week in hotels. He has given -- he has been given a company vehicle to drive by his employer even though his drivers license is suspended. He has stated that he is a bulldozer operator. The average salary in New York State for this type of work is 30 to \$50 per hour. However, he claims to be making \$12 per hour, and showed up at a hearing in Family Court with a handwritten pay stub stating that he makes \$12 per hour. He's also been awarded a settlement on a negligence lawsuit in the amount of \$17,000, but has indicated that he's unwilling to have the money go towards arrears. He has hired a high priced attorney to represent himself and is sitting back and laughing at a system that allows him to

continue to refuse to pay his support.

I'm due back in court next week. I have succeeded in obtaining a County Attorney to represent me, because I can no longer afford the legal fees. But from what I've seen of this system so far, I don't hold out much hope for a satisfactory resolution. I feel

Mr. {Condasella's} high-priced attorney will once again help him to evade his obligations.

I believe the idea of booting cars is a good one. It will hopefully reduce the number of people who may find themselves in my position in the future. However, it is not enough. You see, the boot will not help in my situation. My ex-husband cannot register a car in his name because he has no license, so there's no way to track and boot the vehicle that he is driving.

We must give CSEB and the County Attorney's Office the funds and ability to go after the people who assist these deadbeats in avoiding their obligations; parents and spouses who are willing to have assets put in their names, employers who pay off the books. There should be penalties for employers who fail to comply with income executions. There also needs to be stricter enforcement of the policies already in effect.

My ex-husband has managed to accrue almost \$25,000 in arrears and has been subjected to nothing more than trivial inconveniences. The law

00125

states that he can be incarcerated for contempt of court and willful violation of a court order. Is there anything more contemptuous than a parent who does not care if his children have food, clothing and shelter, a parent who has been ordered by the court directly to pay his child support and in response sends nothing at all? This is -- this the definition of my ex-husband.

I ask that you pass this proposal on behalf of all the custodial parents who may find themselves in need of it in the future, but don't stop there. It is not enough. I urge you on behalf of myself, my children, and all the others in my position to do more. Do not allow anymore children to suffer the negligence of deadbeat parents and a system of enforcement that is inadequate. Thank you.

D.P.O. LEVY:

Thank you, ma'am. Legislator Fisher.

LEG. FISHER:

Thank you for coming here. It's been difficult for me to comment on any of the speakers' remarks, because I find them so heart-rending. And I had a question for Legislator Crecca, because I'm confused about something that you said. There is no legal recourse to enforce a garnering of salary on the part of the employer? We can't force an employer to garner the salary of a parent who is not paying child support?

LEG. CRECCA:

I don't want to speak about something I'm not 100% sure on. I believe there is a method of enforcement. I do not believe, and again, I'm not 100% sure on this, that the Child Support Enforcement Bureau or the unit itself that does the enforcement has the legal authority to do that. I believe it has to happen at the State level or Federal level.

I'm not -- I don't have the complete answer, and I apologize to you, but there is a way to do it. Employers, there are sanctions and things

that can be done to employers who do not enforce and income deduction or an income execution order. I just don't know whose responsibility that is.

LEG. FISHER:

I think there's another attorney here who might have a --

LEG. GULDI:

Yeah. There is a huge flaw, particularly where an employer appears to say, shall -- I'll characterize it as being playing patty cake with the garnishee. The only thing you can garnish, even the IRS has this problem, is wages that are due in paying. If the employer wants to evade the garnish order, all he has to do is pay the employee a week in advance, the employee owes the employer the hours, and the garnish -- when the garnish order is served, there's no debt. In fact, the employee is indebted to the employer at that time and you can't garnish in that direction.

So, unfortunately, there are some real flaws in the garnish approach. I don't know exactly what mechanism's being used here, but there are -- it's an inadequate --

00126

MS. ALLEN:

An income execution was sent and the employer completely ignored it. CSEB told me that all they can do is a follow-up phone call to the employer and sometimes that works, but there is no penalty

LEG. GULDI:

But when the employer -- if the employer has decided to provide a car, to provide documents, there's really very little you can do to reach the employer, absent a disciplinary action against the employer to prove a participation in fraud, which is another lawsuit, another six years in court, and another fortune in legal fees.

LEG. FISHER:

Thank you.

LEG. CARPENTER:

Mr. Chairman, if I could.

D.P.O. LEVY:

I think Legislator Cooper wanted the floor.

LEG. COOPER:

Legislator Guldi may have addressed this, but I was wondering whether you had attempted to execute a judgement for back child support by levying upon his real property. You say that he just bought a new home. Is that not possible to go after his home?

MS. ALLEN:

That's what's in the courts right now, but, unfortunately, he's smart enough not to have the house put in his name.

D.P.O. LEVY:

Legislator Carpenter.

LEG. CARPENTER:

Miss Allan, you said that when CSEB sent the income execution order, or sent the notice to the employer, the employer refused to do it and their --

MS. ALLEN:

No. They just didn't respond at all.

LEG. CARPENTER:

Didn't respond. So their procedure at CSEB, as far as you know, is to

follow it up with a phone call?

MS. ALLEN:

Right. The income execution was sent on January 12th. I was in court, which was when he presented the pay stub saying that he paid -- he is paid \$12 an hour. We notified CSEB right then and there. We went right to the Social Services Department right then. They sent out an income execution on January 12th. I was told that employer is given 30 days. I had called last Tuesday to check up on it and there had still been no response. I was told that they would do a follow-up phone call to the employer. When I called again on Thursday to check on it, they told me that it takes two weeks to do a follow-up phone call.

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LEG. CARPENTER:

Really?

MS. ALLEN:

Yes.

LEG. CARPENTER:

It seems to me that that might be an area that we could look at in trying to tighten up their procedures. That when they send this letter out, and maybe this is being done by some of them and not all of them, but that along with that letter saying you have 30 days to respond, that there's got to be something in there with some teeth in it that makes an employer very, very reticent to do what this employer seems to have done and just ignore it. So that that is an area that we can look into. Thank you.

D.P.O. LEVY:

Thank you, ma'am. Thank you very much. Our next speaker is Deidre Richardson.

MS. RICHARDSON:

Good afternoon. I'm Deidre Richardson. I'm a member of ACES, and formerly the Focus paralegal who assisted people in the Suffolk County Family Court attempting to get child support. I was in that position for eight years, so I am familiar with Mr. Crecca, and I'm very familiar with the Child Support System, and I'm very familiar with Family Court, from that point of view. I think I can clarify this issue on what can Child Support do to an employer who does not comply with an income execution order. There is statute that requires them to do so. If they don't -- if they have a garnishment order in place and they don't act on the garnishment order, then it can be -- they can be required to make the payment themselves. They can be responsible for the money that is not being paid in addition to a fine that can be issued upon them. Child Support has to request the County Attorney to file a contempt motion with the court, and they have to be brought into court and they have to be found in contempt. But, in fact, they can be held completely responsible for that money coming from the employer, not even from the -- if they refuse to make the payment on behalf of the employee. So there is something. It would have to go --

LEG. FISHER:

So that employer could be found in contempt?

MS. RICHARDSON:

The employer could be found responsible and penalized with a fine anywhere from 50 to \$1,000, just something like that. But that's the statute, and it can be done. Does it get done? No. I've seen it done

twice. So it is there, it's just not something -- as you said, is it something that they're doing? No. Maybe that's what you could do is put the screws to them to do it.

A lot of the success that people have with Child Support is what do you know when you walk in the door, and that's what ACES does, it arms you with the information. If you have information where you can go in and say, "This is what I want you to do, A, B, C and D. Get back to me on it." "Well, I can't do that." "Yes, you can. Here it is, right here in

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black and white, this is the statute, this is what you can do, this is what you're mandated to do." Then they do it, and that's the kind of information that ACES tries to provide their members with is find out what can we do and then do it. So that answers your question as to what ACES does on a local level anyway.

I feel that the booting is a very -- is a tool. As we've all said, it's a tool. Whether it's going to be effective or not is questionable, because, again, if they don't own the car, but they utilize mom's car, or their girlfriend's, or their brother's car, you can't take that right away from the individual who owns the car. And most of these individuals don't own the vehicles, the houses they live in, the bank accounts they write checks on, the credit cards they use regularly, none of it is in their name.

So what's the answer? I don't know. But at least for the few guys that are driving a car that's titled to them, go for it. Why not? I mean, you may very well -- you know, if it's jointly owned by both parties -- by, you know, a current spouse and the debtor, then you can do it. And a lot of people objected to the taking away of the licenses when that first happen, and they said, "Oh, how can you deprive a person of their livelihood, and how are they going to get back and forth to work?" But you know what, they come crawling out of the woodwork and they pay the fines when you take their license. Basically, law abiding citizens who would never think of driving without a driver's license, there are a lot of them who don't pay child support. They don't think that's important. I don't know what they're thinking of. And it goes both sides of the street, men and women alike. There have been many gentlemen who have come to me for assistance, because women really are probably the worst. They're like, "Well, I'm the mother, I don't have to pay." "You're the mother, but you're not, you know, helping out here." So it does work on both sides of the street.

If there could be some provision that it doesn't have to be owned -- the cars have to be owned by the individual, I don't know whether that's -- how you could get that legally in there, but if it's a car that's to their -- used to their avail, or something of that nature, it might work. But, otherwise, you're going to find a lot of them aren't going to own a car. But the few that are, I think it's a wonderful idea and go for it, absolutely.

P.O. TONNA:

Thank you very much. Next speaker, Enriqueta Castillo.

MS. CASTILLO:

Good afternoon, Ladies and Gentlemen. I wasn't expected to come here and talk.

D.P.O. LEVY:

Just speak into the mike, please.

MS. CASTILLO:

Oh, I'm sorry.

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D.P.O. LEVY:

Thank you.

MS. CASTILLO:

I was a teacher for over 30 years, and this is why --

D.P.O. LEVY:

You might want to bring it down a little bit.

MS. CASTILLO:

All right. I think this is why I'm here. I am not divorced. I listened to everyone that spoke here. I've been married 50 years to a man who came from a police state. My family came from a police state also. I'm concerned about the children in this country, of what's happening to them. We never, ever refer to them. I was in Europe for a few months, I just got back. I'm afraid we are losing sight of the importance of our children. All right? I'm also a member of GRO. I'm a member of the -- part of their board that means Grandparents Reaching Out. You've heard a lot about the grandparent issue in this country. I'm also one that organized -- I'm sorry. Help organize the families in transition. You know Chris DeMaggio, he's a great individual, and he's trying to bring a lot of this mess out into the open. And if you listen to Channel 80 on cable T.V., I'm in Northport, if you can see that six o'clock Monday afternoons, it's an eye-opener. I'm also with Bill Kirchhoff, Long Island Dads.

I listened to a lot of women tell me their stories, just as I have heard here. I see the children's faces that come from divorced homes. It's pathetic. What's happening is pathetic. I've been going up to Albany for five years. I've been trying to convince the Legislators to pass a joint custody bill. This is one of the few states that does not have a joint custody law. Why are these men so angry? I've listened to hundreds of them. If you listen to these women, I don't know what their situation is specifically, but a lot of these men are angry. Children are angry. They walk into the courts with two parents. In New York State, they walk out with one. And we are saying it's okay. Well, it's not okay.

I'm going up Legislative Day. I'm going to speak to them again. I'm hoping we can convince them, but I'm afraid we have a feminist movement in this country that's destructive where they think fathers are not important. Well, fathers are important. I have a son, I have a daughter, I have nieces, I have nephews, I have four grandsons, and I pity my grandsons. I don't know what their future is in this country. I really don't.

All right. Now, my major concern is what Mr. Cooper said. Where is this going to lead to, this booting? All right? Are we going to boot the cars of these parents that don't give access, that poison their children. Is this the next thing? How about the ones that file false CPS reports? That's a huge problem, believe me. All right? There are many fathers giving support money. You never hear of those. I know of those. I belong to a lot of organizations. But they never see the children. Are we going to boot these kids' bicycles, their cars, because they don't want to see their fathers, even though they're

getting support money? There's a lot in this situation that we don't
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hear. We hear about the money, and the money, and the money, but there's a lot more. All right?

Now, Hillary Clinton has proposed a wonderful idea. Let's take away the passports, let's take away the charge cards. Well, you know, in this country, we put people in concentration camps, I remember that. Is this the next thing?

All right. Now, my major concern, and there is a concern, and I think that we have to look at many issues, also the Child Support Standard Act. Come on. It's based on gross income minus FICA. Come on. You know, my -- I've spoken to a lot of men, a lot of guys, and they are living with their parents, too. And their families are giving them their support checks, or helping them out, because they cannot make it. All right? They're paying everything. And these are the ones that are good guys. You never hear about those, I do. All right? So what I'm trying to point out over here, and I think Mr. Cooper also kind of mentioned, let's think about this. Let's not rush into something that may snowball into something, because then I would suggest, for the sake of the children, that we boot also those parents who poison and don't give access to the other parent. To me that's more important. All right?

I think I've made a point. I don't want to see a police state developing here. We are already talking about that we are moving into one. And believe me, we've had it very good in this country. We can lose it. Thank you.

D.P.O. LEVY:

Thank you, ma'am.

LEG. D'ANDRE:

Mr. Chairman. Mr. Chairman, may I respond to this lady?

D.P.O. LEVY:

Legislator D'Andre.

LEG. D'ANDRE:

Young lady. Let me tell you this. In my view, I've been married 50 years, too, I believe that the man's obligation is to take care of his family, come what, come hell or high water, if he has any pride at all. If he doesn't like the woman anymore, fine. But if he fathered children, he should be responsible to bring them up, pay for their care, and to educate them.

MS. CASTILLO:

I am a hundred percent with you.

LEG. D'ANDRE:

And it's not the woman that's to blame.

MS. CASTILLA:

All right. I am a hundred percent with you. I have a son. Of all my children, he's the only one that's divorced in the family. He is -- I'm sorry. He pays his child support. I'm very much in favor of

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that. I am here not to say don't pay child support, I am here to say let's be very careful how many laws we pass here. All right?

LEG. D'ANDRE:

We're so careful --

D.P.O. LEVY:

Okay, Mike. Mike, let's --

MS. CASTILLO:

All right. With the --

LEG. D'ANDRE:

We're so careful that the women are suffering.

D.P.O. LEVY:

Okay.

LEG. D'ANDRE:

And you know what, I'd like it to fall on the other side for a change, because I have a daughter who's owed over \$72,000 and the guy's in Florida and she don't get a dime off him, and I don't think that's right.

D.P.O. LEVY:

Okay. You don't have to respond to that, ma'am. Thank you. It's so noted for the record. Thank you, Mike. Appreciate your thoughts.

And --

MS. CASTILLO:

Are there any other questions? I just wanted to make a point of, you know --

D.P.O. LEVY:

Thank you.

LEG. CARPENTER:

Thank you for coming down.

D.P.O. LEVY:

It's very much appreciated. Thank you. Next speaker is Joseph Scalia.

MR. SCALIA:

Good afternoon. My name is Joseph Scalia. My attorney sends his apology that he couldn't attend this session and he asked me to ask that he be allowed to submit a memorandum to you.

D.P.O. LEVY:

If you have it with you, you can submit it to the Clerk.

MR. SCALIA:

At a future date, he --

D.P.O. LEVY:

Fine.

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MR. SCALIA:

Thank you. I'm here representing myself and as a member of Family Advocates. I'm sympathetic toward the people who spoke before me. I certainly think that their children are entitled to get the support, but not at my expense.

For the record, although I don't know I should tell you at this point, I drive a 1989 Ford Probe with 130,000 miles on it. My ex-wife drives a 1999 Honda Accord. I live in a rental, she lives in a new house in Stony Brook. I am divorced, a noncustodial father of two teenagers. I love my kids, and I go beyond any court order to take care of that them. I've always paid my child support directly to my ex-wife every Friday since 1994 in accordance with the separation agreement we signed. There have never been arrears or late payments. I was a teacher for thirty-three years until my retirement in 1997.

That being said, in January 1999, my ex went into Intake Probation and she whispered the seven magic words into the ear of Probation Intake, arrears and late payments of child support. In August, after a flurry

of papers, counter-papers, and prohibitive legal expenses, and based on her false allegations of arrears and late payments of child support, a Family Court Hearing Officer created, with one stroke of her pen, a post hearing arrears in the amount of \$4,602.14. Although it wasn't warranted, she also issued an income deduction order that called for payments of \$360 per week from New York State Teacher's Retirement System who made deduction from my pension at the end of each month. Incidentally, \$2,000 of the Hearing Examiner's decision was overturned in objections filed before a Family Court Judge, and the rest is presently in appeal at the Appellate. But, the ex's decision started a nightmare and it set the machinery at CSEB in motion that seems determined to turn me into a deadbeat dad. The court created arrears of over \$4,000, made me instantly eligible to have my license suspended, my passport revoked, my income tax refund diverted, and now, if you act, my car booted.

Although I have been told by New York State Teacher's Retirement System's Legal Department in Albany that they have not had problems complying with similar income deduction orders, in my case, apparently, the discrepancy between weekly payments of support ordered by the hearing examiner and monthly deductions made by New York State Teacher's Retirement System causes my account at CSEB to appear in arrears more than a thousand dollars for the first three weeks of every month until New York State Teacher's Retirement deduction is received. Since September, that has prompted the computer at CSEB to issue two income execution orders on top of the income deduction order, one in October and most recently now it in February. Excuse me.

I've also received a threat from CSEB to report, quote, my failure to pay child support to credit reporting services. Every attempt on my part to contact CSEB by phone and to -- in order to correct their mistake, has met with endless useless recorded messages, busy signals and disconnects and my correspondence go unanswered. Repeated visits to the Hauppauge office by me and my attorney only succeeded in a temporary remedy of what was the immediate threat without addressing the real problem that the CSEB computer is wrong. I'm not a deadbeat dad, and I'm not in arrears.

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In a recent phone conversation that I received from CSEB, a child support specialist, no doubt it was prompted by the faxes and the letters that I sent to you, I sent to the County Executive and to the Governor. Well, this CSEB child support specialist told me that, and this is a quote, the computer has to be fed every week and New York State Teacher's Retirement System is feeding it every month. She said that the people at CSEB knew that I wasn't a deadbeat, but that every month they had to find ways to, and again, it's her word, fool the computer and override its mistakes in my account and in other accounts that apparently have the same problem. If I wanted to be left alone by the computer, she said, I should make a prepayment of \$1,558.80, which is the amount of the monthly deduction and that would solve the income execution and credit service problem. I informed her that I had already made an overpayment of \$1,448.36 in October, but CSEB called the overpayment a voluntary payment. I was not given credit for it and they disbursed the money to cover the court created arrears. When I suggested that CSEB correct their computer problem by reprogramming the

computer, the same child support specialist told me, and this is a quote, "It's an old computer."

I tell you this in illustration of my point. Old or not, this is the same computer that will tell these same people at CSEB to put a boot on my car. But I'm not alone. As a member of Family Advocates, I have seen other members in the organization dealing with the same errors, mistakes in fact, faulty logic. I've heard their horror stories. I implore you to consider carefully what you are about to do. And, on a personal level, I appeal to you for help in my ongoing battle with a system that is out of control. Thank you.

D.P.O. LEVY:

Gabrielle Ciccone. Gabrielle -- oh, Gabriel. I'm sorry. Gabriel Ciccone.

MR. CICCONE:

Hello, everyone. I, too -- oh, my name is Gabe Ciccone, and I, too, am a taxpayer. I've heard both stories, but the simple fact of the matter is this system has failed. The Suffolk County Child Support Collection Unit fails to correct any problems that arise in a timely fashion, and the people that have to deal with this have to take off of work numerous days, go down, still at that point aren't treated with either respect or any kind of logical explanation as to what a dilemma that they might be having with the unit.

I speak out against this boot. I feel that it's another law that's being introduced and won't solve the problem, which the problem I feel is people are being misbilled and, in some cases, not righteously awarded child support -- child support payments being awarded to the custodial parent.

I know it's been said that this boot has increased revenues in Virginia, but what about the people that do get booted and can't go to work and can't pay the amounts that are owed? While it's a long, arduous process to try and straighten out with the -- what Child Support sometimes implements, this person will be out of work.

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I myself have had my license suspended and have tried to straighten that situation out with Child Support, and while they've taken the suspension off due to a fact that there was a judgment that was paid, and then they didn't mark it as paid and there was an overbilling, they suspended it again, I got pulled over and I got a ticket. I had to go and represent myself in court, take off more time at work, and for an oversight on child support's billing, which, you know, through me into a predicament.

I feel this system is flawed and it violates the civil rights of the people that are trying to pay and aren't, the limited few or the few that exploit the system and try to get away with paying thousands and thousands of dollars. I pretty much just speak out against it, and I hope that you reconsider, you know, what you're about to implement now. I'm not a public speaker, so thanks for listening.

D.P.O. LEVY:

Quite all right. You did fine.

MR. CICCONE:

Thanks.

LEG. CARPENTER:

Thank you.

D.P.O. LEVY:

Thank you.

(Applause)

Thomas short, next speaker. Tom's got some papers to give out, it looks like.

MR. SHORT:

Good afternoon. I have some handouts.

D.P.O. LEVY:

Just hand it to the Clerk.

MR. SHORT:

Good afternoon. My name is Thomas Short, I'm from Coram. I'm totally against the car booting. I feel that they're going to make horrible mistakes and I feel this County should be liable for the mistakes. And I'll try to explain. It's more in detail on the handouts.

A serious problem developed when I received a letter from CSEB stating that I was in back arrears of approximately \$3,000, when, in fact, the CSEB has been garnishing my paycheck through my employer, which I am a New York City police officer for approximately 12 years now. They've been garnishing my check for the amount in the predivorce decree that is indicated on the handout. For five months, my child support has been jerked around with the Offices of CSEB from one person to the next. When I call there, they tell me they're a screener, they don't know anything about my case. They pass it from one person to another person. I was not able to get any of these matters resolved.

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My job with the NYPD was in jeopardy due to the fact if my driving privileges were suspended, so would I, and then I would be fired. Let's face it, I was put on modified assignment and my gun and shield was taken away just for getting a divorce. I was denied a promotion because of this problem. According to my pay stubs, the CSEB indicated that I was in back arrears, which essentially said that I was a deadbeat dad. My character was defamed because of CSEB. It took five phone calls to CSEB from Peter Scully, from the County Executive's Office to get my matter resolved. How many others out there are accused of being deadbeats? Who would know to call the County Executive's Office. How many of these so-called deadbeat parents are actually in arrears and are not victims of CSEB?

If I hadn't called CSEB -- if I hadn't called the County Executive's Office, you can guarantee that my case would still be unresolved, and then if I was -- that if I was going to go out in the morning to go to work and found my car booted with my tires -- on my tire with a sign claiming that I'm a deadbeat dad, and then after they find out these mistakes, what are they going to do, put a sign to say, "I'm sorry, he's a nice guy"? That doesn't cut it. You can guarantee, I would be slapping the County with a lawsuit so fast that Bob Cimino's head would be spinning, and that's why you can't pass this law, because it's wrong.

(Applause)

D.P.O. LEVY:

Thank you very much, Mr. Short. Jayme Tamillow.

MR. SHORT:

Can I add one thing, please?

D.P.O. LEVY:

I'm sorry?

MR. SHORT:

Can I add one thing?

D.P.O. LEVY:

You still have more time, so just excuse us one second, Jayme.

MR. SHORT:

I have a five year old son. I have love my son very much. I've been paying child support for a year-and-a-half. I do see my son every weekend. I feel that I should be getting paid support for the two days I see him. I do put a roof over his head, I do feed him, I do clothe him. And it's wrong that I pay seven days a week, 365 days a year for the support and I do get him two days out of every week. Thank you.

(Applause)

D.P.O. LEVY:

Thank you, sir. Jayme, could you, please, state your address for the record, please?

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MS. TAMILLOW:

Sure. My name is Jayme Tamillow and I live in Coram. And I filled out a speaker card, because just in case Mr. Short wasn't able to speak, because he was a little nervous. But I would like to say something. When the ladies in my office found out that I would be attending today's public hearing, they asked me to reiterate and express their dismay with the CSEB. They are unable to take the time off today, because they are -- they are saving their time for their many visits that they have to take to the CSEB. They have put their stories into notarized statements and they will be furnished upon request. One woman that -- in my office, her husband was awarded full custody of his children in November of 1999. Two months later, he received a letter from the CSEB stating that he was in back arrears for \$3,000 and they suspended his drivers privileges within 90 days. He is a landscaper by profession, and he went to court to tell them, "I have full custody of my children, I do not have to pay child support." So there's two months, several thousand dollars in legal fees, to try to get rid of the CSEB's mistake.

Upon months and months for another woman who had a child, her -- it was the baby's father had promised to give her money. She didn't have any court order. We finally urged her to go. She was afraid to go to CSEB because she saw what everybody else was going through, she wasn't going to get any help. Finally, we said go down there. She went down there, she got his paycheck garnished through the Village of Patchogue. She waited six to eight weeks for a paycheck. She didn't receive any. She finally called there and they said, "Well, your child is listed as a foster child." This is a part-time person who does not get paid if she takes the day off. She had to go down to the CSEB and prove that this child was her child.

The CSEB is a major embarrassment to this County and it needs to be effectively run in order for this law to work. Thank you.

(Applause)

D.P.O. LEVY:

Thank you, Jayme. Jayme, were you representing any group, or is that for yourself?

MS. TAMILLOW:

That's through a bunch of ladies who work in my office. They had their statements and they're going to mail them out to you.

D.P.O. LEVY:

Okay.

MS. TAMILLOW:

They didn't have them prepared for me.

D.P.O. LEVY:

Okay. "Mace in Your Face" Greenfield.

(Applause)

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MR. GREENFIELD:

Thank you, Steve. It's nice to know some people still remember me from radio and T.V. And I got to tell you --

D.P.O. LEVY:

The Stony Brook guys.

MR. GREENFIELD:

And Stony Brook, that's right. You went from Student Government Senator to Presiding Officer, Deputy Presiding Officer of the Suffolk Legislature ledge.

Anyway, you know, but it's funny, I sit here and I listen to some of the things at least one Legislator has said today and I really have to get back on air so I can be "Mace in Your Face" and tear people up the way I used to. But I'm here wearing many different shoes and wearing many different hats. First, I want to wear the same shoes and hat that I wore a number of years ago when I stood here before the Suffolk County Legislature on the topic of child support and the Suffolk County Support Enforcement, that is as a disgruntled litigant having gone through the Suffolk County system. Your first thoughts may be a man this upset, he didn't want to pay his child support. Well, let me tell you, I'd call up Child Support Collection at Family Court and the first thing they would say is, "Well, how much money do you owe?" "I don't owe any." "Then why are you bothering to call? How much" -- you know, "Is there a judgment against you?" On and on and on. They would not shut up. You got one mouth, two ears. You should listen more than you talk. I know, I know, I'm the first one who should take that to heart. But nevertheless, they wouldn't shut up long enough to listen. I have custody of my daughter. It's my support enforcement petition. That's the first thing that I want to say.

Second, they tried garnishing my ex-wife for arrears she did not owe.

This was at a time when I literally would read the obituaries on a daily basis praying to find her name. Thank God, since then, we've become good friends. Not thank God for me, not thank God for her, thank God for our daughter. Our daughter thrives because of it.

I called both the Family Court and the Suffolk County Child Support Collection Bureau. She does not owe the arrears. They said, "Your word isn't good enough. The Nassau County order that transferred to Suffolk said there were arrears. They didn't give us records that it was paid." I said, "Read the order. You got two eyes. It says arrears are to be paid direct. I got the records, no one else would. It's paid in full." They said, "Blame Nassau, not us." Thank God for Nassau County, didn't like being blamed, and their Child Support Enforcement Bureau attorney helped me to no end in how to take care of it. And they told me, most interestingly, "Why don't you just sit back

and laugh at your ex?" Actually, they said, "Wait a minute, let me get this straight. You have custody?" "Yes, I do." "This is your support enforcement petition?" "Yes, it is." "Why don't you just sit back and laugh at here, like everyone else in your shoes would?" I told them, "Let's get one thing straight. I read the obits daily praying to find her name, but our bitterness is our business, and right and wrong is yours, and I swear, I will see you held to it." It's one of the reasons why I did change careers and become an attorney.

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Then they were collecting the money from her. She was paying it to the Bureau regularly. They tell me they never got a penny from her. They tell me their computers show she never paid. She paid regularly. One day it showed it, one day it didn't. I say again, although they've improved a little bit over the years, not by much, I say again what I said to you years ago, the system and those in it are incompetent and unprofessional. I withdrew it from the system, because I found out from the Nassau lawyer that so long as I'm the custodial parent collecting support and I am not on public assistance, my word is greater than the judge's, and I say cease and desist collecting on my behalf, they must, and they did, and my life has been better ever since.

You cannot trust these people with administrative power to just go out and boot cars without the opportunity to have a hearing first. You hear the stories from those that are owed money, the stories that are being told they owe that claim that they paid, and there's one common theme through both of them. Child Support Collection Bureau is not doing their job, not doing it right. Everything messes up.

Let me tell you something, I remember during my internship at law school, Lou Silverman's Family Law Clinic, and I went in collecting child support for custodial parents. Called up the Child Support Enforcement Bureau for their investigative unit to get me information. "It will be at least six weeks." They find nothing. I got right on Westlaw. I love Westlaw. I forgot what real books are. Westlaw, like that. I find out what houses they own, what cars they own. Boom, now we know where it is. You don't need to boot cars if there's actual arrears, and you can get a money judgment on it. You can levy on that car, have it taken and sold.

This boot law is nothing than let's try to do something politically correct to look good, so that our constituents think we're doing something great to get more votes, maybe move up to higher office. That's my personal opinion.

There are information subpoenas that can be used. Child Support Enforcement Bureau never uses it. Find where the bank accounts are. You can also, if they're working off the books, do like so many others have done, you can't afford a private investigator, you get a friend to follow them, find out where they're working. You then subpoena their employer and the employer's accountant into court. Guess what, that employer says, "You better admit what you earn. You better start paying now, or you don't have a job, and I will make your life hell if I have to go into court." There are so many available remedies to find the assets, to enforce on the assets. To boot a car is nonsensical. What about when someone who's alleged to be in arrears and who isn't, like my ex-wife, or some of the people that have spoke tonight, owns a

car that they give their child, who the support is for, who's using it to go to college or work and it's not even a car for them, but it's in their own name, for the lower insurance? You're not doing anything to the alleged support owner, you're nailing the kid. That's not right.

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What about the poor and the minorities that make under the poverty -- the federal poverty guidelines? They cannot afford a private attorney. And most private attorneys don't even know the section of law that I'm going to tell you about, because they don't -- poor people can't hire them. And I've never heard a legal aid attorney presented on behalf of the poor litigant. When you earn equal to or less than the federal poverty guidelines, even if you never pay a dime, your arrears can never exceed \$500. And let me tell you something. Someone is poor, they can barely afford to pay for themselves. For years courts were issuing as a presumption the \$25 per child minimum, which then was ruled as unconstitutional, in and of itself it must be a rebuttable presumption. But, you know, these poor people don't know the law. They don't know to go back to court about that and rebut the presumption. They got this order hanging over their head, arrears building, it's over 2,500, you boot their car. Their car that they bought for maybe \$250, they keep together with spit, glue and a band aid to go to work for the few dollars they earn and to be able to see their child for visitation, and all you're doing is making a bad situation worse.

Senator Tom Harkin did a federal study in the early '90's, spent over \$4 million in federal funds to study the problem of deadbeats. And let me tell you what he found, he found there were three basic categories. There were those that were always deadbeats throughout their life. Not deadbeat in the negative connotation, but they're poor people. They never had -- made much of themselves, never earned much, never had much, never paid their bills, never paid their debts, never will. Although Mrs. Glick from the Nassau County Department of Child Support Collection to -- when Mae Newburger held a hearing on this years ago, gave a number that categorizes those as much higher than a third. Senator Tom Harkin then found that you have about a third that have plenty of money, hide their money, hide their assets, just don't pay, and can, but don't. Then you have another third that always did what they should do, but after on average two years of their visitation being interfered with, being withheld, being bad-mouthed by the custodial parent to the child, they throw their hands up in the air and walk away. Does it make it right? Hell no. But what it does tell you is it's not just a problem, it's a symptom of another problem that can be also cured by enforcing on the withholding of visitation and the bad-mouthing to the child of the other parent. You go after that just as strenuously, and one-third of all deadbeatism is going to probably go away and in other states where the laws are. To enforce it like that, let me tell you something, their voluntary child support payments are much higher. States that have joint custody, it is much higher. Our laws have made nothing but little pawns of our children that are played well. The bottom line is our kids. And let me tell you something, statistics and studies show that kids that go life without both parents in their life are worse off than kids that don't have as much money. And you can also look at in poor intact families, where

it's an intact mom and dad. Those kids thrive a lot better than rich houses with only one parent instead of two around. Let me tell you one or two others, just if I may.

D.P.O. LEVY:

Mace, just if you can wrap up, the ten minutes is long gone.

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MR. MACE:

Okay. I'm sorry. I'm also here -- I'm Executive Director of the Father's Rights Association of Long Island. I sit on the Board of Directors for New York State. I am constantly hearing and seeing men bringing to me all their cancelled checks that they paid. Child Support Collection won't talk to them on the phone, won't meet with them. They're being garnished, threatened with license suspension, being threatened with arrest. No one will sit down with them and look at their records. It is a system that is just nonsensical. And one thing that I do have to address that I heard and just really flipped me out, besides the fact that I think I made clear, to sum up, private attorneys can enforce on these things so much more effectively and quicker than Child Support Enforcement Bureau. It shows statistically that they collect so much and they make money for the County, after your federal and state tax reimbursements. What comes out of the taxpayer dollar on federal, state, and local taxes is \$3 of tax money for every \$1 collected. The private attorneys can do it better and more effectively. There are so many laws out there for it that are not used. They screw up more than they do great on. As it was said earlier, that employers can be held liable.

D.P.O. LEVY:

Mace, I've really got to ask you to wrap up; okay?

MR. GREENFIELD:

Okay. One last thing. I heard it be said it is the man's obligation to take care of his family and his children. I did a special with Congresswoman Molinari. The marginal rate of deadbeat mothers is three times that of deadbeat fathers. Raw numbers, almost equal. It is both parents' responsibility and obligation to support their family and children, and if we're going to go back 50 years to it's the man's obligation, then let's turn the clock back and give the men the higher paying jobs, too, so they can. Woman should have and are getting more and more equal rights in the workplace, they should have it without a doubt, and men should have equal rights in the family as well. And I -- ooh, I heard that and I said, "I wish I was still on air, I would tear that person apart for saying it." I want to thank you all very much.

D.P.O. LEVY:

Thank you.

(Applause)

LEG. COOPER:

Mr. Chairman.

D.P.O. LEVY:

You're still in our face. All right. Mace, you want to stick around for a second, please?

MR. GREENFIELD:

Yeah.

D.P.O. LEVY:

Legislator Cooper.

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LEG. COOPER:

It's obvious that there are people -- no. You can listen, if you want.

MR. GREENFIELD:

Oh, okay.

LEG. HALEY:

You got to ask a question.

LEG. COOPER:

Oh, okay. It's obvious that there are very sincere people on both sides of the both sides of the aisle, literally, and I know you're all speaking from the heart, and you're probably all speaking the truth. It's apparent that the one -- as I believe you mentioned, the one unifying theme, based on testimony from every single person today, is that, number one, the system's broken, and number two, that there are some serious, serious problems at CSEB. And I -- my heart -- my first reaction, when I heard about this bill, speaking from my heart, was that, well, may be this is a step that we should take and maybe this will help. But the more I thought about it and the more letters and faxes I began to get from constituents, the more I thought that maybe this step isn't necessary. And what I'd much rather see, if we're really serious about wanting to deal with this issue, and I know that I am -- I think the stories I've heard on both sides of the aisles, it's outrage, absolutely outrageous. And that so many years have gone by and that no action has been taken I think is inexcusable. I'm just concerned that this is going to be a feel good -- and I know that Legislator Carpenter's intentions were --

LEG. D'ANDRE:

Honorable.

LEG. COOPER:

Entirely honorable. But I'm just concerned that this is a feel good measure. We can vote for this. We'll all leave at the end of the day thinking that we've done the job, we'll forget about this, and it's not going to really help things for you overall. Maybe it will help for a couple of people, but for the vast majority, it will make no difference. Based on the testimony that I've heard, and the one person I'd really like to hear from is the head of CSEB, whoever that is that's, you know, that's the person that should be here and --

AUDIENCE MEMBER:

John Wingate.

LEG. COOPER:

Who is that, by the way?

AUDIENCE MEMBER:

John Wingate.

LEG. COOPER:

Okay. Right. But, you know, someone who could really answer some of these questions, and with the computer problems. And why aren't, apparently, some of the laws on the books being enforced, such as

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orders of receivership and orders of sequestration. I don't even these mean.

MR. GREENFIELD:

Sequestration.

LEG. COOPER:

Okay. But before we think about implementing new laws that may increase domestic violence, may not, I don't know, I'd like to make sure that the existing laws are being enforced fully, make sure that the computer systems are being brought up to date, and make sure that the person that's in charge of CSEB is taking his job seriously and is going to try his best or her -- his best to resolve these problems. I mean, what the woman are going through and what some are going through is outrageous and inexcusable. So there's a serious problem here. I'd like to look at this from a broader point of view, and I think what we really need is seriously consider revamping CSEB. But, again, I'd love to hear from the head of that organization.

D.P.O. LEVY:

Well, if I could interject, maybe what we could do is -- I know the Chairman is ill today of that committee, but he can have something on his plate, then I'm sure the committee can do some review. And it's something we should pass along to Legislator Tonna, who is the Chair of Social Services Committee. So it might be a good idea.

LEG. CRECCA:

We've already started that.

D.P.O. LEVY:

Good, good. Legislator Haley?

LEG. HALEY:

Quick question, sir. You mentioned other states. Earlier, I had spoken about the problem I think is with New York State statutes. Have you found in other states where it's worked a whole lot better or in a particular state that it's worked a whole lot better.

MR. GREENFIELD:

Yeah. There's states that have joint custody laws that allow a judge, over the objections of both parents, to order joint custody and force them to get along, because the one that will prevent them from getting along is then the one that will lose their share of joint custody. So they have an incentive to make sure they get along. They have found they do and --

LEG. HALEY:

That's workable? That just seems difficult, you know.

MR. GREENFIELD:

It seems difficult from the perspective we get in the State of New York, but the success rate of the -- over 40 other states in this nation that have their laws that way I believe speaks for itself, regardless of what any of our opinions may or may not be.

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LEG. HALEY:

Thank you.

D.P.O. LEVY:

Thank you very much, Mace.

LEG. CARACCILOLO:

No. I have one question.

D.P.O. LEVY:

Legislator Caracciolo.

LEG. CARACCILOLO:

Do you have any suggestions on how we locate parents, male or female,

that try to beat the system by -- self-employed individuals? That's come from time to time.

MR. GREENFIELD:

You know, that's a very good question and I'm glad you asked it. One, there are going to be -- there are going to always be those situations that no matter when you do, it just won't work. But, you know, when someone is self-employed, and whether they're getting it cash off the books or on 1099, it's tough to garnish, except that the way I understand Article 52 of the C.P.L.R., any money that is due you I can put a garnishment and a levy on, which means you took -- let's make believe for a minute you're a painter and you're painting -- you're painting Steve Levy's house, and you start out like most painters, you take 50% up front as a deposit. Obviously, you're taking cash. But now there's another 50% due you. Well, I know you're painting his house. I'm going to serve on him money due you is to be paid over here. There are so many different ways it can be done.

One of the things that is amazing is collections agencies and have had a success rate of collecting child support, maintenance, and those types of monies owed pursuant to a money judgment at a success rate so much greater than a private attorney by himself, or any child support collection bureau. Yeah, you're giving up part of it, but I ask you one question, is it better to have nothing or something? And whatever it is they do, they go nationwide with their computer networks to find out what you do and don't have. You have a relative that you didn't know about died leaving you money in their will? Their hands are in that probate taking that money before you even know you were in -- named in that will. They are awesome.

I think the idea of privatizing that I heard before might be a darn good idea, because right now what is being collected is that -- the majority of it is what would have been paid if nothing was being done, the majority of it. So what are they collecting over and above? Very little. If it's privatized, with the methods that are actually out there that they will utilize, you'll probably collect near all of it.

LEG. CARACCIOLO:

Thank you.

D.P.O. LEVY:

Okay. Thank you very much, Mace.

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MR. GREENFIELD:

Thank you.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

D.P.O. LEVY:

Next speaker, Randal Saeger.

MR. SAEGER:

I have some letters I would like to distribute to the Legislators.

D.P.O. LEVY:

Just give it to the Clerk right here, please. Thank you very much.

MR. SAEGER:

My name is Randal Saeger from Lindenhurst. And I've heard a lot of the speakers about responsibility, I stand before you today as a father who has been in the system, still not divorced but still divorcing for a period of five years, I paid child support timely that entire time and I always plan to. I wanted to read my letter to the Legislator first,

the Legislature first, and then perhaps talk about it a little bit. "When you've got people out there who are flying in the face of what the courts are telling them to do, you need drastic measures." That quote was in Newsday quoting Legislator Carpenter regarding the so-called Boot-for-Deadbeats bill, Resolution 1089-2000. I would venture that the Legislature is considering this measure primarily out of concern for the children of Suffolk County who through no choice of their own must split their time between two divorced parents and two separate households. If Suffolk's children are the Legislature's primary concern in considering this measure, then another related issue should warrant your attention in considering the resolution. Every day thousands of children across Suffolk County and hundreds of thousands nationwide are denied their right to see both parents. Courts award parenting and custody schedules with the same force and effect as child support, yet every day thousands of children are prevented by one parent from spending time with the other parent in defiance of these court orders. This is too often a spiteful or a frustrated attempt by one parent to conjure and visit some punishment upon the other parent. The effect of this abusive and self-serving behavior is often that relationships between children and their divorced parents are ripped apart with devastating effect. Studies have shown what nurturing parents already know intuitively to be true, that the negative effects of this parental abuse on children are lifelong, often provoking an unsettled and negative outlook during childhood, relationship problems during adolescence and adulthood and mistrust of authority with all the derivative societal effects to name just a few.

In Suffolk County, if legitimately owed, court-ordered child support is not received, a parent can call on the Suffolk County Child Support Enforcement Bureau to intervene. In Suffolk County, if children are denied their legitimate time with a parent, there is no Suffolk County bureau to call to enforce a court-ordered custody schedule. Under existing law, if child support is not paid, wages can be garnished, bank accounts seized and tax refunds withheld, why aren't these same sanctions visited upon parents who deny their children time with the

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other parent? Absent credible enforcement, ill-intending parents perceive that they can get away with this; to the detriment of their children, they are often unfortunately correct.

If the Legislature feels compelled to pursue deadbeats who are flying in the face of what the courts are telling them to do, I would petition the Legislature to amend the resolution and any standing law to impart the same enforcement measures on custody deadbeats as for support deadbeats. I did not choose to see my family split up. I am a father who has always paid child support on time since my wife's departure. Our marital case has been in court now for almost five years. I have heard and seen countless other parents experience the carnage visited upon their families with expenditures of tens of thousands of dollars and years of their time spent in court in order to guarantee meaningful time with their children. The courts are over burdened and justice delayed becomes justice denied. Justice, whether delayed or denied, is financed at \$250 per hour and up in attorneys fees. Therein lies another great tragedy of our court system; it has become unaffordable to the average citizen.

Too often parents frustrated with the delays and expense of bringing enforcement issues to the court now take matters into their own hands. A denial of visitation with the children may provoke withholding of support, or visa versa, and a vicious cycle ensues. If the Suffolk Legislature enact equal sanctions for these offenses, deterrence against the first such provocation even if somewhat drastic or draconian, will at least be equitable. I would also petition the Legislature to authorize an administrative function to enforce custody schedules in the same way that Suffolk County enforces child support. If a Child Support Enforcement Bureau exists, then so should a child custody enforcement counterpart.

In closing, I would like to thank the Legislature for this opportunity to present this view, one shared by many other divorced and divorcing parents of Suffolk County. Money legitimately due can always be legally recovered with interest, but time denied with our children is gone forever, it can never be recovered. If you are compelled to promote monetary support for Suffolk's children, please also promote each child's right to have the time and love of both parents. Deter custodial deadbeats as you would deter support deadbeats. Thank you.

(Applause)

D.P.O. LEVY:

Thank you. Thank you very much.

MR. SAEGER:

Just as kind of a technical question on the bill, I understand this bill has been in committee up to this point. Is the bill now scheduled to come before the Legislature for a vote of the full body?

D.P.O. LEVY:

Not today, it cannot be voted on today. It would be up to Legislator Carpenter as the prime sponsor, after the next speaker, to determine if she wants to close the hearing or recess it until the next regularly scheduled meeting of the Legislature which would be in a few weeks, but

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it cannot be voted on today. I suggest that you contact Legislator Carpenter or one of your Legislators, your Legislator, to find out the status of it next week.

LEG. BISHOP:

If she closes, it goes to committee.

D.P.O. LEVY:

It's in committee anyway, it's in committee now and it has to come out of committee which would be in about two weeks.

MR. SAEGER:

And can the public also attend the committee meetings and speak?

D.P.O. LEVY:

Yes, you can. I would just recommend you call either the Clerk of the Legislature or your personal Legislator, okay?

MR. SAEGER:

Thank you.

D.P.O. LEVY:

Thank you. Last speaker on this hearing, Bill Kirchhoff.

MR. KIRCHHOFF:

Good afternoon, Legislators. My name is Bill Kirchhoff, I'm the President of Big Apple and Long Island Dads, a dad's organization that advocates child support should be paid regardless of who the parent

is.

Our big problem in Suffolk County is the Child Support Enforcement Bureau does not work. I don't care what side of fence you're on, male/female, father/mother, who's receiving the payments or not, everybody here today has said the same thing. I have a prepared written statement, unfortunately I didn't have sufficient copies, I will give the Clerk what I have and ask that she provide copies to all of the Legislators.

D.P.O. LEVY:

That can be done later.

MR. KIRCHHOFF:

I personally am a divorced father, I've been divorced three and a half years. I have three children, I have joint physical and split physical custody. In my individual situation, we pay no child support, we pay for the children while they're with us. Additionally, the children are supposed to be approximately 55/45 split in time wise; unfortunately, my ex-wife has decided that she's not going to allow me to see my children. I have done everything from bring petitions in court to write the Police Commissioner for their violations of my civil rights, refusing to enforce section 14535 of the New York State Penal Code for custodial interference. I have filed no less than 100 police reports with the 5th and 1st Precincts for denial of access to my children. Unfortunately, nobody cares. I brought three separate actions in the past two years before Justice {Lipson} In Supreme court; he slaps my wife's hands and tells her not to do it again.

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At this time, I haven't seen my handicapped daughter since October 31st, though I was supposed to have her for approximately 45% of that time. I haven't seen my son now for the last seven weeks. A third contempt petition since the divorce is being prepared as we speak today. The Suffolk County Police Commissioner has refused to answer my certified letters to him, the Suffolk County District Attorney has refused to answer my certified letters to him.

The current Legislature bill that's before you I feel is totally ineffective. It will do nothing other than for the person who doesn't have a friend he can't register his car to. The Child Support Enforcement Bureau cannot keep records and maintain records to determine what is owed to whom and to be paid to whom.

I have three specific cases that I site in my paper before you, I'm not going to go into extensive detail, very brief detail. Harry Penny who is a joint custodial parent and was awarded primary residential custody had his child for two years. Suffolk County Child Support Enforcement Bureau decided he wasn't paying child support, even though he was the primary custodial parent and there was no award. They didn't want to hear it when he showed up with the custody order, they said, "We don't accept Supreme Court custody orders, we only accept family court orders." He was forced to bring a Sector Petition before the court to vacate and at that time it was vacated, but it took him six months to have it vacated and additionally \$3,000 in attorney. Fees while he was not required to pay any fines, if this bill were to be in existence he would have had his vehicle booted; in fact, had his driver's license suspended for that six month period of time.

Additionally, the second case I would like to site is Nick Lewis. Nick

Lewis has left the State of New York due to employment, he was forced to go to Colorado. He owed \$600 according to Child Support Enforcement Bureau, they have seized close to \$6,000 in his pension because the pension can't be separated out; this was the only way to get at his funds even though he had receipts showing that he paid by money order the disputed amounts. He has called from Colorado, he is now living in Ohio, he has tried for two years to resolve this. He cannot get a live person on the phone and his letters go unanswered.

The last case is on the other side of the coin, and it's Maureen Hamilton Hedges. She's a divorced woman, she's now living in Florida, her ex-husband is a convicted felon pedophile of his own children. He hasn't paid child support in seven years. He lives in Virginia. She can't get enforcement from Child Support Enforcement Bureau because even though she brought a petition in Suffolk County, they said she had no standing; this is after she flew up here three separate occasions. Just because we're a father's advocacy organization don't mean we don't help women. In this case, it was a second family and it was a boyfriend trying to get help for his girlfriend. We went to court with her. The hearing examiner didn't want to hear it, he referred it back to Florida, Florida referred it back to Virginia. And as of today, two years since the last hearing, she has not collected any money on child support. Why? Because the Suffolk County Child Support Enforcement Bureau doesn't do its job. It needs to be totally stripped. It needs to be started from the bottom up, revamped and have somebody put in charge that's going to do their job and if they don't removed.

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Lastly, I want to get into joint custody. As May said before, in those cases where a parent is actively involved in the life of their child, they are actively paying child support. It's when the parent is not actively involved, he's separated out, the court system is doing nothing for him. And if I as a retired New York State Supreme Court Officer can't get satisfaction in the State Court, I don't know who can. I personally have gone through \$35,000 in divorce expenses trying to litigate this. I have been before the court repeatedly; Kirchhoff v. Kirchhoff is the most litigated case in Suffolk County divorce history, unfortunately, because the Judge refuses to do his job. I go in there, he doesn't want to hear, "Oh, you were denied this, you were denied this. Work out a mutual agreement for make up time and go on about your business."

Until the Judges hold these persons accountable, male or female, for failing to give child access and put them in jail or garnish their pay or take appropriate action, whatever you may determine that to be, this situation is going to continue. And to get responses, or I should say non responses from the Suffolk County Police Department, that they do not enforce valid custody orders is unacceptable. And not to even receive a reply to certified mail is unconscionable by both the district attorney and the Suffolk County Police commissioner. That's all I have to say, unless anybody has any questions for me.

(Applause)

D.P.O. LEVY:

Thank you very much. Believe it or not, I think we have reached the end of speakers for this particular hearing.

LEG. CARPENTER:

Mr. Chairman?

D.P.O. LEVY:

Legislator Carpenter, what's your pleasure?

LEG. CARPENTER:

If I could, I would just -- I am going to make a motion to close the hearing, but I would like to note for those who are interested that it will be before the Social Services Committee on Tuesday, March 7th at 3:30.

D.P.O. LEVY:

So we have a motion to close by Legislator Carpenter, second by Legislator Crecca. In favor? Opposed? Motion carries, the hearing is closed.

We have one more hearing then I will entertain -- well, I will entertain a motion by Legislator Fisher right now to reconsider the closing of public hearing --

LEG. TOWLE:

Second.

D.P.O. LEVY:

-- regarding Introductory Resolution 1081, to establish animal rights
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advocacy policy. Second by Legislator Towle. In favor? Opposed?
Carried.

Motion to recess by Legislator Fisher, second by Legislator Towle. In favor? Opposed? Motion carries, it is recessed.

LEG. FISHER:

Thank you.

D.P.O. LEVY:

Thank you. 1094, we have Ruth again, Ruth Cusack. And I'm sorry, Ruth, if I saw your name together with the other one, I would have put you ahead so you could have gotten it at one time.

MS. CUSACK:

That's okay, I am here.

D.P.O. LEVY:

Very good.

MS. CUSACK:

I was planning to stay. Ruth Cusack, League of Women Voters, Suffolk County. Good afternoon, again. With regard to ethics, the League of Women Voters supports provisions in the law to adequately define, monitor and discipline unethical behavior in the public sector. We think it's a good idea to review the Ethics Commission Section in the Suffolk County Charter.

We note another resolution laid on the table today, 1255 to reform the Ethics Commission, so we anticipate a lively discussion in committee.

We hope that includes a review of the track record of the present Commission, cases heard, results, problems with cases or with Commissioners. It helps to know how the present system works or does not work when contemplating change.

For 1094 we have one suggestion; include a representative or representatives from the general public, especially citizens with a good government background, in order to have a more broadly based panel.

D.P.O. LEVY:

Thank you very much, Ruth.

MS. CUSACK:

Thank you.

D.P.O. LEVY:

Motion by Legislator D'Andre to close, second by Legislator Guldi. In favor? Opposed? Motion carries. You know what? This is Legislator Binder's bill; not being here, let's -- could we have a motion to reconsider and recess?

LEG. GULDI:

No, close it.

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LEG. POSTAL:

Well, why don't we --

D.P.O. LEVY:

I want to make sure -- here he is.

LEG. GULDI:

Wait a minute.

D.P.O. LEVY:

What did you want to do, do you want to close your --

LEG. BINDER:

Sure.

D.P.O. LEVY:

Close? All right, it's already been voted on, so the matter is closed.

Motion to set the date of March 14th, 2000, 2:30 PM in Riverhead for the following Public Hearings: Public Hearing 1135, 1136, 1139, 1146, 1151, 1155, 1159, 1200, 1206, 1254, 1255, 1256. Motion by myself, second by Legislator Fisher. In favor? Opposed? So carried.

Back to the agenda. We should be on page nine.

LEG. CARACAPPA:

Motion.

D.P.O. LEVY:

We were on DISCHARGED BY PETITION.

LEG. FOLEY:

Second.

D.P.O. LEVY:

1055.

MR. BARTON:

Mr. Chairman, I have a motion and a second to approve.

D.P.O. LEVY:

We have a motion, we have a second on the floor.

LEG. FOLEY:

We're missing some people.

LEG. CARACAPPA:

1050, Mr. Chairman.

LEG. CRECCA:

I'm sorry, where are you?

LEG. FIELDS:

Page nine.

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D.P.O. LEVY:

Resolution 1050, amending the 2000 Operating Budget transferring funds for enhanced service on County Bus Route 57 and landscaping on various County Roads and facilities. You want to wait for a few more people?

LEG. BINDER:

Where is this, in Brookhaven?

LEG. CARACAPPA:

And throughout the County.

D.P.O. LEVY:

There was a question earlier by Legislator Alden, you okay?

LEG. ALDEN:

Yeah, I wanted an explanation on --

LEG. CARACAPPA:

The funding, we spoke.

LEG. ALDEN:

I had asked for an explanation on the amount of funds and how much the up front costs were and things like that.

D.P.O. LEVY:

Well, as long as the question was raised, Fred or Paul, can you just give us a quick synopsis of the legislation, please?

MR. SABATINO:

The bill will do things. It will allocate \$120,000 for the Bus Route 57 that's involving the Sachem School District, senior citizen population, and it would be \$200,000 of 5-25-5 money that would be utilized for landscaping on various County Roads.

LEG. CARACAPPA:

Mr. Chairman? Might I add that the County costs on the bus route enhancement which is a bus route that runs through Sayville up through the Ronkonkoma area into the new Waterfalls Senior Community and then onward to the mall and other shopping establishments will be only a cost, after it's all said and done, to the County of \$40,000.

D.P.O. LEVY:

My only concern, Joe, is whether or not the new route puts a delay in the present route, and I understood it slows it down for about 10 minutes; is that correct?

LEG. CARACAPPA:

Actually, from what the people from DPW told me and my office, it slows it down possibly less than that. And they said on any given day, you can get a delay in the service due to the traffic and congestion that is normal along those routes because they're heavily occupied areas and roadways. So I was given the -- they led me to believe that the route wouldn't be slowed down by hardly any time at all.

D.P.O. LEVY:

What is the additional area that's being added to the route?

00152

LEG. CARACAPPA:

All we're doing is -- the route actually did go down Hawkins Avenue and they're just turning down Smith Street for about a quarter of a mile, making a circle into the waterways senior community and heading right back out to Smith and back towards Hawkins avenue which is about total half a mile both in and out.

D.P.O. LEVY:

And they're saying that that's going to cost \$100,000?

LEG. CARACAPPA:

No, it's 140 up front with both the money that we get from the Federal Government and the {Fairbox} Money. But for the County's cost end of it is \$40,000. And not only that, I think they are going to enhance the route into the Sayville area as well, from what they were telling me.

D.P.O. LEVY:

But -- okay. I still don't understand how just making a quick right turn to pick up a few more people amounts to about 140,000 in additional revenues that's needed for this particular route.

LEG. CARACAPPA:

I didn't set the fee.

D.P.O. LEVY:

It doesn't seem to make sense.

LEG. ALDEN:

I have a question.

D.P.O. LEVY:

Question by Legislator Alden.

LEG. ALDEN:

Fred, I think you could probably answer this. What's the mechanism, what's the procedure for us laying out the money and then getting it back and where does the money come from and then where will it go back into?

MR. POLLERT:

Okay. What this resolution does is it does not use any bonded indebtedness, it is the transfer that the Legislature had established to the Capital Fund. So it's going to be using General Fund monies that were specifically earmarked within the General Fund as a transfer to the Capital Fund, so it's more or less a pay as you go funding. As Legislative Counsel had indicated, it is related to a 5-25-5 law.

With respect to the bus transportation component of it, the total net County cost is in the neighborhood of 40 to \$42,000. The County up fronts all the costs and then as revenues come in, they are posted to the operating budget, but we can't show the revenues yet because not all the revenues had been received by the County, it's a requirement of the New York State Law.

00153

LEG. ALDEN:

So when the revenues come back in they go to the General Operating Fund?

MR. POLLERT:

Yes.

LEG. ALDEN:

It doesn't stay in --

LEG. CARACAPPA:

No, it's a dedicated fund.

MR. POLLERT:

No, no. It would go back to the General Fund and then next year if there's a large fund balance, something of that sort, you can say, gee, these additional revenues wound up in the General Fund, we want to transfer them back to Capital.

LEG. ALDEN:

In your experience, when do we anticipate the funds coming back?

MR. POLLERT:

It's probably going to take next year before the funds start to come back, because it's going to take a period of time to start the bus program, then there are the normal types of delays. But each and every year we will have the revenues coming in to this bus program.

LEG. ALDEN:

Are these reimbursements, are they definite or is there any chance that we don't get them?

MR. POLLERT:

The {fairbox} Revenues are always questionable, but this was the best guesstimate of a transportation group. So this is what the average types of reimbursement are that we get through the {Fairbox}. The reimbursement through the Federal Government and through the State is a lock, but the {Fairbox} Revenues are kind of up in the air.

LEG. ALDEN:

How much is that approximately, just approximately?

MR. POLLERT:

It's roughly 30% State aid and {fairbox} Revenues are approximately 30% and the State aid is approximately 35%.

LEG. ALDEN:

{fairbox} Is 30%?

MR. POLLERT:

Yes.

LEG. ALDEN:

Okay.

00154

D.P.O. LEVY:

Legislator Foley.

LEG. FOLEY:

Just on the point, this resolution will serve a very important purpose. And it's one thing that the Public Works Committee and others in this Legislature have discussed in the past, the need to enhance, to expand our mass transit services. I would expect that the {fairbox} Return will be quite high because the change in route will go to a senior community. And as we all know from past practices of other bus routes, those buses that go through a senior community are used quite often by the seniors in that given area as their principal if not exclusive mode of transportation to and from their senior center. So by virtue of the fact that this change in the route will service a heretofore area that wasn't serviced, a large senior community, I think there's going to be quite a large number of seniors who will be utilizing this bus route, especially when you consider that it will be going to shopping areas as well.

LEG. CARACAPPA:

Call the question, Mr. Chairman.

D.P.O. LEVY:

Legislator Carpenter then Legislator Alden again.

LEG. CARPENTER:

I don't have a copy of the bill in front of me and the one I had just talked about the bus route. I have some questions on the landscaping at the various County Roads and facilities. What was that dollar amount and is there a plan on how this is going to be spent?

LEG. CARACAPPA:

Brian, you want to answer that?

LEG. FOLEY:

Sure. It was \$200,000 last year. In prior years, we as a Legislature had moved forward with plans to landscape the County Roadways throughout the County, not in any particular area, also to include

landscaping at County facilities. A decision -- we had placed monies in last year's budget, part of the 5-25-5 monies that we had approved for this year last fall included monies for landscape improvements, tree plantings along roadways as a way of attempting to make our roadways a bit greener. The reason that that portion of the resolution is before you now is we had to make a decision of whether waiting till May to amend the Operating Budget to include those monies or to amend Legislator Caracappa's bill. And Joe was good enough to amend his bill to include this so that the department can undergo tree plantings and facility tree plantings in the spring time. If we wait till May, we will miss the spring planting season and we will have to wait until next fall to do the plantings. So it's a question of whether we want to lose one planting season or take advantage of the spring planting season by attaching that amendment to this particular resolution.

LEG. D'ANDRE:

Mr. Chairman?

00155

D.P.O. LEVY:

Wait a minute.

LEG. CARPENTER:

May I respond? That's a very nice explanation for something I already knew. My question was is there a plan in place for how it's going to be spent?

LEG. FOLEY:

There's no site specific plan. But what I would recommend, since the monies will be available, that Legislators -- and we've done this in times past, that Legislators can call the department and speak with them about where you would like to see some of the monies utilized. So this amount of money is not the only amount that can be used for this purpose, but we need to move forward with appropriating the monies now otherwise we're going to miss out on the season. I would recommend that hopefully this will be approved and then folks around the horseshoe can call the County -- rather, the Public Works Department and ask that tree plantings would take place along roadways in your particular districts.

LEG. CARPENTER:

So this is going to be -- basically, the procedure is phone calls to the department by various Legislators, there's no plan now.

LEG. FOLEY:

Well, the only --

LEG. CARPENTER:

There's no overall plan on areas that have --

LEG. FOLEY:

The only -- yeah.

D.P.O. LEVY:

Let her finish.

LEG. CARPENTER:

There is no overall landscaping plan or, you know, we have X amount of County roads, we would like to see some trees with plantings here or at the buildings or at the precincts?

LEG. FOLEY:

Sure, I would imagine.

LEG. CARPENTER:

I mean is there a plan? I mean, you're the Chairman of Public Works, so

--

LEG. FOLEY:

Right. There isn't a -- I don't have a plan in front of me to give to you. But if you speak with the Landscape Architect at the Department of Public Works, he has a number of locations that he does want to utilize these monies for; I don't have them with me now. The problem you're going to have, if you're going to wait for the plan then you're going to delay this project by over half a year. But by virtue of the fact that we had -- why, is that --

00156

LEG. CARPENTER:

I'm not suggesting that I want to delay it.

LEG. FOLEY:

Well, that's what's going to happen.

D.P.O. LEVY:

Okay. Let's go to --

LEG. CARPENTER:

My question, I'm not -- don't say it's going to happen. I'm not looking to delay this, I think it is an absolute wonderful thing. The more we can do to green our roadways and our County Roads, we will hopefully set an example for other municipalities, namely the State of New York because some of the most unsightly roads we have in this County of ours are the State Roads, namely Sunrise highway, it's an absolute disgrace but I just want to make sure that we're not going to be seeing this all directed in one area and that there is some sort of plan and procedure that has been addressed. And no, I am not looking to stop this, I will make the motion right now to approve it.

LEG. FOLEY:

Okay, good. Well, just to respond to what you mentioned. As I mentioned when I first spoke, was that these monies are to be utilized county wide, not the bulk of it in any one specific area. Do I have ideas in my district? Absolutely, but I'm sure other people have ideas for their districts as well.

LEG. CARACAPPA:

Steve?

LEG. FOLEY:

So as I said at the very beginning, these monies will be utilized County wide.

[RETURN OF REGULAR STENOGRAPHER]

LEG. CARPENTER:

I do understand the definition of county-wide, I did understand that. But also understand, and I think all Legislators should understand, especially those who did not sit on the Public Works Committee, that the procedure is going to have to be that you are to contact the department yourself. So thank you.

D.P.O. LEVY:

Legislator Alden's next.

LEG. ALDEN:

This is a question I'd like to direct to Paul Sabatino. Paul, if I'm correct on this, there's approximately \$200,000 going to the Public Works Department for their planting?

MR. SABATINO:

Well, it's 220 all together. 200,000 is for the landscaping portion, yes.

00157

LEG. ALDEN:

Okay. Now, is that like lock-boxed, or does that just go into their general funds, or what's the procedure on that?

MR. SABATINO:

No. It's going to be a line item in Public Works. Just to -- maybe to answer the question that came before is that there's a local law that's been adopted, and it was amended in 1998, to lay out the procedure for the landscaping. What happened was, last year, Legislator D'Andre had proposed the \$200,000 to implement the amendment to 1998 law, which basically directs Public Works to do landscaping when they do road construction work, and sidewalk work, and curb work, but that money never got expended. The Legislature put money into the 5-25-5 account and now this is to release that money to implement a local law. So it's in a context of implementing a law that's on the books now for landscaping throughout the County of Suffolk.

LEG. ALDEN:

But one shot at this, the money was already authorized, and it didn't get spent one time.

MR. SABATINO:

It never got appropriated. What happened was the money was put into a Capital Budget amendment, and technically, because of the 5-25-5 provisions, we really shouldn't be expending the money from there. So we've done the right thing by not appropriating the monies from that account, and now we're doing it the right way because we've provided in the omnibus for the Year 2000 to have 5-25-5 money. So this is really the pay-as-you-go concept being implemented and in the context of that local law that I mentioned before.

LEG. ALDEN:

Okay. I have one other question, and maybe Budget Review can -- because I don't see anybody here from Public Works. How does this extension of the bus line fit into the overall plan of what we want to do with the transportation systems in Suffolk County?

MS. SIRACUSA:

I can't answer as far as an overall transportation plan. Our Planning Department or Public Works would have to address that. I don't know the overall plan.

LEG. ALDEN:

Well, because we have "X" amount of resources, and I'm not sure what the plan is on, you know, overall as far as all of Suffolk County, but I would think that we would have a plan.

MS. SIRACUSA:

Specifically for bus routes?

LEG. ALDEN:

Right.

MS. SIRACUSA:

In the Department of Public Works, there's a person who just retired

00158

and someone who took his place who handles all the bus routes. I would imagine that they --

D.P.O. LEVY:

Bob Shinnick.

MS. SIRACUSA:

Yeah, Bob Shinnick has taken over. That they would have a plan, but I'm not aware of what -- you know, what their plan is. I'm sorry.

LEG. FOLEY:

Legislator Alden, if I may try to --

LEG. ALDEN:

I think it would be prudent if we saw, you know, what the overall situation is, number one, with the existing bus routes, and what the plan is as far as providing transportation to those areas that are actually in need at this point. And there doesn't seem to be anybody here to answer those questions.

LEG. FOLEY:

Legislator Alden, if I may try to answer the question for you. How this fits -- through the Chair. How this fits into the program, it fits into the program in the following way, and I mentioned it earlier. One of the purposes of expanding the mass transit system is to have it go through areas where there's a great need to improve mass transit. One of those areas is our senior communities. There are a variety of senior communities presently that have buses running through their community; okay? There are others, such as this particular one in Legislator Caracappa's district, where presently it doesn't go through his community. Part of the purpose of expanding mass transit is to bring it to those areas where there is a need for it. What dozens of planning studies have shown through the years is that, in particular, senior communities need to have mass transit available, not within a quarter mile, but literally in front of their doors. And this particular resolution will accomplish that very purpose, something that has been discussed, something that has been highlighted by numerous Planning Department studies through the years of the need to bring bus service to as many of our senior centers as possible, which this resolution will accomplish.

LEG. ALDEN:

But that doesn't answer my question.

LEG. FOLEY:

Why not?

LEG. ALDEN:

Because I have some areas in my district that are in need also, the same type of transportation. And there's other types of transportation that we provide.

LEG. FOLEY:

Right.

00159

LEG. ALDEN:

And that's for some handicapped and things like that that are on --

LEG. FOLEY:

Right.

LEG. ALDEN:

Almost like on a demand type of thing.

LEG. FOLEY:

Right.

LEG. ALDEN:

Now, if we're going to use up all our resources --

LEG. CARACAPPA:

Mr. Chairman.

LEG. ALDEN:

-- in one area and we're not going to have any resources in the other. And I haven't heard any testimony whether that's possible or where we're going to direct our resources, where we're going to direct our efforts, and that really is a legitimate question that somebody from Public Works can come down. And I have lot more questions on that, you know, in that very lane -- vein, actually.

LEG. FOLEY:

I would -- at our next Public Works Committee meeting, Cameron, I certainly would ask you to bring those issues up. But I can tell you that knowing this budget as I do and as Legislator Caracappa does, this does not in any way, shape or form greatly diminish the monies that are available to expand bus routes.

D.P.O. LEVY:

Legislator Caracappa has been hankering to speak here, and then I know Counsel wants to say something. Go ahead.

LEG. CARACAPPA:

Thank you, Mr. Chairman. To Legislator Alden, I say to you, your points are valid to a certain extent in regards to maybe looking over our entire bus operations and how maybe we can improve them. But when it comes to what it looks like you're going to do is vote no, which is that's fine, if that's what you choose to do, but to vote no and base this resolution invalid due to the fact that areas in your district don't have certain busing going on at this point in time, then I say that's geared in the wrong direction, because we all have that going on within all of our districts. And what I did as a Legislator in my district is went out, focused on an area that is a new area that seniors are pretty much bound to their homes, and I met with Public Works, had them come to my office on numerous occasions, and we did this route. We went over it, looked at the best way, the cheapest way to serve the population of that area. I suggest you do the same for the areas that are lacking in your district, just as everyone from one end of this horseshoe to the other -- wait, let me finish -- does, and I'm sure that you will, just as that's our job.

00160

But do not claim this resolution and the meaning of this resolution invalid due to the points that you have made regarding your own district.

LEG. ALDEN:

I commend you, Joe. And, you know, just to really highlight something you said, you did it for your district. Unfortunately, the Suffolk County Transportation System is throughout all of Suffolk County and it interconnects and it's all interrelated. So to have a few questions answered before we go yes or no on this -- and I don't propose voting no on this, I think that actually, there's a few questions -- not a few, there's a lot of questions that should be answered before we even vote on this. That's my point.

LEG. CARACAPPA:

You're right. And believe me, when the day comes when you have to enhance a bus route in your area, I'll be doing my part as a County Legislator to make sure it happens for you.

D.P.O. LEVY:

Counsel.

MR. SABATINO:

There was a legal question asked before with regard to the plan. Bus route plans are not done administratively. The bus route plan for Suffolk County is what the Legislature adopts on an ebb flow basis over a period of time. So, you know, some years routes are taken out in budget process, reinstated, added, but it's the net effect of all the Legislative action. It's not like there's a master blueprint administratively imposed.

LEG. ALDEN:

I'm just going to ask you, you know, as far as your recollection, and maybe mine is incorrect on this, but in Public Works we've been addressing a deficit type of -- there's been a need for a look at the whole system, and I believe we've been doing that for the past two years.

D.P.O. LEVY:

Okay. Let's move along. We have a motion. Did we have a second?

LEG. D'ANDRE:

Mr. Chairman.

LEG. CARACAPPA:

Second.

LEG. D'ANDRE:

Mr. Chairman, before the motion, you never called on me.

LEG. FOLEY:

Mike wants to speak.

D.P.O. LEVY:

I'm sorry, Mike. Legislator D'Andre.

00161

LEG. D'ANDRE:

Foley, on the landscaping.

MS. FARRELL:

Turn on the mike, please.

LEG. D'ANDRE:

On the landscaping, it was a blessing that we didn't get to it last year because of the drought. Most everything died that was planted. Anticipating that probability, I would suggest to you and Public Works to plant very, very early and avoid a late planting, that we may enter into a drought again and kill all the plants that we put in. That's a valid observation.

LEG. FOLEY:

Mr. Chairman, it's a point well taken. That's why if, and I hope we approve this today, the department can go out in March and do those kinds of planting as opposed to May and June. You're absolutely right.

LEG. D'ANDRE:

Okay.

D.P.O. LEVY:

Okay.

LEG. D'ANDRE:

Thank you, Mr. Chairman.

D.P.O. LEVY:

Now we're ready. We have a motion by Legislator Caracappa. Did we have a second?

MR. BARTON:

I have a second.

D.P.O. LEVY:

We have a second.

LEG. ALDEN:

Motion to table.

D.P.O. LEVY:

Motion to table takes precedent by Legislator Alden. Is there a second to table? Hearing none --

LEG. CARACAPPA:

Motion to approve.

D.P.O. LEVY:

We have motion to approve and second. In favor? Opposed? Motion carried.

LEG. ALDEN:

Abstain.

00162

D.P.O. LEVY:

We have an abstention by Legislator Alden.

LEG. CARACAPPA:

Thank you.

LEG. BISHOP:

That's a very efficient debate. One hour for a unanimous vote.

MR. BARTON:

15, 1 abstention, 2 not present. (Not Present: P.O. Tonna and Leg. Haley)

PUBLIC SAFETY

D.P.O. LEVY:

Public Safety: (1007) Authorizing acceptance of a gift. Resolution is moved by Legislator Alden, second by Legislator Towle. In favor? Opposed? Motion carries. 1114, accepting and appropriating 100% additional State Aid.

LEG. D'ANDRE:

Motion.

MR. BARTON:

Mr. Chairman.

D.P.O. LEVY:

Yes.

MR. BARTON:

We got to -- I got to record the vote. On the last one, it was 15 -- I'm sorry. 16, 2 not present. (Not Present: P.O. Tonna and Leg. Haley)

LEG. LEVY:

1114, same --

LEG. FOLEY:

Which one?

LEG. CARACCIOLO:

On 1007 --

MR. BARTON:

1007.

LEG. CARACCIOLO:

Can we have a description of the gift?

D.P.O. LEVY:

Legislator Alden, we have a question by Legislator Caracciolo for a

description of the gift.

LEG. ALDEN:

It's a bus that's given to the --

00163

D.P.O. LEVY:

The Indians.

LEG. ALDEN:

To the Police Explorer Scouts, and we need Legislative approval, I believe.

MR. SABATINO:

Yeah. It was a Ford passenger minibus valued at \$3,500, 1987.

LEG. CARACAPPA:

Maybe you could use that bus in the district.

LEG. FOLEY:

Is this part of a Boy Scout Council --

LEG. CARACAPPA:

Smile, Cameron, it was a joke.

LEG. FOLEY:

-- study on mass transportation?

D.P.O. LEVY:

All right, all right, all right. 1114, accepting and appropriating 100% additional State Aid.

LEG. CARACCIOLO:

Motion.

LEG. FOLEY:

Motion, motion, motion.

D.P.O. LEVY:

Motion by Legislator Caracciolo, second, Legislator Foley. In favor? Opposed? Motion carries.

MR. BARTON:

15, 3 not present. (Not Present: P.O. Tonna, Legs. Haley and Cooper)

SOCIAL SERVICES

D.P.O. LEVY:

Social Services.

LEG. CARACCIOLO:

Motion.

LEG. FOLEY:

Second.

D.P.O. LEVY:

1039 (Establishing Child Care Facility Policy in Suffolk County).

Motion by Legislator Postal, second by Legislator Caracciolo.

Discussion?

00164

LEG. ALDEN:

On the motion.

LEG. BISHOP:

It's a good bill.

D.P.O. LEVY:

On the motion, Legislator Alden.

LEG. BISHOP:

And she's gotten a lot of press.

LEG. ALDEN:

For the record, you know, what's the cost factor and things like that?

D.P.O. LEVY:

Who are you addressing that to?

LEG. POSTAL:

Mr. Chairman.

D.P.O. LEVY:

Who are you addressing that to? Legislator Postal, since -- you want to answer that?

LEG. POSTAL:

Yeah, if I could respond. There's virtually no cost. It's just a matter of communication. MIS is going to work with the various departments to develop -- to establish a network to exchange information. The maximum cost might be approximately \$2,500 for another P.C. for Department of Social Services. But other than that, any additional positions which might be required in DSS are already budgeted and in the budget.

D.P.O. LEVY:

Legislator Fisher.

LEG. FISHER:

Legislator Postal, I had another question. We had discussed briefly -- is this mike not working?

LEG. POSTAL:

Oh, it's very hard to hear you.

LEG. FISHER:

We discussed briefly Probation being a part of the mix. Can you tell me what has come from that?

LEG. POSTAL:

Yes. There's a corrected copy that includes Probation, so that the Probation Department will also exchange information with the Department of Social Services. And there's also another provision in the corrected copy that would direct the Police Department to provide the Department of Social Services with the boundaries of the fire districts and police districts outside the Suffolk County Police Department, which they already have on computer.

00165

LEG. FISHER:

Thank you.

D.P.O. LEVY:

Okay. We have a motion, we have a second. In favor? Opposed? Motion carries.

MR. BARTON:

16, 2 not present. (Not Present: P.O. Tonna and Leg. Bishop)

D.P.O. LEVY:

Cosponsor, please, Henry.

MR. BARTON:

Yes, sir.

LEG. FISHER:

Cosponsor for me, too.

D.P.O. LEVY:

1097 (Accepting and appropriating 100% reimbursable funds in the Youth Bureau to implement Youth Development Activities during an after school program).

LEG. CARACCIOLO:

Motion.

D.P.O. LEVY:

Motion by Legislator Caracciolo, second by Legislator Carpenter. In favor? Opposed? Motion carries.

MR. BARTON:

16, 2 not present. (Not Present: P.O. Tonna and Leg. Bishop)

HEALTH

D.P.O. LEVY:

Health: 1080 (Renaming the South Brookhaven Family Health Center East at Shirley the "Marilyn Shellabarger South Brookhaven Family Health Center East at Shirley".)

LEG. FOLEY:

Motion.

D.P.O. LEVY:

Same -- motion by Legislator Foley -- by Legislator Foley.

LEG. FOLEY:

Towle makes the second.

D.P.O. LEVY:

Second by Legislator Towle. In favor? Opposed? Motion carries.

MR. BARTON:

16, 2 not present. (Not Present: P.O. Tonna and Leg. Bishop)

00166

D.P.O. LEVY:

1096 (To implement RFP Committee Process for underinsured prescription drug program). Motion --

LEG. BINDER:

Motion.

LEG. CARACCIOLO:

Second.

D.P.O. LEVY:

-- by Legislator Binder.

LEG. CARACCIOLO:

Second.

D.P.O. LEVY:

Second by Legislator Caracciolo. In favor?

LEG. ALDEN:

On the motion.

D.P.O. LEVY:

On the motion by Legislator Alden.

LEG. ALDEN:

What's the cost associated with this?

D.P.O. LEVY:

It's for an RFP. Paul, would have that --

LEG. BINDER:

It's for an RFP up to \$100,000, which was budgeted in this budget, so it's already been set aside.

D.P.O. LEVY:

In favor? Opposed?

LEG. ALDEN:

Opposed.

D.P.O. LEVY:

Motion carries, with Legislator Alden opposed.

MR. BARTON:

15, 1, 2 not present. (Not Present: P.O. Tonna and Leg. Bishop)

PARKS, LAND ACQUISITION AND CULTURAL AFFAIRS

D.P.O. LEVY:

Parks, Land Acquisition and Cultural Affairs: 1046, authorizing land acquisition in the Quarter Center Drinking Water Program.

LEG. POSTAL:

Motion.

00167

LEG. FISHER:

Second.

D.P.O. LEVY:

We have a motion by Legislator Postal, second by Legislator Fisher.

LEG. CRECCA:

On the motion.

D.P.O. LEVY:

On the motion, Legislator Crecca.

LEG. FISHER:

If we have questions, can we wait until the sponsor returns?

LEG. CRECCA:

Yeah, actually, I don't know --

D.P.O. LEVY:

Well, you could ask your question. We could get back --

LEG. CRECCA:

Actually, anybody could probably answer it. I'm just -- obviously, if someone could just explain to me the purpose of the bill. I understand, I've read it, but explain to me the purpose of the bill.

LEG. LEVY:

Why don't we do this. Why don't we just skip over this resolution for a few seconds. We'll get back to it at the end.

1103, authorizing the acquisition of land in Suffolk County Land Preservation Partnership Program, Town of Southampton. Motion by --

LEG. CARACCIOLO:

Financial impact?

D.P.O. LEVY:

Let's get a motion and a second.

LEG. CARPENTER:

Motion.

D.P.O. LEVY:

Motion by Legislator Carpenter, second by Legislator Fisher. Financial impact question was raised by Legislator Caracciolo. I don't see anybody from Budget Review here.

LEG. CARACCIOLO:

Paul has it.

D.P.O. LEVY:

Paul, do you have the backup on this?

MR. SABATINO:

The agreed price is \$900,000. The way the Land Preservation Partnership Program works is the County and the Town have to commit to

00168

50% shares. The only wrinkle here is that the Land Trust is going to -- the Peconic Land Trust is going to get the Village to put \$100,000 in with the Town, but there's still going to be a 50% County share. So you're talking \$900,000 total.

D.P.O. LEVY:

We have a motion, we have a second. In favor? Opposed? Motion carries.

MR. BARTON:

16, 2 not present. (Not Present: P.O. Tonna and Leg. Bishop)

D.P.O. LEVY:

1111, authorizing --

LEG. FISHER:

Motion.

D.P.O. LEVY:

-- a contract with the Friends for Long Island Heritage. Motion by Legislator Fisher, seconded by Legislator Postal.

LEG. CRECCA:

On the motion.

D.P.O. LEVY:

On the motion, Legislator Crecca.

LEG. CRECCA:

Legislator Fisher, I'm just not -- I realize that there's been past contracts with this organization. It is a considerable amount of money, I think it's up to \$200,000. If I could have a brief explanation as to the history of this expenditure and its purpose.

LEG. FISHER:

Okay. As part of the Greenways --

MS. FARRELL:

Would you use your mike, please.

LEG. FISHER:

-- Program, the Greenways Program does provide for an interpretive center.

D.P.O. LEVY:

You've still got to talk into it, Viv. I don't think the stenographer can hear you.

LEG. FISHER:

Oh, you still can't hear me? I'm sorry. I don't think this mike is picking up. Thank you very much. As part of the Greenways Program, okay, it does provide for an interpretive center. Okay? Am I looking at the right --

D.P.O. LEVY:

1111?

00169

LEG. FISHER:

No, I'm on the wrong one. I'm sorry. I'm sorry, I'm on the wrong one. Let me just go back.

LEG. CRECCA:

I don't know if -- I looked at you, Legislator Fisher --

LEG. FISHER:

Okay. Sorry, sorry. I was looking at the wrong --

LEG. CRECCA:

Because I don't know if this is your --

LEG. FISHER:

Sorry, sorry, sorry.

LEG. CRECCA:

I don't think it's your bill. This comes from the County Exec.

LEG. FISHER:

Sorry. I'm thinking of another bill. Okay.

LEG. BISHOP:

Yeah, but this comes from the hotel/motel.

LEG. FISHER:

But this is -- okay. Go ahead, Dave.

LEG. BISHOP:

I yield. I'm sorry.

D.P.O. LEVY:

Counsel, can you just --

LEG. FISHER:

Okay.

D.P.O. LEVY:

-- give us a quick explanation while Legislator Fisher's looking for the --

LEG. FISHER:

Okay.

MR. SABATINO:

This is motel/hotel money, 33 --

LEG. FISHER:

It's hotel/motel money.

MR. SABATINO:

I'm sorry.

LEG. FISHER:

I'm sorry, go ahead, go ahead.

00170

MR. SABATINO:

I'll defer to the Chair.

D.P.O. LEVY:

No. Counsel, let's just do it.

MR. SABATINO:

All right. Well, the motel/hotel, 33%, one-third is allocated for interpretive portion of the program for storage sites. This would allocate an amount of \$180,000 to this particular entity to provide for the -- to provide for that work, and \$28,000 of that amount, for example, is going to an interpretive coordinator for Theodore Roosevelt County Park, and the other details are broken up in the background -- in the backup, rather. But it's a policy decision on allocating the money.

D.P.O. LEVY:

Anything further?

LEG. CRECCA:

Thank you. No, nothing further.

D.P.O. LEVY:

Okay. We have a motion, we have a second. In favor? Opposed? Motion carries.

LEG. GULDI:

Abstention.

LEG. BISHOP:

You want to go to 1046?

D.P.O. LEVY:

We have an abstention by Legislator Guldi.

LEG. ALDEN:

Me, too.

MR. BARTON:

16, 1 abstention, 1 not present. (Not Present: P.O. Tonna)

D.P.O. LEVY:

Let's go back --

MR. BARTON:

You're abstaining as well, Mr. Alden.

D.P.O. LEVY:

We have abstention by Legislator Guldi and Alden.

MR. BARTON:

Thank you.

LEG. FISHER:

May we go back to 1046?

00171

D.P.O. LEVY:

Back to 1046. We had a question from Legislator Crecca. If you could pose it again, please, for Legislator Bishop.

LEG. CRECCA:

Actually, if you could just give me a brief explanation, and brief would be good, yeah.

LEG. BISHOP:

I apologize for being out of the room. This is a land purchase under program revenue sharing 12-5(B), which actually is not revenue sharing, but that quarter cent surplus money is allocated by towns in Western Suffolk. So Smithtown has a certain allocation, Babylon, Islip and so forth. A memo was prepared and was distributed at the Parks Committee at the last meeting showing that Babylon has over \$2 million unspent in that fund, so there's enough -- more than enough to cover this purchase, should it come to fruition.

LEG. CRECCA:

Thank you very much. That's with the properties, in other words, the two properties listed in the back.

LEG. BISHOP:

Yes.

LEG. CRECCA:

Okay. Thank you.

D.P.O. LEVY:

Henry, did we have a motion and second on 1046 already?

MR. BARTON:

Yes, we do.

D.P.O. LEVY:

Okay. We have a motion, we have a second. All in favor? Opposed? Motion carries.

MR. BARTON:

17, 1 not present. (Not Present: P.O. Tonna)

D.P.O. LEVY:

1123.

LEG. CARPENTER:

Motion.

D.P.O. LEVY:

Establishing a "Fee Free Thank You Suffolk Day" in Suffolk County. We have a motion by Legislator Carpenter. Is there a second?

LEG. CRECCA:

Second.

00172

D.P.O. LEVY:

We have a second by Legislator Crecca. I'm going to make a motion to table. Is there a second?

LEG. BISHOP:

Second.

LEG. FISHER:

Second.

LEG. BISHOP:

I'll second the motion.

D.P.O. LEVY:

Second by Legislator Bishop. Just on the record, I oppose the original Fee Free Day last year on the theory that if we were going to take money and give it back to the public, I would prefer to do it proportionately, because I think many of the fees that we charge are too high as it is. Some of our golf fees are rather high, canoeing fees. We're even charging for people to fish in some areas. So if we want to do something in reduced fees, I would much rather do it proportionately rather than say, if you're lucky enough to be off on a particular day, you'll be able to get in the parks on that day. So it's just a matter if it's a lot of revenue that goes to one particular day, that not all of our residents can take advantage of, so --

LEG. BISHOP:

On the motion.

D.P.O. LEVY:

Legislator Bishop, then Legislator Carpenter.

LEG. BISHOP:

I have been ambivalent about this, because on one hand, you know, how could you vote against a free day in the parks? On the another, it implies that parks are a business or a profit and we're -- when we don't charge a fee, you know, it's just generosity on the County's part. But there's no such -- the park fees pay for the operations of the park. So if you don't charge a fee on that particular day, that means that you're taking revenue from taxes to provide for these services, or you're not providing the services. There really is truly no such thing as a free day in Suffolk County. So it's a public relations gimmick. It really is a troubling concept and that it's one that doesn't pass the logic test.

D.P.O. LEVY:

Legislator Carpenter, for a response.

LEG. CARPENTER:

Yes. I'm sorry that you're troubled.

LEG. BISHOP:

I'm sorry I'm troubled also.

LEG. CARPENTER:

However, this was probably one of the most appreciated things that we

00173

did last year for our residents --

LEG. BISHOP:

I didn't get any appreciation.

LEG. CARPENTER:

-- based on the response that was received from the Commissioner of Parks.

D.P.O. LEVY:

They didn't call my office.

LEG. CARPENTER:

We --

LEG. BISHOP:

They didn't call my office either.

LEG. CARPENTER:

We had originally thought about doing it on a weekend and there were some concerns about the revenue. By doing it on a Monday, it hopefully will allow people to extend their weekends, especially those who might be camping. And if anyone is concerned about the revenue, if it turned out to be a rainy Monday, we wouldn't get the revenue anyway. So it's not --

LEG. BISHOP:

Is anything --

D.P.O. LEVY:

Wait. Let her finish.

LEG. CARPENTER:

It's not terribly -- if you look at it in those terms, that if it had rained that day, we would not have collected the revenues for rowboat rentals and camping probably, and golf, and so forth, so that there really should not be a concern about that. It would be wonderful if we could have every day free of fees at our parks in the County, but I think even the most fiscally conservative resident of this County understands and appreciates the fact that there is a cost associated with providing services, and this is just a way to very simply say thank you to our residents in this County to waive the fees one day a year at our parks.

LEG. BISHOP:

Let me try it this way. Are any -- Legislator Carpenter, are any services cut as a result of not having the revenue on that particular day?

LEG. CARPENTER:

Let me respond to you this way. Are any services cut if it were to rain every day in Suffolk County during the summer when the golf courses are open?

D.P.O. LEVY:

I don't see the logic.

00174

LEG. BISHOP:

I don't understand how that answers my question. Are any --

LEG. CARPENTER:

Well, I don't understand how I can answer yours.

LEG. BISHOP:

Well, you can, because I'm saying --

LEG. CARPENTER:

No.

LEG. BISHOP:

No revenues are cut as a result?

LEG. CARPENTER:

No services would be cut.

LEG. BISHOP:

Okay.

LEG. CARPENTER:

For one day of no --

LEG. BISHOP:

So where does the money come from to pay for the services since we don't have revenue on that particular day?

LEG. CARPENTER:

What particular services are you talking about that this \$20,000 is going to pay for?

LEG. BISHOP:

Well, I don't know. Obviously there's a loss of revenue, otherwise we would declare every day free. Right? There's revenue -- every day that the parks charges -- the park is open and charges, revenue is generated for the County.

LEG. CARPENTER:

And that revenue is generated, and as we all know, because the debate has gone on time and time again, the revenue is generated by the parks and it goes into the General Fund. So take your pick of where that \$20,000 less of -- you know, it's nothing.

LEG. BISHOP:

Well, then why not -- why not -- let me go to his argument. I don't buy that. First of all --

LEG. CARPENTER:

Stop trying to find a way to table this --

LEG. BISHOP:

Well, because it makes no sense.

LEG. CARPENTER:

-- or vote against it, just let's approve it.

00175

LEG. BISHOP:

Why should the people that happen to use the parks on that day be the beneficiaries of this and --

D.P.O. LEVY:

That's what I say. So why are you debating me?

LEG. BISHOP:

I said, I'm going to --

LEG. FOLEY:

It's a workday, working families can't go.

LEG. CARPENTER:

Contrary to that, Monday has become a popular stretching out the weekend kind of day, and this is an incentive, especially to those that are in the parks camping for weekends, to stay that extra day without having to dip into their pockets. And for those of you who may not be on the Parks Committee and know this, that the last couple of meetings we have heard arguments on behalf of raising the fees at our parks.

LEG. BISHOP:

Right, which I oppose. Why not have every Monday be free?

LEG. BINDER:

Why don't we just vote?

LEG. CARPENTER:

Well, why don't we approve this and then we can look at the cost associated with it and maybe we'll have more than one Monday next year.

LEG. BISHOP:

It's nonsense.

D.P.O. LEVY:

Waive all fees.

LEG. CARPENTER:

That's a good idea. You sponsor response it.

LEG. BISHOP:

The whole thing is nonsense.

LEG. CARPENTER:

It's not nonsense.

LEG. FISHER:

If I just --

D.P.O. LEVY:

Legislator Fisher.

LEG. FISHER:

If I may just mention, there was not a great flood of gratitude. As a
00176

matter of fact, there were a number of complaints that people didn't
know soon enough --

LEG. CARPENTER:

Well, that is something --

LEG. FISHER:

-- and were very disgruntled. And I agree with Legislators, what's
your name, Levy and Bishop. It's getting a little late.

D.P.O. LEVY:

How quickly they forget.

LEG. FISHER:

Why benefit the people who can take off on a Monday, and this benefit
is not extended to everyone else who has another day free? I think
that this is really just a public relations scheme.

LEG. CARPENTER:

May I respond?

D.P.O. LEVY:

Legislator Carpenter.

LEG. CARPENTER:

I agree that there was not as much publicity on this as should have
been. And, hopefully, when we approve this today, we can all do a
little bit better job about letting our residents know that this is, in
fact, something that would be available to them. And I think you will
find, again, especially the campers, taking advantage of the fact that
they have that fee free.

D.P.O. LEVY:

Legislator Bishop to wrap this up.

LEG. BISHOP:

Two points. I don't know what the cost would be to let people know, but
that's an additional cost of --

LEG. CARPENTER:

PSA's. PSA's

LEG. BISHOP:

PSA's have a cost associated with it. But moreover, why not cut the
golf fee \$1, for example, for 20,000 rounds?

LEG. CARPENTER:

Well, do that study and see if that's --

LEG. BISHOP:

No, because you wouldn't get the P.R. bang out of it. The whole --

LEG. BINDER:
Actually, she would.

00177

LEG. BISHOP:
-- bill is designed --

LEG. BINDER:
Actually, she would.

LEG. BISHOP:
-- to create a public relations --

LEG. BINDER:
She would get a great P.R. bang out of it, you've got to be kidding.

D.P.O. LEVY:
All right. Counsel, put in a bill for me to reduce golf by \$1 in
Suffolk County.

LEG. BISHOP:
For 20,000 rounds.

LEG. CARPENTER:
If I could just respond. This was not done as a P.R. bang, this was
really done as a thank you to the residents of this County. And if you
don't want to say thank you to the residents of this County, if you
don't want to give them an opportunity, that's your choice, that's
where your vote can count.

D.P.O. LEVY:
Okay. Legislator Crecca and then Legislator -- what's his name?

LEG. CRECCA:
I just want to direct my comments to Legislator Bishop. You know,
because something happens to have some P.R. value to it just means that
the public would probably appreciate it.

LEG. TOWLE:
Good answer, good answer.

LEG. CRECCA:
So the reality is, the fact that this may have some P.R. value to it,
why don't -- if you feel that way, then you should vote for it and get
the good P.R. out of it. But I think that -- I think that the reason
it's a Monday, everybody knows, is so that it doesn't have a tremendous
effect on the revenue of the parks. And the reality is is that rather
than sit here and debate it for political reasons, or whatever, let's
just take a vote on it and people can take their position that way.

D.P.O. LEVY:
Okay. Legislator Cooper.

LEG. COOPER:
No. I'd just second that. I say let's vote already.

D.P.O. LEVY:
Okay, good enough.

00178

LEG. BISHOP:
Jon's had enough.

D.P.O. LEVY:
He's got it. There was a motion to table that takes precedence. On the
motion to table? In favor? Opposed?

LEG. CARACAPPA:
Opposed to table.

D.P.O. LEVY:

Opposed by Legislator --
(Legislators Opposed in Unison)
Roll call. Roll call on the tabling motion.
(*Roll Called by Mr. Barton*)

LEG. LEVY:

Yes, to table.

LEG. BISHOP:

Yes. We need to study this.

LEG. COOPER:

Yes, to table.

LEG. BINDER:

No.

LEG. POSTAL:

No.

LEG. D'ANDRE:

Pass.

LEG. CRECCA:

No, to table.

LEG. CARPENTER:

No.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Pass.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

00179

LEG. FISHER:

Yes.

LEG. CARACAPPA:

No.

LEG. TOWLE:

No, to table.

LEG. GULDI:

Pass.

LEG. CARACCIOLO:

Yes.

LEG. D'ANDRE:

No, to table.

LEG. ALDEN:

No, to table.

LEG. FIELDS:

Yes.

LEG. GULDI:

Yeah.

MR. BARTON:

Eight. (Not Present: P.O. Tonna)

D.P.O. LEVY:

Okay. Motion to table fails. We have a motion by Legislator
Carpenter. Did we have a second?

MR. BARTON:

Yes, Mr. Crecca.
D.P.O. LEVY:
Second by Legislator Crecca. In favor? Opposed?
LEG. GULDI:
Roll call.
D.P.O. LEVY:
I will oppose.
LEG. FISHER:
Opposed.
D.P.O. LEVY:
Legislator Fisher opposes. Legislator Cooper opposes.
LEG. GULDI:
Me, too.

00180

D.P.O. LEVY:
Hold it. Roll call.
MR. BARTON:
I got it.
D.P.O. LEVY:
No. I'm seeing other hands going up.
MR. BARTON:
Okay.
D.P.O. LEVY:
Roll call.
MR. BARTON:
Okay.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:
Yes.
LEG. CRECCA:
Yes.
LEG. CARPENTER:
For the residents of this County.
LEG. COOPER:
No.
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Abstain.
MR. BARTON:
I didn't get that one.
LEG. CARPENTER:
What a chicken.
LEG. BISHOP:
I don't want them to see I voted against it. I'm waiting --
LEG. CRECCA:
Then you shouldn't speak out against it.
LEG. BISHOP:
I'm waiting for her to put it in as 20,000 free rounds.

00181

LEG. D'ANDRE:

Yes.
LEG. BISHOP:
Twenty-thousand dollar coupons.
LEG. ALDEN:
Pass.
LEG. BISHOP:
What about the campers?
LEG. FIELDS:
No.
LEG. BISHOP:
What about the campers?
LEG. FOLEY:
No.
LEG. HALEY:
Yes.
LEG. FISHER:
No.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
Yes.
LEG. GULDI:
No.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
No.
LEG. ALDEN:
Abstain.
MR. BARTON:
Nine. (Not Present: P.O. Tonna)
D.P.O. LEVY:
Don't worry, we have the other bill to cut all the fees. That's going to happen.
LEG. CARPENTER:
That's right. Paul, would you please rewrite that. I'd like to file that again as a late-starter today.

00182

LEG. LEVY:
1059, renaming Rust Avenue at the County Airport in Westhampton.
LEG. CARACCIOLO:
Motion.
LEG. GULDI:
Motion.
LEG. CARACCIOLO:
Second.
D.P.O. LEVY:
Motion by Legislator Caracciolo, second by Legislator Guldi. In favor? Opposed?
LEG. BINDER:
Wait a minute. I just want to know, are we going to catch everybody in the First Legislative District? We're going to rename something for everyone? Is this like a new campaign thing? This is great? This

is --

D.P.O. LEVY:

Is this rhetorical, or is this --

LEG. BINDER:

It's rhetorical. He wasn't listening anyway.

LEG. CARACCIOLO:

Allan, it's the second district.

D.P.O. LEVY:

Motion is approved.

MR. BARTON:

17, 1 not present. (Not Present: P.O. Tonna)

LEG. CARACCIOLO:

Allan.

LEG. BINDER:

Yes.

LEG. CARACCIOLO:

It's District 2.

LEG. BINDER:

Oh, sorry. Lost my head.

D.P.O. LEVY:

1102, authorizing the execution of an agreement by the Administrative Head of the Suffolk County Sewer District No. 3.

LEG. POSTAL:

Motion to table.

00183

LEG. BISHOP:

Second.

D.P.O. LEVY:

Motion to table by Legislator Postal, second by Legislator Fields.

LEG. POSTAL:

On the motion. I'm asking that we table this for a number of reasons.

First of all, I have a resolution that's pending to increase the per gallon charge for out-of-district hookups. I think that we should act on that before we even consider any additional out-of-district hookups.

Second of all I know that the Commissioner of the Department of Public Works has said that we cannot afford to hook up residential communities and that's why we're hooking up these commercial hookups, and it brings revenue into the district. Well, the fact of the matter is that there is funding available and was funding available last year through Congressman Lazio and the Department of Commerce for a feasibility study to look at, number one, whether there is funding available to offset the cost of hooking up residential communities in the Southwest Sewer District -- outside the Southwest Sewer District, and also how much it would cost per homeowner. And the Department of Public Works, which was made aware of that, never made the application. I have sent them information and a letter requesting that they apply again, because that money is, in fact, available. And I don't think we should be hooking up any additional hookups until they have applied for the funding and we've had the feasibility study to determine who we should be hooking up.

D.P.O. LEVY:

Thank you. We have a motion to table, we have a second. In favor?

LEG. BINDER:

Roll call.

D.P.O. LEVY:

Roll call has been requested. Please go at it, Henry.

MR. BARTON:

Okay.

(*Roll Called by Mr. Barton*)

LEG. POSTAL:

Yes.

LEG. FIELDS:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

00184

LEG. BISHOP:

Legislator Bishop on the tabling? Yes, please.

LEG. D'ANDRE:

No.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

No, to table.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

To table, no.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

No.

LEG. LEVY:

To table, yes, as a courtesy.

LEG. CRECCA:

Yes, to table.

MR. BARTON:

11. (Not Present: P.O. Tonna)

D.P.O. LEVY:

Okay. 1107, approving an amendment to the existing connection contract between Suffolk County Sewer District No. 7 --

LEG. TOWLE:

Motion to approve.

D.P.O. LEVY:

-- Medford and Sunshine Square Mall.

00185

LEG. TOWLE:

Motion to approve.

LEG. FOLEY:

Second the motion.

D.P.O. LEVY:

Motion to approve by Legislator Towle, second by Legislator Foley. In favor? Opposed? Motion carries.

MR. BARTON:

17, 1 not present. (Not Present: P.O. Tonna)

D.P.O. LEVY:

1108.

LEG. TOWLE:

Motion.

D.P.O. LEVY:

Approving an amendment to the existing connection contract --

LEG. FOLEY:

Second the motion.

D.P.O. LEVY:

-- between Sewer District No. 7 - Medford and South Industrial Haven. Same motion, same second, same vote.

MR. BARTON:

17, 1 not present. (Not Present: P.O. Tonna)

D.P.O. LEVY:

1109.

LEG. CARACCIOLO:

Motion.

D.P.O. LEVY:

Approving an amendment to the existing connection contract between Sewer District No. 7 - Medford and Kelpam Realty.

LEG. TOWLE:

Motion.

D.P.O. LEVY:

Same motion.

LEG. FOLEY:

Second the motion.

D.P.O. LEVY:

Same second, same vote.

MR. BARTON:

17, 1 not present. (Not Present: P.O. Tonna)

00186

D.P.O. LEVY:

1110 (Approving an amendment to the existing connection contract between Suffolk County Sewer District No. 7 - Medford and South Silver Industrial Park.

LEG. TOWLE:

Motion.

D.P.O. LEVY:

Yet another one in Medford. Same motion, same second, same vote.

MR. BARTON:

17, 1 not present. (Not Present: P.O. Tonna)

D.P.O. LEVY:

1113 is appropriating funds in connection with renovations to the

Former Home and Infirmary.

LEG. FOLEY:

Motion.

D.P.O. LEVY:

Motion by Legislator Foley.

LEG. TOWLE:

Second.

D.P.O. LEVY:

Second by Legislator Towle.

LEG. TOWLE:

Cosponsor

D.P.O. LEVY:

Roll call.

(*Roll Called by Mr. Barton*)

LEG. FOLEY:

Yes.

LEG. TOWLE:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Pass.

LEG. POSTAL:

No -- pass. I'm sorry.

LEG. BISHOP:

Yes.

00187

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. HALEY:

Yes, for the children's shelter.

LEG. TOWLE:

Whoa, wait a minute. Motion to reconsider.

LEG. FISHER:

Yes. Here I am.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. LEVY:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. CRECCA:

I'm sorry.

D.P.O. LEVY:

1113.

MR. BARTON:

Renovation at the Infirmary.

D.P.O. LEVY:

Renovating the Infirmary.

LEG. CRECCA:

The problem is is that I don't have a copy of the bill in front of me,

00188

and that was a problem. So it was not in my packet, so I did not have an opportunity to review it. This is not the first time it's happened, but I'll abstain.

MR. BARTON:

Okay. 15, 1, 1 abstention, 1 not present. (Not Present: P.O. Tonna)

D.P.O. LEVY:

Very good. Motion is approved. 1115, amending the 2000 Capital Budget and Program

LEG. FOLEY:

Motion to approve.

LEG. TOWLE:

Second.

D.P.O. LEVY:

-- appropriating funds in connection with strengthening and improving County roads. No roll call required.

LEG. TOWLE:

Second.

D.P.O. LEVY:

Motion by Legislator Foley, second by Legislator Towle.

LEG. ALDEN:

On the motion

D.P.O. LEVY:

On the motion, Legislator Alden.

LEG. ALDEN:

What's the dollar amount?

MR. POLLERT:

What's the request?

LEG. ALDEN:

How much?

LEG. FOLEY:

Four million.

MR. POLLERT:

It's a \$4 million project and it is a General Fund transfer, so there's no associated debt service cost.

LEG. ALDEN:

Two million?

MR. POLLERT:

Four million dollars.

00189

LEG. FOLEY:

County-wide. There is a plan attached.

D.P.O. LEVY:

Okay. We have a motion, we have a second. In favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: P.O. Tonna)

D.P.O. LEVY:

Motion carries.

VETERANS & SENIORS

Veterans and Seniors: 1098.

LEG. CARACCIOLO:

Motion.

LEG. D'ANDRE:

Motion.

LEG. FOLEY:

Second.

D.P.O. LEVY:

Accepting and appropriating additional 100% reimbursable funds for weatherization.

LEG. D'ANDRE:

Motion.

D.P.O. LEVY:

Motion by Legislator D'Andre, second by Legislator Crecca. In favor? Opposed? The motion carries.

LEG. D'ANDRE:

Motion.

D.P.O. LEVY:

1104.

MR. BARTON:

17, 1 not present. (Not Present: P.O. Tonna)

LEG. FISHER:

Motion.

D.P.O. LEVY:

Accepting and appropriating 100% reimbursement funds. Same motion, same second, same vote.

MR. BARTON:

17, 1 not present. (Not Present: P.O. Tonna)

00190

LEG. BISHOP:

Mr. Chairman, may I ask a question?

D.P.O. LEVY:

You may.

LEG. BISHOP:

I hope I'm incorrect. But 1115, that doesn't have a bond associated with it?

D.P.O. LEVY:

No.

LEG. BISHOP:

Okay. Thank you.

D.P.O. LEVY:

It's just transferring.

LEG. FOLEY:

5-25-5.

D.P.O. LEVY:

It's not allocating, it's transferring the monies over.

LEG. BISHOP:

Thank you.

SENSE RESOLUTIONS

D.P.O. LEVY:

Sense resolutions, and then we have two late-starters, so sit in your seats.

LEG. GULDI:

Another sense resolution coming.

D.P.O. LEVY:

Okay. Sense 2-2000, memorializing resolution requesting the State of New York, the MTA, LIRR to mitigate environmental degradation of neighborhoods adjacent to the Port Jefferson Station Terminus and Maintenance yard.

LEG. CARACCIOLO:

Second.

LEG. FISHER:

Motion.

LEG. CARACAPPA:

Second.

D.P.O. LEVY:

Motion by Legislator Fisher, second by Legislator Haley.

00191

LEG. TOWLE:

Cosponsor.

LEG. LEVY:

Discussion? In favor? Opposed?

LEG. TOWLE:

Cosponsor.

D.P.O. LEVY:

Motion carries.

MR. BARTON:

17, 1 not present. (Not Present: P.O. Tonna).

D.P.O. LEVY:

Sense Number 5, memorializing resolution requesting the State of New York to ban the use of creosote.

LEG. FOLEY:

Creosote.

D.P.O. LEVY:

Let's have an explanation from Counsel here.

LEG. GULDI:

It's a sense. Motion.

MR. SABATINO:

The County doesn't have the authority to ban the use of this directly as a County Legislative body, so you have to make a request to the State of New York to get the authority. The Health Commissioner testified at the committee that there are alternatives to the use of creosote, that, in fact, it had a certain danger level.

D.P.O. LEVY:

Do we have a motion, Henry?

MR. BARTON:

No.

D.P.O. LEVY:

No? We have motion by Legislator Fields, second by Legislator Caracciolo.

LEG. CARACCIOLO:

Theile?

D.P.O. LEVY:

Fields, Fields.

LEG. CARACCIOLO:

Oh, I though you said Theile.

LEG. FOLEY:

Oh, boy.

00192

D.P.O. LEVY:

In favor? Opposed? Motion carries. Sense 10.

MR. BARTON:

17, 1 not present. (Not Present: P.O. Tonna).

D.P.O. LEVY:

Memorializing resolution requesting --

LEG. CARACCIOLO:

Motion.

D.P.O. LEVY:

-- the Federal Government to postpone upgrading at Plum Island Animal Disease Center.

LEG. FIELDS:

Second.

LEG. CARACCIOLO:

Motion.

D.P.O. LEVY:

Motion by Legislator Caracciolo, second by Legislator Fields. How long is this for, this delay, indefinitely or --

LEG. CARACCIOLO:

The upgrade?

D.P.O. LEVY:

How long is the delay?

LEG. CARACCIOLO:

You don't have to worry about it, Bill took care of it. Clinton took care of it, took the money out.

D.P.O. LEVY:

So you're still pushing this?

LEG. FOLEY:

Mr. Chairman.

LEG. CARACCIOLO:

Yeah, for one year.

LEG. FOLEY:

Mr. Chairman.

D.P.O. LEVY:

For one year, okay. That' what I wanted to know.

LEG. FOLEY:

It's my understanding that Legislator Caracciolo is considering placing a district office at this particular site, so.

00193

D.P.O. LEVY:

Very good. It won't need lights. Motion by Legislator Caracciolo, second by Legislator Fields. In favor? Opposed? Motion carries.

(Vote: 17 yes, 1 not present - P.O. Tonna)

We have two late-starters that have been approved by the Presiding Officer. The first one on your table --

LEG. BINDER:

Mr. Chairman.

D.P.O. LEVY:

-- is 1257.

LEG. BINDER:

Mr. Chairman.

LEG. CARPENTER:

Excuse me, Mr. Chairman.

LEG. BINDER:

A parliamentary inquiry, if I can make one.

D.P.O. LEVY:

Legislator Binder, and Legislator Carpenter.

LEG. BINDER:

Just want to ask, under what rule is it up to the Presiding Officer to approve a late-starter? My understanding is if you make a motion and it's seconded, then there's a vote on a late-starter. And if I could ask Counsel, under what rule is there the discretion as to whether to, quote, accept or not accept a late-starter. When did that -- under what rule?

D.P.O. LEVY:

Well, I think I can answer. It has to be filed with the Clerk and they have to do the paperwork. So that's what I meant by the Presiding Officer giving the okay for it to be circulated.

LEG. BINDER:

I don't understand.

D.P.O. LEVY:

Okay. You could answer, if you want.

LEG. BINDER:

If I -- let me ask Counsel. What' the --

MR. SABATINO:

The Presiding Officer cannot unilaterally reject resolutions to be laid on the table, it's a vote of ten members. I think that what had happened was he had sent a memo out along the lines of what former Presiding Officer Blydenburgh had done years ago to try and discourage them.

00194

LEG. BINDER:

Right. But -- right.

MR. SABATINO:

But not to exercise the power to prevent them or to prohibit them, just to discourage them to try to keep the paperwork --

LEG. BINDER:

All right. I just --

LEG. CARPENTER:

Well, on that --

LEG. BINDER:

And I wanted to make that point, because that came up under Legislator Blydenburgh and I made the same point then, it's not in the prerogative of the Presiding Officer to accept or not accept late-starters, it's up to us to vote for them.

D.P.O. LEVY:

But I didn't say it was. I was just saying he approved them to be circulated and they have been, so super.

LEG. CARPENTER:

Okay. And there's another one circulated here, 1257 -- 1259, the establishing "Fee Free Thank You Day" in Suffolk. So if you want to take all of these late-starters with one resolution, then that would be fine.

LEG. BINDER:

Make a motion.

LEG. CARPENTER:

I make a motion that we take all three late-starters and lay them on the table.

LEG. BINDER:

Second.

D.P.O. LEVY:

I'm going to -- we have a motion to take them altogether, second by Legislator Binder. I'm going to suggest that we take them individually.

LEG. HALEY:

Mr. Chairman.

D.P.O. LEVY:

Legislator Haley.

LEG. HALEY:

Just quickly, what did we have laid on the table before us? Because I have Sense 19, which I see in front of me. Does everyone else have Sense 19?

00195

LEG. FISHER:

No.

LEG. HALEY:

I'd like to lay that on the table and also approve it.

LEG. BINDER:

Yes, and 000 from George Guldi.

LEG. GULDI:

Yeah, that's -- the one that I've just distributed is -- was 00, is Sense 24 and I ask you to add the number. I wanted to get that considered before the meeting's over.

D.P.O. LEVY:

Are you looking to get it voted on or just laid on the table?

LEG. GULDI:

Yes, I want it voted on --

D.P.O. LEVY:

Oh. Well, let's leave this to the side for the moment. All right. We have a motion by Legislator Carpenter, second by Legislator Binder to combine all three resolutions and to lay them on the table. I'll make a motion to take them separately. We'll take Legislator Carpenter's motion first. This is to take altogether and vote on, to put them altogether. Roll call.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:

Yes.

LEG. BINDER:

Yes.
LEG. COOPER:
No.
LEG. POSTAL:
Yes.
LEG. BISHOP:
No.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Yes.
LEG. ALDEN:
Pass.
LEG. FIELDS:
No.

00196

LEG. FOLEY:
No.
LEG. HALEY:
Yes.
LEG. FISHER:
No.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
Yes.
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
No.
LEG. ALDEN:
Yes.

MR. BARTON:
11. (Not Present: P.O. Tonna)
D.P.O. LEVY:

Motion to lay on the table by Legislator Carpenter, second by
Legislator Binder. In favor? Opposed? They are laid on the table.
Please note as well --

MR. BARTON:
17, 1 not present. (Not Present: P.O. Tonna)
D.P.O. LEVY:

-- that on the top of your packet was a resolution that is included in
your packet, that was for a ferry license.

LEG. GULDI:
Sense 24.

D.P.O. LEVY:
Sense --

LEG. CARACCIOLO:
Second.

D.P.O. LEVY:
What number is this?

LEG. GULDI:
24.

00197

D.P.O. LEVY:
Sense 24.

LEG. GULDI:
Motion to approve.

D.P.O. LEVY:
Could we just have confirmation --

LEG. TOWLE:
Second.

D.P.O. LEVY:
-- from the Clerk that this is, in fact, Sense 24?

MR. BARTON:
Yes, it is.

D.P.O. LEVY:
This is a memorializing resolution requesting the United States government to extend public comment period for Brookhaven National Lab.

LEG. CARPENTER:
Motion.

LEG. TOWLE:
Second. Cosponsor.

D.P.O. LEVY:
Motion by Legislator Guldi to lay on the table and approve.

LEG. TOWLE:
Second.

D.P.O. LEVY:
Second by Legislator Towle. In favor?

LEG. FOLEY:
Cosponsor.

LEG. TOWLE:
Cosponsor.

D.P.O. LEVY:
Opposed. Motion carries.

LEG. HALEY:
Mr. Chairman.

MR. BARTON:
17, 1 not present. (Not Present: P.O. Tonna)

D.P.O. LEVY:
Legislator Haley.

00198

LEG. HALEY:
Sense 19, which is being laid on the table, that you should have it somewhere.

LEG. GULDI:
It's in your pack.

LEG. HALEY:
However, I'm passing another copy around.

LEG. GULDI:
It's in your envelope.

MR. BARTON:
It's in the -- the Sense Resolutions are now found on the bottom of the

Laid on the Table packets. D.P.O. LEVY:

Okay.

LEG. HALEY:

Sense 19, memorializing resolution requesting State of New York to reject a water tax. Motion to lay it on the table and approve.

LEG. BINDER:

Second.

LEG. GULDI:

Cosponsor and second.

LEG. BINDER:

Second.

D.P.O. LEVY:

Motion by Legislator Haley to lay on the table Sense Resolution 19 and to approve, second by Legislator Binder. Any discussion? In favor?

LEG. BISHOP:

Cosponsor.

D.P.O. LEVY:

Opposed? Motion carries. Cosponsor as well. Anybody not wishing to be a cosponsor? Please mark everyone as cosponsor.

MR. BARTON:

All present.

D.P.O. LEVY:

I believe that ends our business.

MR. BARTON:

17, 1 not present. (Not Present: P.O. Tonna)

D.P.O. LEVY:

Hold on.

LEG. POSTAL:

Didn't we have the ferry license.

00199

D.P.O. LEVY:

It's on. It's already in the packet. We are adjourned.

[THE MEETING WAS ADJOURNED AT 5:35 P.M.]

{ } Denotes spelled phonetically.

00200