SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FIFTH DAY

MARCH 14, 2000

Taken by: Lucia Braaten
Alison Mahoney

Riverhead, New York

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

P.O. TONNA:
Okay. Call the roll.

MR. BARTON:
Good morning, Mr. Chairman.

(*Roll Called by Mr. Barton*)

MR. BARTON:
I have 12 present, Mr. Chairman. (Not Present at Roll Call: Legs. Towle, Haley, Foley, Binder and Levy)

P.O. TONNA:
Thank you very much. Could we all rise for the Pledge led by a great American, Legislator Mike D'Andre.

(Salutation)

Thank you very much. I'd ask that Legislator Andrew Crecca come up here for the purpose of introducing our clergy today.

LEG. CRECCA:
Good morning, everyone. I'm honored today to have with us Monsignor Ellsworth Walden from Saint Thomas More Roman Catholic Church in Hauppauge. That is my parish. When I came to the Hauppauge community, what I can tell you is that we started attending services there and immediately felt welcomed. One of the special things about our parish in Hauppauge is that sense of community. I was talking to the Monsignor this morning, and last week, we had over 2,000 or about 2,000 people attending services in what is only about 2,500 families that actually are members of the parish. So you can see that we have a great community involvement and there's lots of young people at our masses. And their Parish Outreach Program has done some things, not just in our community, but our parish has also helped fellow churches like Saint Anne's in Brentwood, which had some financial troubles, and our church has reached out to them.
So it's my honor to introduce to you Monsignor Walden, who will do the invocation this morning. Thank you, Monsignor.

MONSIGNOR WALDEN:
Thank you. And as I say the invocation, I just want you to know that I'm not just praying for you today, but every day in our church. So our second petition in the Prayer of the Faithful is for all Legislators, all Legislators in our nation, in our county, and our country, we pray that God will be with you and bless you, and we continue that prayer today. Let us pray.

(Invocation)

P.O. TONNA:
Thank you very much, Monsignor. Okay. We're going to go to the cards. I think we'll wait for Legislator Levy for the purposes of a proclamation. He's not here right now. Okay. Our first speaker

today, Grace Ioannidis. Grace?

MS. IOANNIDIS:
Good morning.

P.O. TONNA:
Good morning. Is that microphone on?

MS. IOANNIDIS:

I don't think so. Good morning.
P.O. TONNA:
Good morning.
MS. IOANNIDIS:
My name is Grace Ioannidis. I'm with the Citizen Action Coalition, and I'm going to address the Legislature this morning. And the topic is Sober Houses. The Citizen Action Coalition was established in July of 1999 and is dedicated to improving the quality of life in all townships in the County of Suffolk, as well as reaching out to those individual's communities that are experiencing quality of life issues.
The residents of Mastic and Mastic Beach and Shirley over the years have experienced a large inflow of Social Services Section 8 rentals, and as a result, the area is among the highest in slum landlords and absentee landlords, the lowest property value compared to the surrounding towns, as well as high crime. As a result of the above, the Citizen Action Coalition was a catalyst in the passage of the Rental Law. With the implementation of this law, we expect the properties in question will be maintained and the general quality of life will be improved.
We have been advised that on today's agenda, Legislator Fred Towle will be introducing a legislation Number 1155, adopting a local law establishing site selection for Sober houses.
The Mastic, Mastic Beach and Shirley is being presented with a huge dilemma with regard to Sober Houses. Since rents and properties are being kept at an artificial low value by the real estate businesses, the area of Mastic and Mastic Beach and Shirley is very attractive to those organizations responsible for setting up the Sober Houses, whether purchased or rented. At the present, there is no accountability as to whether or how many of these houses can be placed in an area. This law must clearly define how many people are permitted to live in one house. The rental law does not cover Sober Houses.
Why do we say the property values are being kept at an artificial low value? Mastic, Mastic Beach and Shirley are waterfront properties. As quoted by the County Executive Gaffney, they have the same geographical configuration as Westhampton. Without a law curtailing the number of these homes designated for an area, the real estate brokers will continue to financially capitalize in these types of rentals and sales, and we are going to be the dumping ground for all of the above.
Therefore, we are respectably requesting that the Legislature work with us in improving our community. With this passage of the rental law by

the Town of Brookhaven and the Legislature passing a law regulating the Sober Houses, this community will have an opportunity to revive themselves in spite of some pessimistic attitudes currently being circulated.
We thank you, and, please, help us.
P.O. TONNA:
Thank you very much.
LEG. TOWLE:
Legislator Tonna.
P.O. TONNA:
Thank you very much, Grace. Yeah.
LEG. TOWLE:

Grace, I just wanted to thank you for coming in this morning. I know it was short notice, and we appreciate the group's support.
P.O. TONNA:
Kenneth Jensen.
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
Yeah. Hold it one second. Go ahead, Legislator Caracappa.
LEG. CARACAPPA:
I'd like to echo Legislator Towle's thanks. And, also, it's not just Mastic/Shirley, it plagues each and every one of our communities, especially those of middle class and middle income type of residences and families that occupy those areas. Centereach, Selden, Farmingville, Port Jeff Station areas are saturated with Sober Houses. And I believe this is a great first step that Fred is introducing here, because, as we're all aware of, as representatives for these communities and our individual communities, that the State mandates certain things that we cannot deal with in regards to Sober Houses through the Padavan Law, and it's essential that we start looking at it on a local level to see exactly what we can do to at least combat this and make it safe and livable for everyone involved. I know it wasn't a question, Mr. Chairman, but I just needed to say that.
P.O. TONNA:
Legislator Caracappa, any time you have an editorial commentary, I'd love to hear it. For the rest of you colleagues, no -- if it's not a question, please. Kenneth Jensen.
MR. JENSEN:
Good morning. My name is Ken Jensen. I live on Bauer Avenue in Manorville, and I guess I'm speaking in regards to the Resolution 1010. I came here, I thought I'd be speaking on a different issue, but this issue is still on the table. This is in regards to rescinding a right-of-way that involves a builder using County land to access his personal property. And it seems to me like the right of an individual

here is exceeding the right of the masses.
This was brought before the Legislature several times already. It was tabled the last three times. Once a similar type issue was passed, but it was vetoed by the County Exec, because he thought the County would get sued. Once this right of ingress and egress was granted and it was sold with the right of ingress/egress, they felt the County would get sued if it was rescinded. But the sticking point right here seems to be that this right-of-way is crossing over dedicated land. I have a map, if anybody would like to see it, make a copy. Okay.
MS. JULIUS:
You need a copy for all Legislators?
MR. JENSEN:
Well, it might help, otherwise I'm --
P.O. TONNA:
That's all right. Go ahead, continue.
MR. JENSEN:
Okay.
P.O. TONNA:
We're very familiar with this.

MR. JENSEN:
Okay.
LEG. CARACCIOLO:
Very.
MR. JENSEN:
Like I said, I was expecting to speak on something else today.
P.O. TONNA:
That's okay.
MR. JENSEN:
Okay. But, yeah, this whole thing is really out of character. And, basically, there's certain issues of building or not building, which I realize fall within the realm of the Town of Brookhaven, and we have pursued it at that level as well. But the key to the whole situation is accessing the land, and we do have a situation where public lands are being used for personal profit. And the prior owner of this land owned it for 12 years, put in for the right of egress/ingress and was turned down. The guy sits on it for 12 years. He doesn't pay the taxes on the right-of-way, it falls into delinquency, the County gets it. I believe the larger parcel that he wanted to build on was used as collateral on a loan. Sits on it for 12 years. Finally, like the right of access is granted and it's sold for below market value. That doesn't make sense. I guess that's about it.
P.O. TONNA:
Thank you very much.

LEG. CARACCIOLO:
Mr. Chairman.
MR. JENSEN:
Just one thing for Ms. Fisher. I saw on the agenda at the last meeting, you had like a good neighbor policy.
LEG. FISHER:
Yes.
MR. JENSEN:
Whereas people would be notified for use of County lands.
LEG. FISHER:
Right.
MR. JENSEN:
Well, yeah, I thought that was a good move.
LEG. FISHER:
Thank you.
MR. JENSEN:
From the heart. Okay.
P.O. TONNA:
Thank you very much.
LEG. CARACCIOLO:
Before you go, Ken, just if we could have --
P.O. TONNA:
We have about ten people who are coming today to talk about 1010, by the way.
LEG. CARACCIOLO:
Oh, there are?
P.O. TONNA:
There are six more I see here.

LEG. CARACCIOLO:
Fine. Okay, then we'll let them continue.
P.O. TONNA:
Thank you, sir. Okay. Denise Duvall.
MS. DUVALL:
Yes.
P.O. TONNA:
Hi, Denise.
MS. DUVALL:
Hi.

P.O. TONNA:
Welcome.
MS. DUVALL:
I'm here, I got a call from a woman from ACES for child support, and I'm here to tell about the boot, and I feel that it's a good idea and I want to back it up 100%. I'm going through a divorce. It's two years now since my husband has been playing through the court system and not paying child support and turning assets over. And it's such a common thing and all us woman have to stand on welfare lines and be embarrassed and hear from Welfare to go to your Catholic Charities, which has been helping me more than Social Services has. And these men are just getting away with it and supporting other families and themselves.
P.O. TONNA:
Yes. Go ahead, ma'am. Guys, we have a speaker. Go ahead, Denise.
MS. DUVALL:
And I feel the boot -- I back up the boot law 100% and let them be embarrassed. My husband was incarcerated for 30 days, got out, and I just have a judgment against him. That didn't put a roof over my kids' head and it didn't put food in their mouth, or electricity for them. And that's all I have to say.
P.O. TONNA:
Thank you, Denise. Okay. Patricia Lynch.
MS. LYNCH:
Good morning. This is in regards to 1010. I'm just going to jump ahead for a second to the other resolution that I thought was going to be tabled today.
LEG. CARACAPPA:
Excuse me, ma'am. Just pull the mike towards your mouth. I can't hear you. Thank you.
P.O. TONNA:
Thank you.
MS. LYNCH:
This situation has been stressful since September after moving into our new home on Bauer. I feel the Legislature has the opportunity now to rectify this, quote, questionable situation. I hope and pray you will resolve this expeditiously against Island Management. And thank you for your time and efforts.
P.O. TONNA:
Thank you very much. Cono D'Elia. Thank you.
MR. D'ELIA:
Good morning.

P.O. TONNA:
Good morning, sir.

MR. D'ELIA:
I'm here to speak on Resolution 1010 as well. I'm a resident on Bauer Avenue for over nine years now. There's been over 50 homes built in our area, on our street in the last few years. And the piece of property that's in question now is the last piece of property around our area that's not built on, and we'd like to keep it natural. It's a greenbelt trail that people walk on, and we'd just like to keep it that way.
P.O. TONNA:
Thank you very much. Jeff Rullmann.
MR. RULLMAN:
Good morning, all. My name is Jeff Rullman. I'm here to speak for my wife, Gail, and myself about a seven acre parcel in Manorville, which we and the residents of Bureau Avenue and Silver Ponds are trying to keep natural, for the last -- excuse me. For it is the last green area in our community. In order to get this seven-acre parcel, you would have to cross over a Suffolk County parklands trail, which is about 65 feet long -- wide, and which would disturb nature and wildlife which exists here. Residents in our neighborhood use this area for horseback riding, nature walking, and a place for peace. Developing this last green area is taking away our only sanctuary left in our community. As is now, Bauer is our -- Bauer Avenue is overridden with housing developments and traffic. Building in this parcel would leave no dividing line between town housing, the L.I.E., and the residential section. The noise from the L.I.E. is great enough without opening up this property. This parcel keeps nature in our community, nature of Manorville which we have come to know.
Please vote in favor of this Resolution 1010 or 1118 to keep Manorville a place to come, where overcrowding does not exist. We need to keep open space. That is why we voted for Proposition 6 on Election Day.
D.P.O. LEVY:
Thank you, Mr. Rullmann.
MR. RULLMANN:
Thanks.
D.P.O. LEVY:
Colleen DeAngelis.
MS. DEANGELIS:
Hi.
D.P.O. LEVY:
Hi.
MS. DEANGELIS:
How are you?
D.P.O. LEVY:
Good, thank you.

MS. DEANGELIS:
I'm here today representing my mother, Patricia, who is fighting to get the interest dropped off her property taxes. She -- I've already said all this and I'm going to say it again. She's --
D.P.O. LEVY:

But when you said it, that was just a few of us at the committee, so it's important that you say it again.
MS. DEANGELIS:
Okay. She worked very hard. She's been paying taxes for over 30 years. My father is not there to help. He's put up by the government in a boarding house in Patchogue, where he owes us $120,000. There's no health insurance for my mom. My father has everything. She gets very stressed out over this circumstance. It would help us a lot if the interest was dropped. The interest is a big difference. It's 5,000 something a year just for regular taxes and it goes up to $8,000.
LEG. CARACAPPA:
Mr. Chairman.
D.P.O. LEVY:
Are you done? Do you want to say anything more before I recognize Legislator Caracappa?
MS. DEANGELIS:
You can.
D.P.O. LEVY:
Okay. Joe.
LEG. CARACAPPA:
Thank you so much for coming down today. And from the day you stepped into my office and to this point, you've been unbelievable. I just, to my colleagues, let you know this young lady is fighting for her family. And just, if you don't mind, could you just tell my colleagues how old you are?
MS. DEANGELIS:
Eighteen.
LEG. CARACAPPA:
Eighteen years old, and she does this on a regular basis in tough times. And for that alone, for her to come to this Legislature, for her to come to my office, for her to go to the committee meeting, for her to express in her own words from her heart how incredibly important this is to keeping her family afloat and to stay here is just unbelievable. And as soon as some more Legislators come into the auditorium, I'm going to try and pull this out of order so that we can vote on it, so that you'd know exactly if this will be waived. And as you're all aware of, this is a waiver of interest and penalties. It doesn't fall under our strict guidelines of criteria, but I think in this instance, as we've had in the past, it's a necessity for us to pass this. So I appreciate your coming down and we're going to do our best to have this passed.

MS. DEANGELIS:
Thank you.
D.P.O. LEVY:
Thank you very much. Okay. We have three more speakers, then we'll do some presentations. I believe that's Anthony Abruscato.
MR. ABRUSCATO:
Fellow Legislators, I would like to -- I'm here in support of legislation sponsored by Fred Towle regarding Sober Houses. We, the Citizens Action Coalition, are circulating the petition that states, "Sober houses are here, like it or not. Sober Houses are residential facilities for alcoholics, drug treatment and support services. We

need a law to control where these houses are going to be placed throughout the County, not just Mastic, Mastic Beach and Shirley."
There's going to be a public hearing on March 28th at 9:30 a.m. at the County Center Auditorium in Riverhead.
A local law for Sober Houses is now required, now establishing control of the sites and how many be placed throughout the County. Mastic, Mastic Beach and Shirley are presently overly saturated. We want fair distribution throughout the County, and we support Resolution 1155 being sponsored by Legislator Fred Towle. This is another form of dumping. Please stop it now.
And if I may, I would like to give a petition to every --
D.P.O. LEVY:
Yeah, you could just give it to the Clerk right here; okay?
MR. ABRUSCATO:
And that's all. Thank you.
D.P.O. LEVY:
Thank you very much, Anthony. Steve Haizlip.
MR. HAIZLIP:
Steve Haizlip of Calverton. First off, I want to say good morning to Mr. Mike Caracciolo.
LEG. CARACCIOLO:
Good morning.
MR. HAIZLIP:
The best I could pronounce it, my Legislator.
MR. HAIZLIP:
Now, I want to find out if any Legislator here is on what they call a highway committee or safety committee?
LEG. BISHOP:
That would be me, I'm on both.
MR. HAIZLIP:
What's your --

LEG. BISHOP:
Public works and --
MR. HAIZLIP:
Mr. Bishop?
LEG. BISHOP:
Yes, and Public Safety.
MR. HAIZLIP:
Okay. Mr. Bishop --
LEG. BISHOP:
Where have I failed?
MR. HAIZLIP:
I don't think you have failed.
D.P.O. LEVY:
He's going to tell you in a second.
LEG. GULDI:
I'll read the list.
LEG. TOWLE:
We don't have enough time.
LEG. FISHER:
Let me count the ways.
D.P.O. LEVY:

The line of the year. Go ahead, Mr. Haizlip.
MR. HAIZLIP:
I don't know as you have failed. It's the agency, any foreman or commissioner, or whatever title you might want to give him. My subject today is on Route 58 and Northville Turnpike. Route 58 going west by Carl's Equipment, just a little short of it, there's a big dip in the road, and people that don't know it, they driving up there and they hit it and up they go, and I don't think it should be there. And I believe what it was, it was a repair and it settled down and nobody's ever come back to take care of it.
Now, another problem that I see along these County roads, basically, I think this is 94 out here that goes up to Expressway, you'll see dead animals. Does the County have any patrol to see these and pick them up? Now, on 94 going north, you go over the river, then you're in Riverhead Township. About 75 feet, roughly, from River Road, there's a sign that says 30 miles an hour. But as soon as you cross over, you're already in Riverhead Township, and then you go into Edwards Avenue, you're on Edwards Avenue. But as soon as you cross, now River Road has a speed limit of 45 and so does Edwards Avenue going north in there. Now, that don't make much sense to have a sign posted between the river and Edwards Avenue -- River Road, I'm sorry, 30 miles an hour. And what do you do slow, down for 75 feet and then pick up? It don't

happen. So somebody is not looking at these signs properly.
The Northville Turnpike going north to Route 58, in front of K-Mart, that is one miserable mess. Nobody is policing that grounds at all on the banks of the road, and all kind of garbage is laying in there. And everybody says you want to take pride in your town and your County. We don't have much land here, you know. It runs from that ocean to that Sound, and we'd like to try to keep it cleaned up and dressed up in there.
And, Mr. Levy, I know I put on the card about the County highways. Could I just elaborate on one more thing and that's the gas prices?
D.P.O. LEVY:
Well, you got about seven seconds left in this session, so why don't you just -- in your conclusion, why don't you state it really quick and we'll wrap it up; okay?
MR. HAIZLIP:
Yeah, good. I want to know, did any Legislator that we elected to represent us do any letter writing to anybody whatsoever, the Governor or the President, complaining about these gas prices?
LEG. ALDEN:
Yes.
MR. HAIZLIP:
I know of one -- good for you. I know of one Legislator in the State has really went all out and wrote to everybody. Whether it does any good or not --
D.P.O. LEVY:
Well, Mr. Haizlip, I'm going to hand it over to Legislator Alden, the Chair of our Consumer Affairs Committee, who will explain what's been happening in the Legislature regarding this matter. And thank you very much, sir.
MR. HAIZLIP:

I can go ahead and sit down.
D.P.O. LEVY:
Sure.
MR. HAIZLIP:
I don't have to stay up to listen to the answer.
D.P.O. LEVY:
That's fine. Thank you. And before Cameron speaks, if we can have Legislators come to the horseshoe. We have one speaker left and we'll shortly be going into our voting.
LEG. ALDEN:
Just to give you a quick update, in the Consumer Protection Committee, we actually had some representatives from the Gasoline Wholesale Association. We've had people from Keyspan and a number of other people just to give us an idea of what's been going on, where the stock is of

oil, where the stock is of gasoline products, and we got their input on where they think there might have been some kind of basically not legal activity. And I've written to the Attorney General of the State of New York. He set up a hotline. There's a 1-800 number I can give you later. I've also written to Janet Reno, who is the Attorney General of the United States of America, and they are looking into it, so.
D.P.O. LEVY:
Thank you very much. Janice Lesnak.
MS. LESNAK:
Okay. I'd just like to say, as a representative of the 366 families of the Silver Ponds Townhomes, we respectfully request a repeal to Resolution 1010 for the reasons Mr. Caracappa and Mr. Caracciolo are very well aware. Thank you.
D.P.O. LEVY:
Thank you, ma'am. That ends the speakers. I'm going to take liberty at this moment to do a proclamation, and I know the Presiding Officer is heading back in. When we're done with the proclamation, unless there's any other statements from Legislators, we'll head into the voting.
If I could please be joined at the podium by Jill and Ron Klein and Ron Cirillo and families, and Steve Siben as well. This is a refreshing story -- this is a refreshing story that really goes to the human spirit. Jill was driving along Sunrise Highway back in January with her two young children, Eric and Courtney. Are they with us.
MRS. KLEIN:
No.
D.P.O. LEVY:
Okay. She was side-swiped and her SUV flipped over, and she was stuck and bleeding profusely. And this is really a good Samaritan story, because along came Joe Cirillo, Joe Cirillo, who is a technician over at South Shore and just so happened to be refreshing himself in his EMT --
P.O. TONNA:
Not a technician, an EMT you mean, right?
D.P.O. LEVY:
No, no, no.
P.O. TONNA:
No?

D.P.O. LEVY:
He's not actually an EMT, he's going for a refresher course. But he's a radiological technician, is that the right --
MR. CIRILLO:
Yes.

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D.P.O. LEVY:
Thank you very much. At Good Sam, and he stopped, pulled over, and extracted one of the children from the car. And Jill was bleeding, and she probably would have bled to death had it not been for Joe's quick action. Her hand was almost severed, it was sliced right down to the bone. And Joe managed to place a tourniquet around her arm, saved her hand, and really possibly saved her life as well. And it's a fantastic story of what we all should be doing. But thank God that he's taken the time to refresh himself in this particular field and had the wherewithal and the good heart to stop and save this family. So, thankfully, Jill and Ron and their two children will have a long life of wonderful memories to come.
So, on that note, I want to present this proclamation to Joe Cirillo on behalf of the entire County Legislature for showing us all, Joe, what it is to be a good Samaritan, and we thank you for your efforts.
(Applause)
Do you want to say a few words?
MRS. KLEIN:
I've said this before and I'm going to say this again, thank you, Joe, for saving my life.
(Applause)
D.P.O. LEVY:
And Steve Siben will introduce some of the other folks who are here.
P.O. TONNA:
Is this the lawyer? I'm just wondering.
MR. SIBEN:
Good morning. Yes, I'm the family attorney. And I see --
P.O. TONNA:
Siben and Siben?
MR. SIBEN:
I see my representative is right in front of me there. How are you? And I don't see my friend, Allan Binder. He's not here today.
P.O. TONNA:
Binder and Binder, and Siben and Siben?
MR. SIBEN:
Thank you, Paul. It's really a heartwarming story. I've been in this business for a long time and it's so good to see a volunteer do something like this, because this young lady not only would have lost her arm, but she would have died from this. Now, I'd just like to introduce some extra people here. One is Joe {Palluzi}, the boss. Where is he, sir? He's your boss right now?
MR. CIRILLO:
Yes.

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MR. SIBEN:
And Mike {Papa}, the P.A., who is your associate. Come and say hello. And this is the the whole family up here. And who are these people,

would you just tell us. Nice to meet you.
MR. CIRILLO:
My wife Susan, my son Nicholas, my mother Ann.
MR. SIBEN:
But we thank you for the opportunity of appearing here. And this is one of the type of stories we really need more of, beside watching them on television. And thank you. It's good to appear in front of this very famous body here. And you all look much better in the pictures.
D.P.O. LEVY:
Thank you very much.
MR. SIBEN:
Thank you.
P.O. TONNA:
Thank you.
LEG. D'ANDRE:
Mr. Chairman.
P.O. TONNA:
Yes, Legislator D'Andre.
LEG. D'ANDRE:
Before you leave, Steve, I'd like to suggest to our Presiding Officer that he start a civilian bulletin board for our heroes and heroines on there.
P.O. TONNA:
That's a great idea.
LEG. D'ANDRE:
Starting with this couple today, both he and she. And I think, Mr. Chairman, if you can arrange that --
P.O. TONNA:
We can arrange that. Linda Bay, are you taking Legislator D'Andre's verbatim thoughts?
MS. BAY:
Yes.
P.O. TONNA:
Well, good, good.
LEG. LEVY:
Good idea, Mike. There's certainly enough bad news out there. When we have good news like this --

LEG. D'ANDRE:
Well, this is a hero.
LEG. LEVY:
-- we might as well let the whole world know about it.
P.O. TONNA:
I think we should start from two weeks ago; I think we had a great hero also.
LEG. LEVY:
So noted.
LEG. D'ANDRE:
Yeah, two weeks ago, we had a young fellow that saved his children. Good luck.
P.O. TONNA:
Sounds great.
LEG. D'ANDRE:

Good luck.
D.P.O. LEVY:
Good. Thanks.
P.O. TONNA:
That's great.
LEG. CARPENTER:
Could I make a comment?
P.O. TONNA:
Yes, Legislator Carpenter.
LEG. CARPENTER:
If I could, I just wanted to make a comment while there's a little brief pause here. When you talk about positive news, I was absolutely astounded this morning to see the front page of Newsday and see that they highlighted those three students that won the science awards, that they actually put that on the front page, and it really is commendable. Normally, you're only seeing bad news, and we say that all the time, all the wonderful things that our students have done, that they don't get the recognition they deserve when they do something good. So I thought it was really remarkable. So if Newsday is here listening, thank you.
P.O. TONNA:
Thanks. Thank you, Legislator Carpenter. Since we are killing a little time, and, you know, when there's free time, it's time to -- so, Legislator Guldi I just want to -- I think there are Legislators and staff in the back who say you have set the standard for cooking.
LEG. TOWLE:
Thank God he didn't Cooke it himself.

P.O. TONNA:
And that Legislator Towle now has got to run another fund-raiser to be able to match --
LEG. GULDI:
He's got all that money left when he was raising money to be P.O..
P.O. TONNA:
Oh, okay. Anyway, so -- no, I think that was spent very quickly. Anyway, the -- we're setting a new standard there, Legislator Guldi. Anyway, yes, Legislator Caracappa.
LEG. CARACAPPA:
Mr. Chairman, we were about to go to the agenda, I presume.
P.O. TONNA:
Yes.
LEG. CARACAPPA:
If I could --
P.O. TONNA:
That's why we're dealing with the hidden agenda now.
LEG. CARACAPPA:
I would like to make a motion to take 1143 out of order. It's authorizing --
LEG. GULDI:
Second.
LEG. CARACAPPA:
-- waiver of interest and penalties for property tax for Patricia DeAngelis. While you were out of the room, Mr. Chairman, the daughter

of Patricia had come up and she spoke. She also spoke at the Ways and Means Committee and has made a few visits to my office to discuss it with me. And I'd like for that to happen at this moment.
P.O. TONNA:
All right. I would just ask you, Legislator Caracappa, are you sure you want to do this with the absence of a few votes here?
LEG. CARACAPPA:
I think those who were present are in the building, except for Legislator Levy, which I know is a no vote.
P.O. TONNA:
Okay. I would ask that all Legislators please come to the horseshoe so that we can cast our votes.
LEG. CARACAPPA:
Actually, I was trying to do it before Levy came back in.
P.O. TONNA:
Okay. There's a motion by Legislator Caracappa. Is there a second?

LEG. GULDI:
Second.
P.O. TONNA:
Second by Legislator Guldi. This is to -- the vote to take it out of order. All in favor? Opposed? Okay. Now it's in front of us. Motion, 1144?
LEG. CARACAPPA:
Motion to approve.
P.O. TONNA:
Okay.
LEG. GULDI:
Second.
LEG. CARPENTER:
Second.
P.O. TONNA:
Second. I have to ask the question. Okay. Legal Counsel, does this meet the criteria?
MR. SABATINO:
This applicant didn't fall within the -- one of the four categories.
P.O. TONNA:
Can you just go over the categories and maybe we'll give Legislator Caracappa an opportunity to say why this is an exceptional circumstance, which I'm sure he's ready to say?
MR. SABATINO:
The categories are either governmental error, acknowledged in writing by the taxing jurisdiction, a situation where some direct public benefit or service is being provided through a contractual arrangement, either for health or safety or education. Third category is a senior citizen 65 years of age, less than $18,000 in income. And the fourth category is when the land would otherwise have to be corrected or remediated by the County because of some toxic waste condition.
P.O. TONNA:
Thank you. Legislator Caracappa, do you want to say anything in response?
LEG. GULDI:
What's the number?

LEG. CARACAPPA:
It's 1143.
LEG. GULDI:
Go ahead.
LEG. CARACAPPA:
I had earlier, Mr. Chairman, given my reasoning why I believe we should

do this, it's to save a family. If you had heard the young lady come up and speak at any given time, whether it be in the committee or here earlier, you'd realize that this is necessary to save a family who is -- who has gone through some tremendously difficult times. And to see a young, bright, intelligent young lady come on her own behalf to do this for her entire family was just unbelievable in my mind. And it says that one of the criteria is to provide a public benefit. And I tell you, if we save this family and lift this rock from their shoulders, we are doing a public benefit by letting them breathe a little bit easier here in Suffolk County and get back on their feet and, hopefully, keep them here and keep this wonderful young lady, who is so bright and intelligent, here in Suffolk County to provide us with what her great future is going to hold. And I'm just so impressed by her and her family that that's my reasoning. I know it doesn't fall under our legal criteria, but I think under our human criteria, it's way above the bar.
P.O. TONNA:
How much is this for?
LEG. CARACAPPA:
Paul?
MR. SABATINO:
The interest and the penalties to be waived would be $9,468.37.
P.O. TONNA:
Okay. Thank you. Legislator Guldi.
LEG. GULDI:
Yeah. When this was before committee, the -- I remember the presentation. I remember making a specific finding that, yeah, you could stretch the facts underlying this to meet the governmental error criteria or the other criteria. Some of the compelling circumstances include not only the quasi senior citizen status of the mother, the government's role of $120,000 worth of child support arrears, etcetera, in order to make a specific finding that it did meet the criteria. And in committee I did reach that conclusion. I support this resolution for that reason.
On a more direct economic basis, what we get by approving this resolution is $22,000. What we get by defeating this resolution is another family in crisis in Suffolk County, another piece of property that the County can't -- will have our typical array of management and operation and disposal problems with. I think that when you weigh the benefits to the costs, both to the County and to the family, there's only one proper vote on this and that's why I think it's important we all find it meets the criteria and support the resolution.
P.O. TONNA:
Okay.
LEG. D'ANDRE:
Move the question, Mr. Chairman.

LEG. BISHOP:
Move the question.
P.O. TONNA:
All right. Let's move -- all right. There's a -- I guess we'll have a vote, a roll call. There's a --
LEG. CARPENTER:
Motion and a second.
P.O. TONNA:
Motion and a second.
(*Roll Called by Mr. Barton*)
LEG. CARACAPPA:
Yes.
LEG. GULDI:
Yes.
[LEG. CARACCIOLO-NOT PRESENT]
LEG. TOWLE:
Yes.
LEG. FISHER:
Yes.
[LEG. HALEY-NOT PRESENT]
LEG. FOLEY:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Yes.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
[LEG. BINDER-NOT PRESENT]

LEG. COOPER:
Yes.
LEG. LEVY:
No.
LEG. FOLEY:
Yep.
MR. BARTON:
14. (Not Present: Legs. Caracciolo, Haley and Binder)
LEG. CARACAPPA:
Congratulations.
MS. DEANGELIS:
Thank you.
LEG. CARACAPPA:
Great job.

P.O. TONNA:
Okay. Let's go to the agenda now. Okay. We move to tabled resolutions.
MS. FARRELL:
No.
P.O. TONNA:
No?
MR. BARTON:
Consent.
P.O. TONNA:
Oh, the Consent Calendar? Sorry.
LEG. GULDI:
Motion to approve the Consent Calendar.
P.O. TONNA:
Okay. I make a motion for approval of the Consent Calendar, seconded by the Deputy Presiding Officer. All in favor? Opposed? Approved.
MR. BARTON:
14, 4 not present. (Not Present: Legs. Caracciolo, Haley, D'Andre, Binder)

TABLED RESOLUTIONS

P.O. TONNA:
Okay. Number -- tabled resolutions, Number 1010. Is there a motion? Legislator Caracciolo?

LEG. TOWLE:
He's out of the room.
LEG. FOLEY:
He's in the back.
P.O. TONNA:
Okay. Can I ask -- we'll pass over this one for now. Could I ask that all Legislators please come to the horseshoe? We're voting.
Number 1061 (Amending the 2000 Operating Budget transferring funds to the Office for the Aging for the Shelter Island Affairs Council). Is there a motion?
MS. FARRELL:
That's his, too
P.O. TONNA:
That's --
MS. FARRELL:
Also his.
LEG. LEVY:
Motion to table.
LEG. GULDI:
That's also Caracciolo's.
P.O. TONNA:
Motion to table, second by myself. All in favor? Opposed? Tabled.
MR. BARTON:
14, 4 not present.
P.O. TONNA:
1102 (Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with the Developer of We're Associates Office Building).
LEG. BISHOP:

Motion to table.
P.O. TONNA:
Motion to table, seconded by myself. All in favor? Opposed? Tabled.
MR. BARTON:
14, 4 not present. (Not Present: Legs. Caracciolo, Haley, D'Andre and Binder)

WAYS AND MEANS

P.O. TONNA:
Introductory Resolutions: Number 1041 (Adopting Local Law No. -2000, a Charter Law to establish competitive bidding process for selection of County Bond Counsel). Is there a motion?

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LEG. TOWLE:
So moved.
LEG. CARACAPPA:
Second.
P.O. TONNA:
Motion by Legislator Towle.
LEG. BISHOP:
Motion to table.
P.O. TONNA:
Second by Legislator Caracappa. Motion to table by Legislator Bishop, I'll second that motion to table. All in favor? Opposed?
(Opposed Stated in Unison by Legislators)
LEG. GULDI:
Roll call.
P.O. TONNA:
Okay. Let's do a roll call on the tabling.
(*Roll Called by Mr. Barton*)
LEG. BISHOP:
Yes, to table.
P.O. TONNA:
Yep.
[LEG. CARACCIOLO-NOT PRESENT]
LEG. GULDI:
No.
LEG. TOWLE:
No.
LEG. CARACAPPA:
No, to table.
LEG. FISHER:
Yes.
[LEG. HALEY-NOT PRESENT]
LEG. FOLEY:
Yes, to table.
LEG. FIELDS:
Yes.

00023

LEG. ALDEN:
Yes, to table.
LEG. CARPENTER:
No.
LEG. CRECCA:

No, to table.
[LEG. D'ANDRE-NOT PRESENT]
LEG. POSTAL:
No.
[LEG. BINDER-NOT PRESENT]
LEG. COOPER:
Yes, to table.
LEG. LEVY:
No.
P.O. TONNA:
I would ask that since the sponsor is not here, I would think that maybe a tabling motion is in order, so that you can get the votes to get the sponsor here to argue the bill, so that we can pass it.
LEG. CARACAPPA:
Motion to defer to this afternoon or at the end of the agenda, whichever comes first.
LEG. FOLEY:
Second.
P.O. TONNA:
I just want to find out from Legal Counsel. It's a new motion for me, so is that a legitimate motion?
LEG. POSTAL:
Mr. Chairman.
LEG. FOLEY:
The vote hasn't been called yet, so --
MR. SABATINO:
You can table it to a sometime certain or a date certain, so it could be tabled to --
LEG. TOWLE:
Motion to table until after --
MR. SABATINO:
-- Either a time or, you know, you could make it to the end of, you know, the --

LEG. CARPENTER:
Second.
LEG. CARACAPPA:
Public hearings.
LEG. TOWLE:
After public hearings.
LEG. POSTAL:
Mr. Chairman.
MR. SABATINO:
Introductory Resolutions.
P.O. TONNA:
Let's make it a motion to table for an hour, so at least --
LEG. POSTAL:
Could I -- Mr. Chairman, can I --
P.O. TONNA:
-- you know, you have a chance.
LEG. LEVY:
Wait until after the public hearings.
LEG. POSTAL:

Excuse me.
P.O. TONNA:
We might be done with everything after the -- before that.
LEG. LEVY:
You can't. You can't be done before the public hearings.
LEG. TOWLE:
Mr. Chairman, we still have to do the 2:30 public hearings by law.
P.O. TONNA:
Okay.
LEG. POSTAL:
Mr. Chairman.
P.O. TONNA:
Yes, Legislator Postal.
LEG. POSTAL:
We passed over a previous resolution until Legislator Caracciolo comes in. Why can't we just pass over this until Legislator Binder come --
P.O. TONNA:
Because we've already cast a vote, that's why.

LEG. LEVY:
It wasn't called.
LEG. POSTAL:
It wasn't called.
LEG. GULDI:
The result hasn't been called yet.
P.O. TONNA:
Do you want just -- can we do that, Paul, can we just pass over? I'd rather give the sponsor the respect of being able to --
LEG. BISHOP:
Why don't you just table it to a point?
P.O. TONNA:
That's why I'm saying --
MR. SABATINO:
Why doesn't somebody just make the motion to table it until 12 o'clock and then --
LEG. LEVY:
So moved.
LEG. TOWLE:
Motion to table it until after the public hearings.
LEG. LEVY:
Yes. Second Legislator Towle's motion.
P.O. TONNA:
Okay. All in favor? Opposed? Tabled to after.
MR. BARTON:
14, 4 not present. (Not Present: Legs. Caracciolo, Haley, D'Andre and Binder)
P.O. TONNA:
So we could vote on it today. Okay. Number 1143 has already been voted on. 1149 (Establishing "Smart Growth" policy for Suffolk County). Is there a motion? Legislator Fields. Seconded by myself. All in favor?
LEG. CRECCA:
Explanation.

LEG. TOWLE:
Just an explanation. Sure. Legislator Fields, do you want to give the explanation? Or Legal Counsel, we'll let him do it.
MR. SABATINO:
Well, this is legislation that would require the County Planning Department to develop a written master plan for a concept that's known as smart growth. It incorporates eight fundamental principles, which

are set forth in the statute, which is to look at long-term land use, mixed use in downtowns, expedited permitting, preservation of open space, transportation issue, cooperation between State and local government, can then to come up with a series of advisory recommendations, you know, within a one-year period of time.
P.O. TONNA:
Thank you. Legislator Fields.
LEG. FIELDS:
This kind of smart growth principle is being done all over the United States in areas where they have been impacted by the kind of unprecedented growth that we've experienced on Long Island. And I think it's a no-brainer for us in Suffolk County to lead by example in creating this master plan. And I've spoken to many of the Commissioners of Planning and they feel that it's a very good plan and very workable and they like it very much.
LEG. ALDEN:
On the motion.
P.O. TONNA:
Yes, Legislator Crecca, and then Legislator Alden.
LEG. CRECCA:
I got a few questions. Right in the whereas clause in the resolution, it indicates that we have no -- Suffolk County has no jurisdiction over many of these project. In fact, this has traditionally been a function of the towns, and it still is a function of the towns, land use. And I guess my -- I have a couple of questions and maybe Miss -- Legislator Fields could address them.
First of all, it's not that the -- conceptually, I'm not saying I think it's a bad idea, but the problem is is that are we just redoing or stepping on what is now the towns' functions in the Planning Departments within our towns by doing this county-wide? That's first of all. And why are we duplicating a process which is already being done and which is outside our jurisdiction?
And I guess the second question I have for you, too, is from what I'm reading here, it sounds like we're going to have to have staff and experts and all that. And I guess I would ask has a fiscal impact statement been done on this, and how much is this going to cost us resource-wise in the County?
LEG. FIELDS:
We wouldn't need to -- we already have a Planning Commission, and when I spoke to them, they didn't feel there would be a problem at all, you know, in creating the master plan. As -- what was the first question that you had? Oh, would we be duplicating?
LEG. CRECCA:
Yeah. Why are we -- my question is really, I guess, is why are we doing this if the function still remains with the towns to do -- for

land use? It's not going to change. That's the way the law's set up.

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LEG. FIELDS:
But it would change.
LEG. CRECCA:
But I was wondering why we're doing this?
LEG. FIELDS:
It would change.
P.O. TONNA:
Guys.
LEG. FIELDS:
It would change the way in which we've been developing with what we've created with strip malls and box stores and sprawl. And it would create maybe little imaginary lines where we would redevelop in abandoned shopping centers and areas that we have been just walking away from and then going into open space, and impacting our wetlands and our waterways, and so forth. And it would then want -- we would try to have redevelopment of areas, so that we can better utilize transportation, commercial usage. Everything that we already have developed in our tax money, in our services would be better utilized instead of sprawling into other areas. And, again, they use this everywhere in the --
LEG. CRECCA:
Would this override a town's plan, the County plan?
LEG. FIELDS:
It would create a master plan that the towns could follow. It would act as an advisory and the towns would follow that. And they are welcoming this. They are -- I've spoken to Town Planning Commissioners and they would welcome working on a plan like this, working with a plan like this. And it would also ask for three public hearings, eastern, central and western portions of Suffolk County, looking for expert testimony and input from everyone.
P.O. TONNA:
Legislator Alden.
LEG. ALDEN:
I'm not on the Ways and Means Committee, and even though, you know, I think it would have been beneficial to have the minutes from that meeting before we go and vote on this, I did try to take care of that, but I didn't have enough support to really push that through.
But anyway, correct me if I'm wrong, but I believe that Steve Jones was one of the Commissioners that came before us and said that the impact on his department is very heavy with the early retirement and that needed more funds and more people just to do the job that, you know, he's doing right now.
And, secondly, I do believe that we have a master plan and that all the towns have master plans of development. And my question is how does this fit in with the former master plans that we do have and the plans that the towns have? And, actually, if Steve Jones is here or if some

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representative from the County Executive's Office, I would appreciate some answers, too.
LEG. BISHOP:
Paul.

P.O. TONNA:
Okay. Hold it. Just --
LEG. BISHOP:
Postal wants to go on the list.
LEG. POSTAL:
Put me on the list.
P.O. TONNA:
Yeah, I'll put you on the list. First of all, I don't think Steve Jones is here. Mr. Jones, Mr. Jones, are you here? Okay. Maybe somebody from the County Executive's Office could -- there you are. Maybe you can get somebody to come up here and -- oh, there you are.
MR. RICHARD:
You guys want to hear from Janet or --
P.O. TONNA:
Yeah, we'd love to hear from Janet. If, you know, Legislator Alden would like to do that, that's fine with us.
LEG. LEVY:
May I interject? I'm next.
P.O. TONNA:
While we're doing that, I'm going to go from the list, and, actually, Legislator Levy you're next, so --
LEG. LEVY:
Thanks. I believe Steve Jones was at the committee that day, and he had ample opportunity to come forward and say that he opposed the plan. He did not. In fact, I know that Steve and the Planning Department has been foursquare behind the concept of smart growth, and I'll give you an example.
Over in Islip Town, in Holbrook, on Veterans Highway and Sunrise Highway, there's a big property known as the Serota Property, and it's been a big controversy over the years as to how it's eventually going to be developed. And, really, a breakthrough has come forward over the last couple of months when actually Steve Jones from our Planning Department made an advisory opinion to the Town. He cannot supercede the town, whether it's Islip, Brookhaven, Smithtown, any other town, but he's shown an example how smart growth can work in that particular community, and what it would do, it would have a little bit of affordable housing, it would have a little bit of commercial development, it would have a little bit of industrial job base, all self-contained on the parcel.
That's what the whole concept of smart growth is, and sometimes you

need -- you don't need, but you desire to have a larger hand to give an advisory opinion, such as the Long Island Regional Planning Board. That's what they do. They're in existence to give advisory opinions for master plans that the towns may or may not follow, but it's just a little bit extra that can be thrown into the mix. That's what the concept here that Legislator -- is that -- that Legislator Fields has proposed. It's not superceding any local authority, it's just saying smart growth is the wave of the future. It's something that Steve Jones has written about in many, many ways over the years. It's something that he's actively pushing right now, and it's just an idea to say, "Here's how we in the County believe that smart growth can be incorporated in Suffolk County if the local authorities wish to use

it. And I think it's a fantastic idea and we should move forward with it.
LEG. CRECCA:
Mr. Chairman.
LEG. BISHOP:
Am I on the --
LEG. CRECCA:
I'm sorry.
P.O. TONNA:
You're on the list. Legislator Bishop.
LEG. BISHOP:
Thank you. I want to congratulate Legislator Fields for taking a very important step in the future of Long Island. Smart growth right now is a buzz word, but it lacks a definition. And in some places, I've noticed that a lot of people talk about smart growth, but when their votes come up, smart tends to be whatever influential developers and certain attorneys want. What we really need to move with smart growth is to define it and give life to a plan and that's what this bill will do. It will start a process where all the towns will get together with the County and come up with a regional plan.
The best plans are always regional plans and have the broadest perspective, and so in that sense it's important that the County Planning Commission take the lead. We don't want to defer to towns and villages too much of our authority and our influence, because if you do that, then you don't act in accord with regional planning, and regional planning is the best planning.
Finally, I think that this bill does have actual impact beyond mere suggestion. If you'll notice, one of the clauses says that -- states that the County Planning Commission, our Planning Commission, is to act in accord with the Smart Growth Plan once it's developed. There are vast County holdings, many, numerous County roads. Any time the County Planning Commission takes an action on a development proposal that's on a County road or adjacent to County property and they make a recommendation, that changes the mandate on the local Planning Commission. So that, in that sense, would have a very great impact.
But, again, I think the most important impact is that we have a popular concept in the public domain right now, smart growth, but we don't have

a definition, and we really need to define what smart growth will mean in Suffolk County, and Legislator Field's bill will take the first important step towards that.
P.O. TONNA:
Thank you very much, Legislator Bishop. Legislator Postal.
LEG. POSTAL:
I know that there's -- I think Legislator Alden pointed out that many of the towns have master plans, that's true, but many of those cases, those master plans are decades old, and, certainly, they were developed before this concept was even envisioned. So I think that this could really serve as a model to the towns. Obviously, it doesn't usurp their powers, but I think it can act as a model.
I would also suggest that if we adopted the policy that was prepared as per this resolution, then it would govern decisions that the Planning Commission is making. Just a short while back, we had angry testimony

here from some citizens who were very upset because they didn't have the opportunity to provide input to the Planning Commission before the Planning Commission made a recommendation. I have a bill that's tabled that would increase the opportunity for input, because the Planning Commission has not looked at all of the aspects and impacts of potential developments. Adopting this policy would have them work within the constraints of smart growth. So that I think, while it doesn't control the towns' actions, it can have an impact on what the towns do ultimately.
P.O. TONNA:
Thank you very much. Legislator Crecca, you're next.
LEG. CRECCA:
I'll be brief. I just wanted to ask, it sounds like a --
P.O. TONNA:
I've heard that before.
LEG. CRECCA:
Yeah, right.
P.O. TONNA:
Okay.
LEG. CRECCA:
It sounds like a very good concept. I can't -- you know, I can't say that I can sit here and say I'm against it. But I just was wandering if it might not be wise for us to have somebody from the Exec's, from the Planning Department come and explain to us that they're in favor of this and that they want to do this. I didn't -- I wasn't on Ways and Means and I haven't seen the minutes from the meeting. So in that respect, just so --
P.O. TONNA:
The only thing that I would ask, Legislator Crecca, if you'd suffer just an interruption for a second.

LEG. CRECCA:
Sure.
P.O. TONNA:
This went through committee, right?
LEG. FOLEY:
Right.
P.O. TONNA:
It was the Parks Committee that it went through.
LEG. LEVY:
Ways and Means.
LEG. FOLEY:
Ways and Means.
P.O. TONNA:
Ways and Means. There was ample opportunity for the Planning Department. Believe me, when they wanted to complain about missing .5 FTE, you know, full-time equivalency, they were down en masse saying how they needed these people. Obviously, there was no protest from the Planning Department. And, you know, the Planning Department, they were at the meeting, right?
LEG. LEVY:
Right.
P.O. TONNA:

Okay. So what I would say is, is that in abstentia, they're voting -- you know, they're showing their support.
LEG. CRECCA:
Does anybody know, Mr. Chairman, if the County Exec is behind this?
P.O. TONNA:
Yes. I know -- I know this. You ready, Legislator Crecca? I know that I've had a nice conversation with all the things they're against and this wasn't on one of them. All right. A couple of other resolutions -- I was looking for your name, actually. No, I'm joking, I'm teasing. But the fact is, is that this is not one of the things on their, you know, radar screen to say they're against. I think basically they're in favor of this.
LEG. D'ANDRE:
Mr. Chairman
P.O. TONNA:
Hold it. Legislator Fields. Legislator Caracappa is really next, I'm sorry.
LEG. FIELDS:
Can I respond to the --

P.O. TONNA:
Okay. Go ahead, respond to my responding to Legislator Crecca, and then --
LEG. FIELDS:
When the County Executive gave his State of the County message, and it was on the cover -- it was a headline in Newsday, one of the biggest things he talked about was smart growth. He's absolutely in favor of it. And I did speak to Steve Jones the day of the meeting. He read it, he looked through it, he gave me his comments about it. He agreed with it fully.
LEG. CRECCA:
Okay. Thank you.
P.O. TONNA:
Thank you. Legislator Caracappa, then Foley, then Legislator D'Andre.
LEG. CARACAPPA:
I will try and be brief. Just along the lines of what Legislator Bishop and Legislator Fields just said, during our campaigns, out there meeting people, especially in -- for Legislators that represent densely populated areas with downtown areas, with a lot of shopping centers, depleted shopping centers, or what, whatever it may be we, we all spoke about smart growth and what is smart growth, and it does lack a clear definition. That we all feel we know what it is, I don't think the public does.
Our Planning Department has gone out time and time again and proposed certain things that may have superceded town jurisdiction in regards to planning, but it was something they felt was necessary, such as the moratorium on shopping centers a few years ago that was proposed and I didn't think it was a bad thing. And in this instance, it's not a partisan thing, it's not a shot across the bow to any municipality, whether it be a town, or County, or State, it's something we need to define. And I think a planning -- planning a study such as this and to just get on the same page, and maybe eventually it leads to a summit between municipalities to actually enact some sort of smart growth I

believe is the right way to go, so I'm going to support it.
P.O. TONNA:
Thank you very much, Legislator Caracappa. Okay. Legislator D'Andre is next, and then Legislator Bishop and Carpenter. Legislator Carpenter is after that and then Bishop.
LEG. D'ANDRE:
Mr. Chairman, I don't know how good or bad this bill is, and I think, according to that sponsor, it's pretty good. But one thing that we need, one thing that we need and we need badly, and it doesn't take a lot of smarts, and that is two bedroom expandable attic, like a Levittown house, for our young people who can't buy or find a house anywhere. Unless you can come up with those numbers, nothing else means anything, because we're exploiting our young people, and that's a crime. So show me some smarts how we can save these young people and I'll give you a medal of honor.

P.O. TONNA:
There you go. Legislator Fields, we're going to have the medal ceremony probably at another time. No. Okay. Legislator D'Andre, that was great. Legislator Carpenter.
LEG. CARPENTER:
I'm reticent to speak, wondering about editorial comment on my remarks. But I was reviewing this resolution rather carefully, and, if I understand it correctly, we're giving the Department a year to compile the master plan, and sending along this resolution to the towns, so that they're aware of what the principles are. But listening to all of the comments, it kind of reminds me of Bay Shore, Downtown Bay Shore, and how this Legislative body a number of years ago practiced smart growth in recycling the County building, the Minicenter, which is now the home of Touro School of Health Sciences. So I think in principle, we've been practicing smart growth at this Legislature, and this resolution, from what I can see, helps codify it.
P.O. TONNA:
Thank you very much, Legislator Carpenter. Legislator Bishop.
LEG. BISHOP:
I just wanted to jump back into this discussion, because I forgot to mention something before about County-led planning. Make no mistake about it, County-led planning has had a definite impact on other levels of government. It was the County, after all, that began farmland preservation and open space preservation. And often actions within individual communities, for example, a particular town or a particular village, have great impact that ripples beyond that. And so, in my community, for example, would be greatly impacted by overdevelopment of Pilgrim State because of the quality of the groundwater and the fact that the groundwater that flows from above Pilgrim State directly flows into the wells that serve my constituent. So I want the County to have a role in those discussions. So smart growth on a County-wide basis is an important step.
P.O. TONNA:
Thank you very much, Legislator Bishop. Legislator Cooper.
LEG. COOPER:
Thank you. I just wanted to say that if done properly, smart growth really should be handled on a regional level rather than locally. I

have seen it in operation at the town level in Huntington recently. Ron Stein, who's one of the primary proponents of smart growth on Long Island held a three-day program where they involved the local community, local residents, local business leaders, environmental groups, community organizations, in redesigning a street in Huntington involving traffic-calming concepts, designs for local parkland, redesigning stores in the neighborhood. It was a wonderful, wonderful experience for me. I sat through about four or five hours of this program. Three to 400 residents were involved, if not more than that. And the one thing that was really accomplished was that it empowered the people that were involved in the process. They felt that they had a say in the decision-making, which they often didn't have in the past. And I'm sure if you asked any of the local participants, they'd also universally say that it worked extremely well. So I'm very

excited about the prospect of bringing this concept to a regional level in Suffolk County and I think it could have tremendous overall benefits.

LEG. CARACAPPA:
Call the question.

P.O. TONNA:
Thank you, Legislator Cooper. We're going to call the question.

LEG. GULDI:
Call the question.

P.O. TONNA:
Okay. All in favor? Opposed? It passes. Congratulations, Legislator Fields.

MR. BARTON:
17, 1 not present. (Not Present: Leg. Haley)

P.O. TONNA:
Number 1157, is there a motion?

LEG. LEVY:
Cosponsor.

LEG. FOLEY:
Cosponsor.

LEG. D'ANDRE:
Cosponsor.

LEG. CRECCA:
Cosponsor.

LEG. D'ANDRE:
Everybody. Put the bedrooms on.

P.O. TONNA:
Join the Fields. There you go. Okay. 1157 (Establishing Citizens Friendly County Form Policy on County websites). Is there a motion? Legislator Fields, seconded by Legislator Crecca. All in favor? Opposed?

LEG. CARACAPPA:
Explanation, please.

P.O. TONNA:
For a point of information, Legal Counsel. Yeah, this is a "Fields of Dreams," or whatever, "Dream of Fields."

MR. SABATINO:
This legislation would require the County to allow access by the public

to any application or form that's otherwise generated by the County departments or agencies, and it's got to be implemented by March 31st of the Year 2001 to allow a transition period to get those forms onto

the website.
P.O. TONNA:
Okay. Legislator Caracciolo.
LEG. CARACCIOLO:
Not on this resolution, Mr. Chairman, but I would like to go back to tabled resolutions.
P.O. TONNA:
Okay. Just let's finish this vote, please, and then I'll get you.
LEG. CARACCIOLO:
After this one.
P.O. TONNA:
Sure. Okay. The question? All in favor? Opposed? Okay, 1157 passes.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Haley)
P.O. TONNA:
1157 passes. Okay we'll go back to tabled resolutions, number 1010.
LEG. CARACCIOLO:
Correct. Mr. Chairman, at my request, Counsel wrote to the Planning Director, to Mr. Alan Grecco, the Bureau Chief, Division of Real Estate, and to the County Attorney on Friday. I spoke with the County Attorney, Mr. Cimino, and he has assured me -- assured me, rather, that a representative would be here today to take up this matter, so that we could either move forward or otherwise on this resolution as well as 1018.
P.O. TONNA:
Okay. The --
LEG. CARACCIOLO:
So, at this time, I'd like to request the County Attorney -- the County Executive's Office to locate a member of the County Attorney's staff.
P.O. TONNA:
Okay. While they're doing --
LEG. CARACCIOLO:
And we may have to go into executive session.
P.O. TONNA:
Guys, everybody, can you just -- just a little quieter. Just a little quieter.
LEG. CARACAPPA:
Sorry.
P.O. TONNA:
Thank you. Yes, I understand. I was told by the County Executive's

staff today that if we're going to vote on this resolution, we're going have -- I mean, if we're going to have a discussion, we have to go into executive session, because it's subject to --
LEG. CARACCIOLO:
Okay. So I make a motion to do that. The residents --
P.O. TONNA:
Well, this is what I would --

LEG. CARACCIOLO:
The residents of Manorville have been at this Legislative --
P.O. TONNA:
Well, if we go into executive session, they're going to have to leave anyway.
LEG. CARACCIOLO:
I understand that.
P.O. TONNA:
Yeah, okay.
LEG. CARACCIOLO:
But the fact of the matter is, Mr. Chairman, they've been here meeting in and meeting out to follow and make sure that this issue is addressed and addressed properly. And rather than have them wait all day, I'd like to have this matter taken up and disposed of one way or the other today.
P.O. TONNA:
Sure. While we're waiting for the County Executive, we're going to move along with the agenda, and as soon as we get them there, we'll do that.
LEG. CARACCIOLO:
Can we get an idea if a County Attorney -- a Deputy County Attorney's in the building, if not, when one will be here, so --
P.O. TONNA:
They're here? You're giving me a yes on that. Okay. That's a definite yes, that's not a kind of like maybe yes, that's a definite yes.
MS. GODSMAN:
Yes.
P.O. TONNA:
0kay. 1158 (Authorizing transfer of surplus County computers to various organizations). Is there a motion? I'll make a -- Legislator Fields. I'll make a motion to second. All in favor? Opposed? Approved, 1158.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Haley)

P.O. TONNA:
Number 1176 (Rescinding authorization to sell County-owned property pursuant to Local Law 16-1976 Delaware Avenue Concrete Corp.) I'll make a motion, seconded by Legislator -- let's see, where are we here? Delaware Avenue? Second by Legislator Levy. All in favor? Opposed? Approved.
LEG. CARACCIOLO:
Opposed.
P.O. TONNA:
Okay.
MR. BARTON:
16, 1, 1 not present. (Not Present: Leg. Haley)
P.O. TONNA:
1177 (Rescinding authorization to sell County-owned property pursuant to Local Law 16-1976 Delaware Avenue Concrete Corp.). I'll make a motion, seconded by Legislator Foley. All in favor? Opposed? Approved.

MR. BARTON:
17, 1 not present. (Not Present: Leg Haley)
P.O. TONNA:
Number 1196 (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 of Babylon Suffolk county Tax Map No. 0100-122.00-02.00-026.000 pursuant to Section 40-D of the Suffolk County Tax Act). I'll make a motion, second by Legislator Levy. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Haley)
P.O. TONNA:
Number 1214 (Amending the Suffolk County Classification and Salary Plan and the 2000 Operating Budget in connection with a new position title in the Department of Public Works (Assistant Director of Operations and Maintenance [Sewer District]). Motion by Legislator Levy, seconded by myself. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Haley)
P.O. TONNA:
Number 1215 (Amending the Suffolk County Classification and Salary Plan and the 2000 Operating Budget in connection with a new position title in the Department of Public Works (chemist III [Public Works]).
Make a motion, seconded by Legislator Fields. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Haley)

P.O. TONNA:
We have a roll call, Number 1220 (Appropriating funds in connection with the replacement of a CD Rom Tower at MIS Building #50 (CP 1709).
Okay. Make a motion, seconded by Legislator Postal.
LEG. ALDEN:
On the motion.
P.O. TONNA:
On the motion.
LEG. ALDEN:
How much is this for?
LEG. LEVY:
$80,000.
LEG. ALDEN:
And we're going to bond this?
P.O. TONNA:
It meets the 5-25-5 criteria, I think.
LEG. ALDEN:
It just doesn't meet the common sense criteria, but okay.
P.O. TONNA:
Okay. Roll call.
(*Roll Called by Mr. Barton*)
P.O. TONNA:
Yep.
LEG. POSTAL:
Pass.

P.O. TONNA:
It's a bond.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
LEG. TOWLE:
No.
LEG. CARACAPPA:
Yes.
LEG. FISHER:
Yes.
[LEG. HALEY-NOT PRESENT]

LEG. FOLEY:
Pass.
LEG. FIELDS:
Yes.
LEG. ALDEN:
No.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.
LEG. FOLEY:
Yes, Henry.
MR. BARTON:
Legislator Foley?
LEG. FOLEY:
Yes
P.O. TONNA:
Same motion, same --
MR. BARTON:
Legislator Postal.
LEG. POSTAL:
Yes.
P.O. TONNA:
Okay.
MR. BARTON:
15, 2, 1 not present. (Not Present: Leg. Haley)

P.O. TONNA:
Same motion, same second. All in favor? Opposed? Approved. Number

1221 (Appropriating funds in connection with the purchase of a Video Conference Server Trail). Roll call. I'll make a motion.
LEG. FISHER:
Explanation.
P.O. TONNA:
Seconded by --
LEG. TOWLE:
Explanation.
P.O. TONNA:
Second by Legislator Fisher. For now, explanation. Legal Counsel, Number 1221. Thank you.
MR. SABATINO:
1221 is $80,000 in serial bonds to purchase a video conference server trail.
LEG. BISHOP:
No more trips.
P.O. TONNA:
Trail? That's right.
(*Roll Called by Mr. Barton*)
P.O. TONNA:
Yes.
LEG. CARACCIOLO:
What is this?
LEG. COOPER:
Who is this for? Can we --
LEG. FISHER:
I just -- my question wasn't completely answered.
P.O. TONNA:
Hold it. Hold it a second.
LEG. FISHER:
I'm sorry.
P.O. TONNA:
Okay. Sorry. Legislator -- Ellen, just hold it. Let people just vote.
LEG. FISHER:
If you could just explain a little more of the details.

LEG. TOWLE:
Who's getting it?
MR. SABATINO:
Well, it was --
LEG. LEVY:
The video conference.
MR. SABATINO:
It was explained in the committee as being an important piece of equipment for, you know, for MIS. I really don't know what the video conference server is, but --
LEG. FISHER:
Video conferencing within the County, bringing in conferences from other areas?
LEG. LEVY:
Either one.
MR. SABATINO:

I don't know what the actual piece of equipment does, because I'm not really computer literate. But it was explained in the committee --
LEG. FOLEY:
Let the Budget Review Office Explain.
P.O. TONNA:
Fred?
MR. POLLERT:
Jim?
P.O. TONNA:
Jim?
MR. SPERO:
This would allow --
P.O. TONNA:
That was a quick toss there, Freddy. Jimmy, tell us like it is.
MR. SPERO:
This would be purchase a server for MIS to allow County to have video conferences throughout our County centers instead of having face-to-face meetings, you could use the video conferencing.
LEG. FISHER:
Okay. So it's inter-county video conferencing, is that what --
MR. SPERO:
Intra-county. Intra-county.
LEG. FISHER:
Inter-county?

LEG. FOLEY:
Intra.
P.O. TONNA:
Intra.
LEG. FISHER:
Intra-county, okay, just within the County. Okay.
P.O. TONNA:
Right.
LEG. FISHER:
Okay. We're not bringing in video conferencing on national conferences, that kind of --
LEG. FOLEY:
Inter-building, but intra-county.
LEG. FISHER:
Okay. Okay.
LEG. POSTAL:
Could I --
LEG. BISHOP:
Why do we need video conferences within the County --
LEG. HALEY:
I know. Why don't we --
P.O. TONNA:
I don't know. I'd like to vote that way, though. But go ahead, Legislator Postal.
LEG. POSTAL:
Yeah. I can just tell you that one purpose that I know that this might be used for is training police officers.
P.O. TONNA:

Absolutely.
LEG. POSTAL:
Where they are at various places like the different precincts or Headquarters in Yaphank, where you can have can have a training session where they're all at their work stations and, yet, they're all being trained in the same procedures, so that you don't waste time with having them travel. You know, I assume the same thing could be done, for example, with DSS centers, if we were talking about doing sensitivity training or any other training that we would do on a large scale. We could do it that way rather than having people leave their work stations.
LEG. FISHER:
Okay. I wasn't quite finished with my question.

P.O. TONNA:
Okay. I have to let Legislator finish -- Legislator Fisher finish and then Legislator Foley.
LEG. FISHER:
Okay. I just wanted to know which departments would have access to this and how you would access the video conferencing of facilities. Would we have access to it in the Legislature to video conference with department heads, different departments? I'm just curious as to how it's going to be set up.
MR. SABATINO:
Those are all good questions. To be honest with you, at the committee, the focus that MIS put on was the importance of having it, but they didn't really get into a discussion. Maybe Budget Review knows the answer, but I don't.
MR. POLLERT:
Basically, this is supposed to be a trial, and they haven't laid out the protocols yet. What the idea was -- is that MIS would make the capabilities available to departments, but they really haven't worked out the details, to the best of my knowledge, with how you would access it, where it would be accessed. They haven't even purchased the equipment at this point in time.
LEG. FISHER:
Okay. Thank you, Fred.
P.O. TONNA:
Okay. Thank you very much, Legislator Fisher. Legislator Foley.
LEG. FOLEY:
Yeah, thank you. Jim, when you look at the last page of the backup, it mentions that for Project 1726, which is the fiber cabling at Yaphank, you have a note here of $245,000 for '99 and the adopted 2000 budget, it was never appropriated. Could you just expand on that? Do you mean we lost those -- look at the last page of the resolution. The backup mentions that almost --
P.O. TONNA:
Could I just ask Legislators please keep it down to a low whisper. Thank you.
LEG. FOLEY:
By not appropriating, are those monies still available, or did we lose those monies in '99? Are those monies available or are they lost?
MR. SPERO:

I'm not sure what the note means. If it's 1999 money, the answer is no, it's not available.
LEG. FOLEY:
But the second part of the sentence --

MR. SPERO:
It says 245 for 1999. It can't be in 1999 and 2000, I mean --
LEG. FOLEY:
Right. It's got to be one or the other. All right. Okay.
P.O. TONNA:
Thank you, Legislator Foley. Before I go to Legislator Levy, the only concern that I have with this resolution is if this is supposed to help us and it's supposed to make us more efficient, then, you know, I just want to know the dollar signs that are estimated in building these efficiencies; less travel, you know, could we hook this into -- you know, I get a lot of travel vouchers for people going on trips to conferences. I mean, I would love to fine out if we could lock in the technology and save all that airfare, all that hotel, and everything else that we sign on, and video conference, you know, important conferences. And, you know, you go home and play golf at home instead of on your trip. Anyway, so I'd like to find out if there's any savings with regard to, you know, those type of things. Anyway, Legislator Levy.
LEG. LEVY:
Yeah. I just like to say, this wasn't, you know, let out cavalierly. We don't know yet how great the savings are going to be, if at all. They might, in fact, pan out, as Legislator Postal was saying, they might not pan out at all. But the point is you're not going to know if they've panned out unless you've at least experimented with it on a pilot project basis. This may be the waive of the future, it might be a waste of money, but for an $80,000 investment, let's find out if it works, and if so, we can expand upon it and save more money. If it doesn't work, we can stop it right there. But you have to try it first to see if it works.
LEG. ALDEN:
Paul.
P.O. TONNA:
Okay. Legislator Alden.
LEG. ALDEN:
Just in answer to that, Steve, we're going to bond this. So if we stop the project five minutes after we actually fund the project, we're still paying for it for 10 or 20 years, just to point it out.
P.O. TONNA:
Okay. I'm going to make a motion to table. Is there a second?
LEG. FISHER:
Second.
LEG. TOWLE:
So moved.
P.O. TONNA:
Second by Legislator Fisher. All in favor? Opposed? We're going to table this.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Haley)
P.O. TONNA:
I just want to hear a better argument about why teleconferencing. Thank you. Okay. County representatives. Is the County --
LEG. CARACCIOLO:
Yes, they're right here.
P.O. TONNA:
We have them. Where are you? Oh, Mea. Mama Mea -- okay. We are going to -- do we need to go into executive session, Mia?
LEG. CARACCIOLO:
Yes.
MS. KNAPP:
Yeah, on this one.
P.O. TONNA:
Okay. Then I ask --
LEG. LEVY:
Can we do this later?
P.O. TONNA:
Well, I think -- I think I have to make a motion to do this, but --
LEG. LEVY:
Could I recommend that we go into executive session right before lunch rather than in --
P.O. TONNA:
I'm going to let the sponsor of the bill -- we have --
LEG. CARACCIOLO:
No. These residents --
P.O. TONNA:
We have an hour.
LEG. CARACCIOLO:
You know, Steve --
LEG. LEVY:
I yield to the --
LEG. BISHOP:
We've had all this debate over the years on the record. What possible thing could be revealed to us?
LEG. LEVY:
I didn't realize it was about the --

P.O. TONNA:
Well, there's a lawsuit, that's why.
LEG. CARACCIOLO:
There's no lawsuit. That's not correct.
P.O. TONNA:
Okay. Well, we'll find out.
LEG. CARACCIOLO:
No, no.
P.O. TONNA:
I was told that we have to go into --
LEG. CARACCIOLO:
Well, I was going to have -- if we could have Counsel explain why we have to go into executive session.
P.O. TONNA:
Counsel, why do we have to go into executive session?

LEG. GULDI:
We might get sued.
MR. SABATINO:
Because we're discussing the legal strategies that are associated with litigation that does exist in the Town level with regard to this property, and also the potential for litigation with regard to this and another resolution.
LEG. CARACCIOLO:
Counsel, along those lines, litigation, as I understand it, at the Town level relates to an action brought by the property owners against the Town of Brookhaven ZBA to make a timely judgment on their application for a subdivision.
MR. SABATINO:
Right. But that litigation is inextricably intertwined with what's happening with this resolution and the other resolution, plus we may be getting into the discussion of values, appraised values with regard to negotiations, not for this resolution, but for the other resolution.
So there are several legitimate --
LEG. BISHOP:
Wait.
MR. SABATINO:
-- important reasons to have that discussion in executive session.
LEG. BISHOP:
Mr. Chairman.
P.O. TONNA:
Yes, Mr. Bishop.

LEG. BISHOP:
On price values and such, do we not have a law in Suffolk County that says we appraise value?
MR. SABATINO:
Yes, but there are different legal -- there are different legal -- in an ordinary situation, you'd be absolutely right, we could have, you know, an open discussion. The problem here is that the valuation hinges on legal theories. Different legal theories applied to the proposed acquisition result in different valuations. So the theories are really part of the strategy, which has to be discussed in executive session as opposed to laying it all out in public.
LEG. BISHOP:
But we're not even adversarial.
P.O. TONNA:
Okay. I can see, since Liz Moore is leaving --
LEG. BISHOP:
Who are we adversaries to?
P.O. TONNA:
-- she's the first one to exit the room. What?
LEG. BISHOP:
Who are we adversaries to that we need to go into secret?
LEG. BINDER:
We could be brought into a --
LEG. BISHOP:
Well, we could be on any -- I mean, executive session is supposed to be --

MR. SABATINO:
The difference here is that the property owners have appeared before the Ways and Means Committee, I think the Parks Committee, I know the full Legislature, to, you know, basically say that they're unhappy with, you know, what's transpired and that there's a serious possibility of bringing a lawsuit, depending on what happens with this and the other resolution. So there is a track record here of some, you know, serious discussion with regard to, again, appraised values, which --
P.O. TONNA:
Listen, can I say something? Can we stop debating whether we should go into executive session? Let's vote. Let's get into executive session. I ask Legislators to use discipline. If this isn't really a big issue for you, just let the process work. Let the Legislators concerned about it ask the questions and let's move on; okay?
LEG. GULDI:
On the motion.

P.O. TONNA:
So, first of all, I make a motion. Is there a second to go into executive session?
LEG. GULDI:
I want to address the motion.
LEG. BINDER:
I'll second.
P.O. TONNA:
Okay. Second by Legislator Binder. On the motion.
LEG. GULDI:
On the motion.
P.O. TONNA:
Yes.
LEG. GULDI:
Executive sessions properly should be reserved for discussion of litigation strategy and technique.
P.O. TONNA:
Right.
LEG. GULDI:
Not a basis to cover embarrassing or potentially embarrassing material. This matter is not in litigation. What needs to be discussed on the record is testimony that's been in open public before the Legislature.
P.O. TONNA:
Hey, I'm --
LEG. GULDI:
You know, I don't see a rationale for taking this to executive session other than for purposes that wouldn't qualify.
P.O. TONNA:
Okay. So let's vote on this and let's get this in.
LEG. CARACCIOLO:
Just before we do, Mr. Chairman, perhaps we could have Mea Knapp make a comment or two as to why the Executive believes this should be in executive session.
P.O. TONNA:

Oh, my goodness. This is like my nightmare come true to debate about debating. Go ahead.
LEG. BISHOP:
With that introduction.
P.O. TONNA:
Yes.

MS. KNAPP:
I have seen a piece of correspondence in which at least one individual threatened litigation on this matter. And it's always been our position that when litigation is threatened, that any advice is given only in executive session.
LEG. BISHOP:
Potential litigation is now the trigger for executive session we'll have to conduct the entire Legislature in executive session from here on forward.
MS. KNAPP:
There has been a specific letter threatening litigation. But threatened litigation has been the basis for executive session under the Freedom of -- under the Open Meetings Law.
LEG. LEVY:
Well, we have to find out what the claim is.
LEG. CARACCIOLO:
Mea. I'm right here. Could you provide the members of the Legislature with a copy of that correspondence?
MS. KNAPP:
I don't actually have it. I did see it, though.
LEG. CARACCIOLO:
Is it in the County Attorney's Office?
MS. KNAPP:
Is it in the County Attorney's Office? I'm not sure whether it went to the Planning Department.
LEG. CARACCIOLO:
All right. You may not -- okay. If you don't have it today --
MS. KNAPP:
It was not addressed to the County Attorney.
LEG. CARACCIOLO:
All right. We'd like a copy of that letter.
MS. KNAPP:
I'll see if I can track it down. I believe it was Planning, but I'll check.
LEG. CARACCIOLO:
Okay.
P.O. TONNA:
Okay. So, you know, I try not to listen to inane debate, so where are we on this?
MR. SABATINO:
Let me just clarify. Going into executive -- going into executive

session is discretionary, it's not obligatory. I think there's a basis for doing it. You have to have a basis to go into it. You're not obligated. You can make the final decision. You've heard -- you've heard the arguments in favor of doing it and the arguments against

doing it, but it's your decision.
P.O. TONNA:
Well, now we have the County Attorney and our Legal Counsel actually agreeing on something, that has weight in and of itself. So let's vote on going into executive session. All right. There's a motion by myself, seconded by Legislator --
LEG. CARACCIOLO:
On the motion.
P.O. TONNA:
-- Binder.
LEG. CARACCIOLO:
On the motion.
P.O. TONNA:
On -- we've been on the motion.
LEG. CARACCIOLO:
No. Just point of clarification.
P.O. TONNA:
Please, Michael. Okay.
LEG. CARACCIOLO:
If the motion to go into executive session fails, then we have a public session.
P.O. TONNA:
Absolutely.
LEG. CARACCIOLO:
Okay.
P.O. TONNA:
Unless we want to have a quasi. I heard you use that word today, George, whatever that meant, quasi public session.
LEG. GULDI:
I'll get you a dictionary.
P.O. TONNA:
Anyway, let's go on. Please, call the vote.
(*Roll Called by Mr. Barton*)
P.O. TONNA:
Yes.

LEG. BINDER:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Pass.
LEG. TOWLE:
Pass.
LEG. CARACAPPA:
Pass.
LEG. FISHER:
Yes.
LEG. FOLEY:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:

Yes.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
No.
LEG. POSTAL:
Yes.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.
LEG. GULDI:
No.
LEG. TOWLE:
Yes.
LEG. CARACAPPA:
No. Let the public hear it.

MR. BARTON:
14. (Not Present: Leg. Haley)
P.O. TONNA:
Fine. We're in executive session. I'd like to -- I approve the presence not of that News 12 camera. You know, Budget Review is fine. Don't you guys go anywhere. If I'm subjected to this, you've got to be subjected to it. Okay. We need a minute to turn off the microphones. The County Attorney's representatives. And, Mea, do you have anybody else that you want? Brenda. Who would you like?
MS. KNAPP:
Yeah, usually County Executive's people.
P.O. TONNA:
Okay. The county Executive's staff. All of the other people in this room have to leave the auditorium right now; okay? And we're going to enter the cone of silence. We have one of them outside furnished by Get Smart.
[Executive Session: 11:00 a.m.- 11:40 a.m.]
P.O. TONNA:
Okay. I'd ask that everyone please turn our attention back to Resolution 1010.
LEG. CARACCIOLO:
Thank you, Mr. Chairman.
P.O. TONNA:
Yes.
LEG. CARACCIOLO:
At this time, I'd like to make a motion to withdraw I.R. 1010.
P.O. TONNA:
Wow.
LEG. CARACCIOLO:
And direct Counsel to amend Resolution -- is it 1018, Paul? 1018, with language to clarify what the County's Legislative intent was with

respect to a joint acquisition with the Town of Brookhaven.
P.O. TONNA:
Okay.
MR. SABATINO:
Okay.
P.O. TONNA:
Michael, who did you direct that question to?
LEG. CARACCIOLO:
No. I directed Counsel to amend 1018.

P.O. TONNA:
Okay, 1019?
LEG. CARACCIOLO:
18.
P.O. TONNA:
1018. Okay. You did that?
MR. SABATINO:
It's the wrong number, but I'll find the right number. I think it's 1118. But I'll find the right number and I'll provide the resolution to you.
P.O. TONNA:
Michael, basically, you're satisfied right now? We can move to the other tabled resolution? Or not tabled, but we -- didn't we pass over 1061, I think?
LEG. GULDI:
No, we tabled it.
P.O. TONNA:
Oh, we tabled it? Okay.
MS. JULIUS:
1041.
P.O. TONNA:
All right. Let's go to --
LEG. CARACAPPA:
1041.
P.O. TONNA:
Okay, 1041, we'll wait until 12 o'clock. Okay. The Resolution 1223, it's a bonding resolution. I make a motion, seconded by Legislator --
--
MR. BARTON:
Mr. Chairman, it's 1222.
P.O. TONNA:
I thought we did that already.
MS. FARRELL:
No.
P.O. TONNA:
Okay. 1222 (Appropriating funds in connection with the installation of Uninterruptible Power Supply (UPS) for Cohalan Court, Yaphank, and Riverhead County Centers). Is there a motion?
LEG. CARPENTER:
Motion.

LEG. FOLEY:
Motion.

P.O. TONNA:
Motion by Legislator Carpenter, second by Legislator Foley. All in favor?
LEG. ALDEN:
No.
P.O. TONNA:
No. On the motion. Wait, wait, wait. Roll call.
LEG. ALDEN:
On the motion.
P.O. TONNA:
On the motion. On the motion.
LEG. GULDI:
Same question, same answer.
LEG. ALDEN:
Legislator Levy, was this something that in your committee there was a dire need for? Is there an emergency basis for them asking for this?
LEG. LEVY:
$125,000 for uninterruptible power supply at the courts. It's not an emergency until it happens and then you need it, so, you know. Legislator Carpenter.
LEG. CARPENTER:
They were doing it incrementally, they've done it in Hauppauge, and now they want to do it at Cohalan and Riverhead. In Yaphank.
P.O. TONNA:
Okay.
(*Roll Called by Mr. Barton*)
LEG. CARPENTER:
Yes.
MR. BARTON:
I didn't make a motion.
P.O. TONNA:
Yes, you made a second. Just say yes.
LEG. FOLEY:
Yes.
LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.
LEG. TOWLE:
No.
LEG. CARACAPPA:
Yes.
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Pass.
LEG. CRECCA:
Pass.

LEG. D'ANDRE:
Yes.
LEG. BISHOP:
No.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.
P.O. TONNA:
Yeah.
LEG. ALDEN:
Yes.
LEG. CRECCA:
Yes.
MR. BARTON:
16-2.
P.O. TONNA:
Same motion, same second, same vote. Okay. On Bonding Resolution

Number 1223 (Appropriating funds in connection with Fiber Cabling Network and Systems Upgrades), roll call.
MR. BARTON:
We need a motion, Mr. Chairman.
P.O. TONNA:
Motion by myself, second by Legislator Cooper.
LEG. ALDEN:
On --
P.O. TONNA:
On the motion.
LEG. ALDEN:
This is 1223?
P.O. TONNA:
Yep, 1223.
LEG. ALDEN:
Steve, in your committee, did they make a compelling argument for the immediate necessity of this project?
LEG. LEVY:
Well, it's $40,000 for the fiber cable network upgrade. I don't think they stated that any of these particular resolutions were emergencies, it was just a question as to whether or not we thought, you know, they were considered needed for the departments to progress and to do the job that they had to do. If you want to table, that's no problem with me, to get more information from them, but they did not -- they did not state it was an emergency, but I didn't know that, you know, never really been a criteria that things were emergencies before we passed them, but if that's what you'd like to hear from them, fine.
LEG. ALDEN:
I'm going to make just a couple of comments. Number one, if anybody knows the ranking of this, I'd like to hear the ranking of this

project. But number two, it looks like $40,000; is that correct?
LEG. LEVY:
40,000, yes.
LEG. ALDEN:
Again, when you take the $40,000, you bond it out even over ten years, you're adding a considerable amount to the project. And it seems like this just common sense would say maybe falls or should fall within 5-25-5 and be paid for out of current expenses.
LEG. TOWLE:
Mr. Chairman.
P.O. TONNA:
Just hold it. Budget Review, where are you?

LEG. FOLEY:
Mr. Chairman.
P.O. TONNA:
We'd ask that Budget Review get here. Okay? And I'd ask that when we're in session, a representative of Budget Review is here. Thank you.
LEG. FOLEY:
Mr. Chairman.
P.O. TONNA:
Legislator Foley.
LEG. FOLEY:
Thank you. This particular resolution dovetails with a question I had earlier today. If you look at the backup, you'll notice that there was $245,000 in '99 that was never appropriated for this project, and this year they're only asking 40,000. So if we can't get an answer today since, what I would like -- and since we're meeting in two weeks time, I'd like to make a motion to table this particular resolution today to ask them why the monies were not appropriated last year to the tune of $245,000, and that if, in fact, this is an important resolution by virtue of the fact that it has been introduced, then we need to know why these other monies were not appropriated last year, and where the County Exec's Office intends to go with this project in the long term. So at least, just for a two-week period, Mr. Chairman, I would like to make a motion to table, since, as I say, we'll be meeting quite soon about it.
P.O. TONNA:
Okay. There's a motion by Legislator Foley to table this resolution. Is there a second?
LEG. ALDEN:
Second.
P.O. TONNA:
Second by Legislator Alden. On the motion. Just I'd like to address one of the concerns or questions that Legislator Alden had. Utilizing the idea of it's only $40,000, we have right now a 5-25-5 law. If -- and I'd have no problem with this. If you think that there is -- you know, if we need to up the law to a 5-45, or 5-55, the only concern that I have is with this. The criteria of is there an emergency, I don't want to rebuild our infrastructure or make advances waiting for emergencies, that's my only concern. I think I share your concern about making sure that when we're bonding things, because it's really

an additional 50% of the cost, that we make sure that there's a need for it. But I'm not sure if need and an emergency are the same.
LEG. ALDEN:
Then I'm going to have to address a couple of more questions.
LEG. FOLEY:
Just as a follow-up to that very point. If you look again at the backup, Cameron, this is not a 10 or a 15 or a 20-year bond, but is, in

fact, a five-year bond. So there's very, very little interest associated with the principal of the bond.
P.O. TONNA:
I just --
LEG. ALDEN:
And on that point, why would we waste all the time and the extra money on bonding something? Because it does cost money to take to -- into the public to get the public financing. And since this is -- you know, I'll wait until after the vote on the tabling, because we should really hear from Budget Review as far as where we are with authorized --
P.O. TONNA:
Our debt service?
LEG. ALDEN:
-- Capital expenditures and things like that.
P.O. TONNA:
Well, one of the things in this, I think Legislator Alden raises a good issue, that we've gone a long way in the pay-as-you-go. The 5-25-5 law has really helped us with regard to putting things into our Operating Budget and saving on the overall bonding costs in our Capital Program. But maybe what we need to do, and I think Legislator Alden's scrutiny raises the issue, maybe what we need to do is look at next budget process expanding our pay-as-you-go amount of money and then reducing some of our debt service on some of these smaller objects.
LEG. GULDI:
Let my bill out of committee.
P.O. TONNA:
Excuse me?
LEG. GULDI:
Let my bill out of committee, that will expand it.
P.O. TONNA:
All right, George. Anyway, there's a motion and a second to table. Please.
(*Roll Called by Mr. Barton*)
LEG. FOLEY:
Yes, to table.
LEG. ALDEN:
Yes.
P.O. TONNA:
I'd ask Legislators just a little quieter, please, around the horseshoe.
LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes, to table.
LEG. CARACAPPA:
Pass.
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.
LEG. FIELDS:
Yes.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
No.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.
P.O. TONNA:
No.
LEG. CARACAPPA:
Yes.
P.O. TONNA:
Okay.
MR. BARTON:
16-2. It's tabled.

LEG. FOLEY:
Mr. Chairman.
P.O. TONNA:
Tabled.
LEG. FOLEY:
Mr. Chairman, if I may.
P.O. TONNA:
Yes.
LEG. FOLEY:
If either the Ways and Means Chair or the Presiding Officer could speak with the County Exec's Office to be prepared at next week's Ways and Means Committee meeting to discuss the memo dated February 2, 2000 concerning this lost $245,000 regarding --
P.O. TONNA:
On?
LEG. FOLEY:
Regarding this project associated with this resolution.
P.O. TONNA:

Which one, on 1224?
LEG. FOLEY:
1224, the resolution we just tabled.
P.O. TONNA:
Okay. I thought that -- okay.
LEG. FOLEY:
If they can attend the next committee meeting.
LEG. LEVY:
We just tabled 1223.
P.O. TONNA:
Yeah, we just tabled 1223, Brian.
LEG. FOLEY:
1223, rather.
P.O. TONNA:
Okay. Just somebody from my staff. Yeah. Hold it one second, Freddy. Linda Bay, Linda Burkhardt, Ellen Martin, if one of you can get here and just to address Legislator Foley's concern for a letter, I would appreciate that. Okay. Legislator Towle, you want to make a motion?
LEG. TOWLE:
Yeah, I do, Mr. Chairman. I just want to make a motion to waive the rules and discharge from committee 1006 for the purpose of aging for an hour, so that after the public hearings, we can discuss that resolution. I believe there's a copy in everybody's folder today.

LEG. GULDI:
Second.
LEG. LEVY:
What is this bill?
LEG. TOWLE:
It's the repealing the home heating nuisance tax on Suffolk County residents.
P.O. TONNA:
I'd ask, all Legislators, please come to the horseshoe. Okay. Is there a second? Second by Legislator Guldi. Roll call.
LEG. LEVY:
No, before that, Mr. Chairman.
LEG. TOWLE:
Mr. Chairman.
P.O. TONNA:
Yeah, on the motion.
LEG. TOWLE:
I'd be happy to debate the issue. I just want to move it out of committee.
LEG. LEVY:
No. I --
P.O. TONNA:
Well, we don't.
LEG. TOWLE:
I don't want to argue on the merits.
P.O. TONNA:
There's a whole bunch of people who don't.
LEG. LEVY:
I want to debate whether it goes out of committee.

P.O. TONNA:
Well, I think there's -- you want to debate it, or you just want to vote it down?
LEG. LEVY:
Well, I want to tell you why I think we should keep it in committee. I at least have another bill coming forward that is going to identify where we can actually pay for the cut if we're going to do this cut, and I'd rather them all be considered in toto rather than taking them piecemeal that way. So I don't think we should move it forward at this point where we don't specify where we're going to be able to make up that difference. I think we should do it together. Those bills will be forthcoming shortly.

P.O. TONNA:
Legislator Caracciolo.
LEG. CARACCIOLO:
Mr. Chairman, I would agree with Legislator Levy. I think you need a rationale. In order to make a revenue cut in County receipts, you need to have or should have offsetting expenditures. And I have a resolution in that -- going forward, if approved at a subsequent Legislative meeting, would require that any attempt to reduce County expenditures would also require by the sponsor offsetting expenditures. I think that's responsible financial management. That's not to say that the proposal submitted is not being responsible.
P.O. TONNA:
Well, I'd say that.
LEG. CARACCIOLO:
Well, I wouldn't quite go that far.
P.O. TONNA:
I would.
LEG. CARACCIOLO:
I think you could argue it both ways.
P.O. TONNA:
I don't think so.
LEG. CARACCIOLO:
But let me point out, over the past weekend, I had the opportunity to visit my daughter and my son-in-law and my grandchildren Upstate in Rhinebeck, and while I was there, I picked up a local paper, because on the front page was a story about Ulster County proposing to increase their sales tax by a full half percent, and at the same time repealing their home fuel oil tax, which is 3.75%. Now, it's apparent that when you've crunched the numbers in Ulster County, if you're going to forego the receipts taken in by that County for home heating oil, it is probably of the higher magnitude that would require an offsetting sales tax increase. That's not what this sponsor proposes to do.
P.O. TONNA:
That's right.
LEG. CARACCIOLO:
But I think it's, again, an example of good financial management. You have to recover the revenue somewhere and there's only two ways you'd do that, you either do that by increasing taxes prospectively, which in our case would mean either another sales tax increase or property tax increase, or you'd cut County expenditures, which might include our

inability to going forward to replace some of the individuals who took advantage, the some 400 individuals who took advantage of early retirement. So there's a lot that has to be taken into consideration here. I don't see any reason to --

P.O. TONNA:
Absolutely.
LEG. CARACCIOLO:
To leap forward today and that's why I'll support this motion.
P.O. TONNA:
Okay. Let's vote.
LEG. TOWLE:
Mr. Chairman. Mr. Chairman.
P.O. TONNA:
Legislator Towle.
LEG. TOWLE:
First of all, I just want to respond to Legislator Caracciolo. I would also support a resolution. And, you know, if you want to sit down to discuss drafting a resolution requiring offsets for any resolutions that we introduce here, I would support that concept. I think this resolution, though, is clear. The reality is that the impact on this resolution for this year is only going to be the month of December. The bulk of the impact is going to be in next year's budget. We don't discuss next year's budget usually until August or September of this year. And, quite honestly, that's when I believe we would sit down and look at how we're going to deal with our budget situation for next year. There's actually four ways that I thought about it. First of all, as you said, obviously, cutting services; second of all, increasing taxes, both of which are not palatable things. The other instance is new revenue sources such as some of the things that have happened in Suffolk County in this year. And then fourth reason is revenue sources that we've approved for things and we've cut, you know, expenses and have additional revenues in some of the things that we've appropriated already. So, theoretically, there are four ways. But the reality is, to include an offset for every resolution that we pass here would be a good policy issue and I would support that. But that is not the case today, that is not the rules that we live by. We're going to be approving numerous resolutions today that don't necessarily have offsets. And that's not the way we do business. If we want to change that policy, I'm supportive of that.
As far as Legislator Levy's idea of, you know, coming up with a bill attaching the offsets, you know, that's nice. This issue's been kicking around now for two or three months. And while we're kicking around arguing this issue, more so over politics, I think, than policy, all right, based on the recent articles and the comments by some members of this Legislature, I think the people that are really suffering here are the people who are paying over two dollars and change for home heating oil. It is to the point of being outrageous. We're getting into the summer months, and, hopefully, that will -- some of that pressure will be alleviated on them. But now they're going to be faced with the issue of gasoline tax and the issue that's being debated about that issue, now almost two dollars for a gallon of regular gas. And before you know it, September and October will be

here of this year. And, you know, if the situation doesn't change, it's going to be tougher and tougher for people to make ends meet, and

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that's what this bill is.
This tax was put in place as part of an overall plan many years ago in reference to the Southwest Sewer District's financing. It's been repealed over the year and reduced. We're this the last stage of it. Last year, we approved -- the voters approved the final phase of the Southwest Sewer District financial plan. And to continue to collect this tax based on why it was originally implemented is truly a farce to the public of Suffolk County.
P.O. TONNA:
Fred, how much of a hole? Or let you put it in your words. If this was implemented, what would it do to our budget as far as -- Fred. No, this Fred.
MR. POLLERT:
Wrong Fred.
LEG. FOLEY:
He wants an objective answer.
MR. POLLERT:
Well, the Budget Review Office did a fiscal impact statement on it. My recollection, that the annualized impact is in the neighborhood of 15 to $16 million. The impact in 1999 is relatively de minimus, because it is, as Legislator Towle said, it just deals with December of this year, but --
P.O. TONNA:
How much?
MR. POLLERT:
Hold on just a moment. I have to get a copy of the fiscal --
LEG. BINDER:
You mean in the Year 2000.
P.O. TONNA:
Well a million -- no. It will be at least a million dollars. If it's 15 million, in December, it should be a million dollars, right? I mean --
LEG. CARACCIOLO:
Mr. Chairman.
P.O. TONNA:
One-twelfth, possibly, or whatever. Just let me finish and then I would be glad to recognize I think Legislator --
LEG. HALEY:
Point of order. Do we have a second, a motion and second?
P.O. TONNA:
Yeah, we have a motion and a second already.

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LEG. HALEY:
Okay.
P.O. TONNA:
Legislator Haley, Legislator Caracciolo, and Legislator Cooper. Go ahead.
MR. POLLERT:
The cost is -- in 1999 the total revenues that, in fact, we receive is about $13.7 million. When we forecast what the loss would be for 2001,

we had assumed that it would be $15.2 million. The revenue loss this year is about $535,000.
P.O. TONNA:
Okay. Puts a nice -- puts a nice little hole in our budget. This is my point. There was a group that put together a budget omnibus last year. Legislator Towle, as many others, were participants in that. I didn't hear any cry at that time, you know, to sunset this tax or anything else like that. When you put -- when you craft a budget with our cap laws, with our expenditure caps, revenue caps, and everything else, you can't just go out and willy-nilly start plugging holes in it and saying we're going to cut this tax, we're going to cut that tax, we're going to cut this and that. When -- it really concerns me. If I was going to think about a place where I would want to cut taxes, this might be one of the last places that I would think to cut taxes. There is a thousand other places. And all I can say is I think this is fiscally irresponsible.
This is the trouble that Nassau County has when they came up with fake revenues, talking about tax cuts because it was popular with people, and this is -- year after year, when you keep on doing this type of stuff, you're going to spell disaster; okay? This is not a good bill, this is not a good tax we'll have to rescind right now. And it's something that should be taken up in the Year 2000 when we're making our policy decisions with regard to how we want to craft the budget, and the revenues that we project, the revenues that we would like to rescind, that's the time to craft this, not in a time when all it's going to do is put holes in our budget. Anyway, Legislator Haley.
LEG. HALEY:
No. I just had a point of order question before.
P.O. TONNA:
Great. Legislator Caracappa? No?
LEG. CARACCIOLO:
Caracciolo.
P.O. TONNA:
Caracciolo, sorry.
LEG. CARACCIOLO:
Mr. Chairman, first I'd like to applaud the sponsor for making the amendment. But I think that really speaks to the heart of the issue, and that is if it was a -- if it was the sponsor's intent initially to provide some relief for homeowners because of the erroneous increase in

fuel oil over which the County, the State, and as we've learned from the President and from the Energy Secretary, that even our national government doesn't have any control over. That being said, then the financial benefit to taxpayers for the amount of money we're talking about for December of 1999, Fred, if you could just crunch the numbers, please, how much tax relief would this provide the average homeowner? Let's get the answer to that, because I think we have reporters writing this story, that readers and taxpayers need to know what we're really talking about.
P.O. TONNA:
Fred, in other -- what Michael is asking, I see a look of a little quandary there, you know. In other words, in December, in December of --

LEG. CARACCIOLO:
'99.
P.O. TONNA:
-- 1999, we're talking about --
LEG. CRECCA:
2000.
P.O. TONNA:
No. Sorry, it's 2000. How much tax relief -- how much tax relief is this going to present to the normal taxpayer?
MR. POLLERT:
We have it on an aggregated basis of $535,000 for Fiscal 2000. You have approximately 1.4 million people in Suffolk County, so on a --
LEG. HALEY:
Households.
LEG. CARACCIOLO:
You have to do it by --
LEG. HALEY:
Households.
LEG. CARACCIOLO:
By households.
P.O. TONNA:
What percentage of 1% is that?
MR. POLLERT:
It's roughly a one dollar impact per household.
LEG. CARACCIOLO:
So the average household --
MR. POLLERT:
In 2000.

LEG. CARACCIOLO:
-- in Suffolk County would save one dollar. If we move this resolution today, what I would submit, Mr. Chairman, is we take a more responsible approach.
P.O. TONNA:
Absolutely.
LEG. CARACCIOLO:
And that is give ourselves the benefit of time. The sponsor is willing to work, you know, with the body and, hopefully, with the Executive as we prepare the 2001 budget to see what the financial impact would be subsequently. I think that's very responsible. If we're only talking about providing Suffolk County homeowners with a minimal impact for this year, then there should be no rush to judgment today.
P.O. TONNA:
Absolutely. Legislator Cooper, and then Legislator Alden.
LEG. COOPER:
Legislator Caracciolo actually made my main point. I wanted to try to ascertain what the savings would be per household. And if we are talking about a dollar average savings this year, I don't think that going to prevent anyone from being thrown out into the freezing cold, and if so, I'd be pleased to loan someone a dollar to prevent that from happening. And, also, it's going to stop people from being forced to choose between buying food or heating their homes. That's not even a Big Mac, I don't think, so --

P.O. TONNA:
Not even a large french fries. Okay.
LEG. COOPER:
Thank you.
P.O. TONNA:
Thank you. Legislator Alden.
LEG. ALDEN:
I'm going to disagree with the dollar concept, because in my district, pennies count to the people who live in there, so, you know, if we can help them even for the dollar. And I think that this year it's going to take a little time, but I think we're going to find out that we have a windfall actually coming in from what happened. And it's really on the backs of the people in Suffolk County, that because their home heating oil went up and because our tax is a percentage tax, I think that the people ended up spending more money than they would have normally, and that monies going to come to us, and we're going to find that out in a couple of months.
Really, I think this is a good bill. I'm not 100% sure that we should go right now with it, because in a short period of time, we're going to find out, when we get our sales tax revenues and when we see how much we've collected, and I think that that can even point to a little bit more of a break that we could give the taxpayers, and then certainly to the impact, actually, that will speak to the impact.
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So while I support your bill, Freddy, and I think that we do owe it to the people to give them this relief, I'm not sure if I want to do it today or if I want to see some more of the impact and gather a little bit more information.
P.O. TONNA:
We owe the people, if we can give them relief, we owe them in tax stabilization where we can put money away for a rainy day. We don't need anymore tax cuts, especially this one. Anyway, Legislator Towle and then Legislator Crecca.
LEG. TOWLE:
Thank you, Legislator Tonna. Just a point on Legislator Caracciolo and Legislator Cooper's comments. You know, if we're concerned about the $535,000, approximately, during December, I'm more than happy to, you know, amend the bill, taking effect January 1 of 2000. The reality is that was the date we started with just as a process, that was not a -- etched in stone. Quite honestly, if, you know, we want to spin things for the newspapers, as was implied, the reality is, Fred, what's the financial impact for the average homeowner during 2001?
MR. POLLERT:
Roughly $30.
LEG. TOWLE:
Thirty dollars a homeowner. That's interesting, because now we've gone from pennies, as Legislator Alden mentioned, and dollars, as Legislator Cooper offered to do, and I hope his offer still stands to loan anybody $30 now next year that possibly can't make ends meet and have to choose between heating their home or feeding their children. Thirty is a lot of money to a working class family with children in Suffolk County.
It's a lot of money that is being collected by Suffolk County.
And if we want to talk about gimmicks -- thank you, Legislator Tonna.

If we want to talk about gimmicks and we want to talk about falsehoods and not telling the truth and things of that nature, the reality is this tax was put in place to do something that no longer needs to be done, and this money is being rolled into our General Fund, and it's not being used for what it was intended for. And over the years, this Legislature has phased it out along with the support of those County Executives that sat in that office at that time. We have now come to the end of the road. We have taken care of the financial situation in reference to the Southwest Sewer District and we should no longer tax the residents of Suffolk County a 1% surcharge with a necessity. Heating your home is not a luxury. Providing safety with heat, or whatever the fuel source you use, is not a luxury for the working class families of Suffolk County, and $30 is a lot of money, as far as I'm concerned, for the average homeowner.
P.O. TONNA:
Then let's do in the budget process where we can debate.
LEG. TOWLE:
We are, Legislator Tonna.

P.O. TONNA:
No, we're not.
LEG. TOWLE:
It is part of the budget process, if we pass this bill now. When we argue the budget --
P.O. TONNA:
Wait. It was not something that you spoke about in the budget process at all, Fred.
LEG. TOWLE:
When we argue the budget in --
P.O. TONNA:
Was at every one of those meetings.
LEG. TOWLE:
-- August and September, when we argue our budget for 2000, we will know if this policy is passed here today that we need to cut $16 million out the budget. That's what we'd know today. That will be a policy issue, not a political issue --
P.O. TONNA:
Right.
LEG. TOWLE:
-- as you've attempted to spin prior to today and today.
P.O. TONNA:
No. It is a political issue. It's an absolute political issue.
LEG. TOWLE:
No, it's not. It's talk --
P.O. TONNA:
Fred, this is the most disingenuous bill I've ever seen.
LEG. TOWLE:
It's about living up to our responsibilities as members of the County Legislature.
P.O. TONNA:
I can think of a thousand different things hearing people want to spend. Anyway --
LEG. BISHOP:

May I ask a question?
P.O. TONNA:
Legislator Crecca and then -- no. Legislator Crecca goes next --
LEG. BISHOP:
I don't want to make a speech, I just want to ask a question.
00070
P.O. TONNA:
-- then Legislator Binder, then Legislator Caracciolo.
LEG. CRECCA:
I, first of all, agree with the fact that it should be amended to either take effect December 31st or January 1st, so that it doesn't have any fiscal impact on this year. I don't necessarily agree, Mr. Towle, that it has to be done today, but I do agree that -- that to say that this -- to say that this shouldn't be done as we approach the budget process is irresponsible, too. It is a regressive tax. It affects -- this tax affects the poorest of people the most. And, therefore, to say that this tax should just go on is not responsible either.
I would challenge Mr. Tonna and the other Legislators to join me and let's figure out a way to cut $15 million, okay, or make sure that we have a revenue source to put in place, so that we can enact this legislation to eliminate this tax.
P.O. TONNA:
Thank you very much, Legislator Crecca. Legislator Binder.
LEG. BINDER:
I find it very interesting when last year we sit and talk about eliminating the sales tax on clothing and shoes of $110, everybody wanted to do it here, including those who are decrying Legislator Towle's move today, and I didn't hear the spread around the Legislature, "Well, how much is that going to be a month?" "How much is that in a year?" Well, if we figured out on the same basis, if it's 15 million, we figured that could be near 30 million on the outside, so if it's $30 now, we're talking 60. So how much did we save the average household last year? Maybe $60. I guess that's not a lot either. Thirty dollars, $60, I mean, this is not a big deal? Well, why did we do that last year? When we want to do something, we can phrase this any way we want. This is great. Let's do 110 and lower. Let's just do it, because it was the right thing -- last year, it was the right thing to do. Now, this year, a proposal comes up, it's all of a sudden not the right thing to do. So we figure out, well, let's de minimize, let's make it a de minimus cut. It's not a big deal. It's only one dollar in December.
The fact is that Legislator Towle is right when he says that the tax was produced for a particular reason. The reason is no longer valid, and now we're going to eliminate a tax that's no longer valid. That's what we're supposed to do. It no longer exists for the reason that we started it. Well, let's do what government's supposed to do. We started it -- unless we want, in all instances, every time we start a tax for a particular purpose, for people to think that it's going to be the ever-staying tax, it will never go away. And, by the way, that's how generally the public views taxes. Every time we start one, the public views that the tax is forever. We sit here and yell, "Believe us, please believe us, it's just for this. We're only doing it for

this purpose. It's only for right now, it's only for this thing. Don't worry, when this is over, we're going to get rid of the tax." Then we don't do it and then we're surprised that they don't believe us. The fact is the purpose is over.

Now, how much are we talking about? Sixteen million dollars. We have to find a way. That means to eliminate from our budget a revenue source that's no longer valid for the purpose that it was first put in for. That's our job. Just because we have the revenue source for a purpose that is no longer valid doesn't mean that it's ours to use as we will for any purpose that we want to use it for. So let's not always bring this down to the smallest unit. How much is it? A dollar, $30, $60. Let's go to the policy question. The policy question is do we want the 16 million? Then that's fine, let's eliminate this and let's -- if we really need this $16 million, then let's be honest and raise property taxes $16 million. Get rid of the sales tax or this particular oil tax. We get rid of the tax for the purpose that we don't want it for, and if we can't plug that budget hole, if we can't do something about that, then it's incumbent upon us to be honest with the people and raise the taxes somewhere else to take care of the budget. That's what we should do. I would think that our job would be get rid of the tax, do what we can to produce a budget that doesn't need that $16 million.

LEG. POSTAL:
Mr. Chairman.

LEG. D'ANDRE:
Move the question.

LEG. POSTAL:
Who's next.

LEG. GULDI:
Call the question.

P.O. TONNA:
Oh, no.

LEG. TOWLE:
I'm with Legislator D'Andre, move the question.

P.O. TONNA:
Legislator Postal, Caracciolo, and Cooper.

LEG. POSTAL:
First of all, there are clearly so many questions about this that I think at very least, before we act on such a momentous proposal, we should send it back to committee or leave it in committee, so that it can be discussed further. I just listened to Legislator Binder talk about the necessity to cut this. We cut sales tax on clothing and footwear under $110 last year. That's exactly why we need to stop before moving ahead on this, because we eliminated a major revenue with that action, and if we continue to pare away at our revenues, we have the two choices Legislator Binder spoke about. He's absolutely right, we can cut spending. And I'll just remind Legislator Binder that he came to the budget process with an excellent proposal about providing pharmaceuticals for elderly people, because Medicare doesn't cover it. That was a great proposal. We didn't have the money to do the whole thing, so we're going forward with a study that's proposed. I'm a

cosponsor on that. I think it was great. I wish we had the money to do the whole thing. There are a lot of senior citizens who can't afford to buy their medication to keep them out of hospitals. I listened to Legislator Towle talk about the need for lighting along William Floyd Parkway. If you want lighting, we may not have the money to do it. And I heard Legislator Binder say that if we're not willing to cut those things, then let's just raise the property tax. Well, let's take a look at what the most regressive form of taxation is. It's the property tax. The property tax has absolutely no relationship to an individual's worth. And, as I matter of fact, as we see, looking over the border at Nassau County, it's precisely the lowest income people who are overassessed the most. So anybody who thinks that we should eliminate sales tax in favor of raising property taxes is just exacerbating a terribly unfair and most regressive taxing situation.
P.O. TONNA:
Absolutely.
LEG. POSTAL:
So at very least, I would say with all of these issues kind of floating around and questions about this, we should keep this in committee to really take a good look at it and not rush into something that we may very well regret.
LEG. BINDER:
Mr. Chairman, I'd like to --
LEG. CRECCA:
Will the committee look at it, though?
LEG. BINDER:
I'd like to --
LEG. CRECCA:
That's the whole thing.
LEG. BINDER:
Mr. Chairman, I'd like to answer. I'd like to answer the comments --
P.O. TONNA:
I know you would like to --
LEG. BINDER:
-- that were about my comments.
P.O. TONNA:
Just I'd like -- that I'm going to give to the next person, if he wants to extend that. Legislator Caracciolo has the floor, he's next.
LEG. BINDER:
Could I -- could you yield me a couple of --
LEG. CARACCIOLO:
Yeah, I'll be happy to yield.

LEG. BINDER:
-- moments? Thank you. I did not say that we should use the property tax. Basically, you could use any tax, any tax that would be initiated for the specific purpose of filling whatever budget hole. You want to increase the quarter percent sales tax. I would say that our first job would be to make the cuts necessary where we think we can make the cuts, so we don't need to raise the taxes. I used only the property tax as an example, because it would be honest. We'd be saying that we can't cut enough. So that we're honest, we're going to raise taxes somewhere to make up that revenue. But the thing is you don't use a

defunct tax, a tax that was for something else, to fill budget holes now, so we can do a shell game with the people's money.
LEG. CARACCIOLO:
Thank you.
P.O. TONNA:
Legislator Caracciolo.
LEG. CARACCIOLO:
A couple of points, Mr. Chairman. It seems that I recall last month, when we got into this discussion, Legislator Carpenter clarified or asked for clarification of Counsel as to whether or not the money that was going for the home heating oil tax was still being used for the Southwest Sewer District. Counsel, could you refresh my memory as to what your answer was?
MR. SABATINO:
Well, her question was the characterization of the money being money to bail out the Southwest Sewer District, and what I had indicated was that in 1976 or '77, when there was a credit watch in New York City, the ripple effect of that was to make it harder to sell bonds in adjoining municipalities such as Suffolk County, and that the one -- well, actually, it was 3% at the time, was pledged as additional collateral to sewer district bonds, not because the sewer district itself was in trouble, but because New York City, with its bond crisis, had had a ripple effect throughout the --
LEG. CARACCIOLO:
State.
MR. SABATINO:
The region. So the answer to her question was that, no, the money wasn't a direct bailout of Southwest Sewer District problems, because it wasn't directly associated with that.
With regard to the money, now, all of the bonds have been refunded, so there's an enormous amount of money sitting in the escrow accounts to repay those bonds, so this 1% that's left out of the original 3% is really a redundancy, plus, as Legislator Towle indicated before, the referendum on the Quarter Percent Program for an additional thirteen years will provide 33% of that on an annualized basis to go to all sewer districts, which eliminates even any remote additional possibility of there being a financial problem in the sewer district.

LEG. CARACCIOLO:
Okay.
P.O. TONNA:
Thank you.
LEG. CARACCIOLO:
The second point I'd like to make, Mr. Chairman, is that when we consider, or if we were to get to a point in a the budget process to consider raising property taxes, I think it's important for every member to understand that given the tremendous reduction in the County's General Fund --
P.O. TONNA:
Absolutely.
LEG. CARACCIOLO:
-- primarily as a result of Legislative actions over the last seven years, where we have reduced the General Fund of County property taxes

from somewhere about $165 million annually to $53 million annually, over $100 million in property tax relief for the residents of Suffolk County, that in order now to start ratcheting up, the increase requires a cap-piercing vote of the Legislature for not $15 million, but for just $1 million. Next year, when we sit down to do the budget, if the Capital Fund has to be increased by a mere $1 million because of County operations and expenses, it's going to require 14 votes.
P.O. TONNA:
That's right. Okay. Legislator Cooper.
LEG. BISHOP:
The Operating Budget.
P.O. TONNA:
The Operating Budget, yep. Legislator Cooper.
LEG. COOPER:
I just wanted to make the point that I don't really feel that it's fair to compare the vote on 1006 to last year's vote to eliminate the sales tax on clothing and shoes under $110. I wasn't here last year to vote one way or the other on that resolution, although I would have strongly supported it. I think the difference between the two bills, though, is that 1006 would be a clear net loss to the County in tax revenue, whereas the tax relief measure on clothing and shoes could turn out to be a net plus to the County in the end. If this is promoted properly, advertised properly, there's a good chance that the increased business that we'll get from Nassau residents, for example, on not only clothing and shoe purchases, but also other items that are fully taxable will more than make up for the shortfall, and in addition to that, it should be a tremendous boon to small businesses throughout Suffolk County. So I don't feel that it's fair to compare the two, I think it's apples and oranges.
P.O. TONNA:
Okay. And just finally, I mean this is actually very healthy conversation, because we need to talk about the direction that the

Legislature is going to go in with regard to whether we want to go the route of tax stabilization versus tax reduction. And I would just -- I just want to give one possible scenario, and I think Legislator Caracciolo painted a pretty clear picture. We've had record growth in our sales tax every quarter for quite sometime. Anybody who, you know, spent some time with this realized this can't happen forever. The fact is, is we're so dependent on our sales tax revenue right now that the minute that our sales tax revenue dips, we're going to have to raise property taxes. If we raise property taxes, okay, instead of putting money into a tax stabilization fund, which would cushion our -- the raising of property taxes, and Legislator Postal is absolutely correct, the most regressive tax increase that we can ever face is property tax increases. So, if we go down the road of cutting -- of cutting these taxes, first of all, especially when we haven't planned for it in a budget year, which is absolutely irresponsible, but even if we plan for it, okay, the best thing to do, if we really want to plan to have sound, safe budgets is to put money away in tax stabilization so that we can protect the taxpayer. You talk about a dollar, you talk about $30, okay, but every household will be affected with property tax increases if there's a dip in the sales tax. So I say this is a good

healthy place to debate. We should have this debate in a budget process, and it will be a long debate, whether we want to go down the route of tax cuts, which, again, sounds a lot better politically. People tell me, "Don't be talking about no tax cuts." But the fact is, tax stabilization is the direction that this County should go in, all we need to do is look at our neighbors just one County over and you see the irresponsible action by a County Executive and a County Legislature does, and this is something that we should avoid. Let's call the vote.
LEG. POSTAL:
What's the motion?
P.O. TONNA:
The motion is to --
LEG. POSTAL:
Table it?
MS. FARRELL:
Discharge.
MR. BARTON:
Discharge.
P.O. TONNA:
No. The motion is to discharge it out of committee, and so it can age for an hour. And there was a motion and a second.
LEG. CRECCA:
Can I ask one --
P.O. TONNA:
Motion by Legislator Towle, seconded by Legislator --- ledge

MR. BARTON:
Guldi.
LEG. TOWLE:
Guldi.
P.O. TONNA:
Guldi. Call -- roll call.
LEG. TOWLE:
He had a question.
P.O. TONNA:
You want -- you have something you want to say?
LEG. CRECCA:
Yeah. I just want to know, will that committee -- my understanding is that it was tabled subject to call. The only thing I'm asking is that I don't even think this necessarily needs to be addressed today, but will the committee commit to the process of at least looking at this? Because that's -- my concern is that --
P.O. TONNA:
They did. That's why the committee process is there. They looked at it and they tabled it subject to call.
LEG. CRECCA:
I don't know if it was really --
P.O. TONNA:
That's the democratic process.
LEG. TOWLE:
Just to jump in with Legislator Crecca, you know, I'm not so concerned on necessarily moving the bill today as I am to have this discussion.

And my concern is that the comments that have appeared about this issue are not discussion, as today took place, they were more of a political nature. And I think Legislator Levy's bill today only reemphasizes the fact that it's the exact same damn bill that I filed with my name on it, except the fact that we're doing it over a three-year period of time, and --

LEG. LEVY:

And having an offsetting revenue, Fred; big, big difference.

LEG. TOWLE:

Well, Legislator Levy, the reality is that, you know, you don't have a financial plan attached to this. I just took a quick look at it as I was listening to some of the debate.

LEG. LEVY:

Well, read it a little further.

LEG. TOWLE:

You don't. And, second of all, the reality is that the fiscal impact here, as talked about by Budget Review, even if we were to do it in

December of this year, is $535,000 through our County budget, not $15 million this year or 16 million, 535,000. And I've not been unreciprocal to talk about the fact that let's move it to January of 2001, if that's the intention of this Legislature.

P.O. TONNA:

It's not.

LEG. TOWLE:

It's our intention to -- well, obviously, it's not, Legislator Tonna. The issue here is not to vote on this at all, that's the issue here --

P.O. TONNA:

No, the issue is --

LEG. TOWLE:

-- if we want to talk about reality.

P.O. TONNA:

Fred, the issue is it goes through the committee process. You, like anybody else, has the right to put bills in, and it has the -- and it has the right to be debated. It didn't get out of the committee. Okay? You have the right to ask for a discharge.

LEG. TOWLE:

It didn't get out of --

P.O. TONNA:

We're having healthy debate about whether it be discharged.

LEG. TOWLE:

It didn't --

P.O. TONNA:

I think it's a terrible bill.

LEG. TOWLE:

It didn't get out of the committee because --

P.O. TONNA:

My colleagues are going to vote one way or the other.

LEG. TOWLE:

You're right.

P.O. TONNA:

That's the democratic process. You like it, I like it. If it passes, I don't like it. If it doesn't pass, you don't like it. That's

democracy. Anyway, let's call the vote.

(*Roll Called by Mr. Barton*)

LEG. TOWLE:
Yes.

00078

LEG. GULDI:
Yes.
LEG. LEVY:
What's the motion?
P.O. TONNA:
Discharge.
LEG. LEVY:
What is the motion.
LEG. CARACCIOLO:
Discharge.
MR. BARTON:
Discharge.
LEG. TOWLE:
To discharge from committee.
LEG. CARACCIOLO:
No.
LEG. CARACAPPA:
Yes.
LEG. FISHER:
No.
LEG. HALEY:
Yes.
LEG. FOLEY:
No.
LEG. FIELDS:
No.
LEG. ALDEN:
No, to discharge.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
No, to discharge.
LEG. D'ANDRE:
No, to discharge.
LEG. BISHOP:
No.
LEG. POSTAL:
No.

00079

LEG. BINDER:
Yes, so we can publicly vote on it.
LEG. COOPER:
No, to discharge.
LEG. LEVY:
No.
P.O. TONNA:
Nope.
MR. BARTON:

Six.
P.O. TONNA:
Great. Okay. Let's get back to the agenda. Resolution 1224 (Appropriating funds in connection with the implementation of a Cluster Server at Riverhead County Center). Is there a motion? It's a bonding resolution. Roll call. I'll make a motion, seconded by Legislator Levy.
(*Roll Called by Mr. Barton*)
P.O. TONNA:
Yep.
LEG. LEVY:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
LEG. TOWLE:
Yes.
LEG. CARACAPPA:
Yes.
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.
LEG. FOLEY:
Yes.
LEG. FIELDS:
Yes.

LEG. ALDEN:
Pass.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
LEG. ALDEN:
No.
MR. BARTON:
17-1.
P.O. TONNA:
Motion 1242 (Authorizing the transfer of property to the Metropolitan Transportation Authority). Is there a motion?
LEG. TOWLE:

Explanation.
LEG. LEVY:
The train wash facility.
P.O. TONNA:
Let's get a motion and a second first.
MR. BARTON:
Mr. Chairman.
P.O. TONNA:
Let's get a motion and a second and then Legislator Towle.
MR. BARTON:
1224, same motion --
LEG. HALEY:
Second.

MR. BARTON:
-- same second, same vote.
P.O. TONNA:
Oh, yeah, same motion, same second. All in favor? Opposed? Approved. Great. 1242, make a motion by Legislator Levy, second by Legislator Foley. Legislator Towle, you had a question, an explanation?
LEG. TOWLE:
Yeah, just an explanation.
LEG. LEVY:
It's a train washing facility that's been requested by the MTA.
LEG. BISHOP:
Where?
LEG. LEVY:
In Ronkonkoma, on the Long Island Railroad. They wanted an area where they can wash the trains.
LEG. CARACCIOLO:
They're going to take care of your whistle, Steve?
LEG. LEVY:
You know, that's a good idea on --
LEG. TOWLE:
Just a question on --
LEG. LEVY:
-- quid pro quo here.
P.O. TONNA:
As long as they don't wet your whistle.
LEG. FOLEY:
By washing the trains they're going --
P.O. TONNA:
Wait, wait.
LEG. FOLEY:
They're going to wash out the whistle.
P.O. TONNA:
Legislator Towle has the floor.
LEG. TOWLE:
I caught an article the other day about actually washing of airplanes and about how there were some problems with the chemicals that they were washing the airplanes with, hitting with the water and then going into the ground. What is the situation as far as this goes?

LEG. FOLEY:
Good question.
LEG. FISHER:
Good question.
LEG. BISHOP:
Where does the water go?
LEG. LEVY:
We can table it and find out.
LEG. TOWLE:
Yeah, I make a motion to table.
LEG. LEVY:
Motion to table.
LEG. BISHOP:
Motion to table.
LEG. CRECCA:
I'll make a motion to table.
LEG. FOLEY:
I'll second the motion to table, Mr. Chairman, and also to -- maybe it's in the body of the resolution, but what would be the hours of operation that they would clean these? Because there are neighborhoods a little distance away and I just want to make sure the hours of operation don't impact the neighboring community.
P.O. TONNA:
Okay, wait. Just, everybody, just let's -- let's just try to focus on the bill that's in front of us for a second.
LEG. FOLEY:
Second the motion to table.
P.O. TONNA:
There's a motion to table by Legislator --
LEG. LEVY:
I'll make the motion.
LEG. CRECCA:
I did.
P.O. TONNA:
Levy.
P.O. TONNA:
Seconded by Legislator Foley. All in favor? Opposed?
LEG. FISHER:
A question.

LEG. CARACAPPA:
On the motion, just a question.
P.O. TONNA:
On the motion.
LEG. CARACAPPA:
Steve, where, where in Ronkonkoma is the land?
LEG. LEVY:
It's right adjacent to the actual station. I believe it's to the -- I believe it's to the east of the station.
LEG. CARACAPPA:
East and to the --
LEG. FOLEY:

South.
LEG. CARACAPPA:
-- south of the tracks? The Islip or the Brookhaven side?
LEG. FOLEY:
Islip.
LEG. HALEY:
Islip side? No, let's not table this, let's get it done.
LEG. FOLEY:
It's 0500, 0500.
LEG. CARACAPPA:
It's the Islip side? Okay, let's approve it.
P.O. TONNA:
I would ask the committee Chairman --
LEG. LEVY:
It should be Islip based upon the --
LEG. FOLEY:
It's Islip.
P.O. TONNA:
Okay.
LEG. BISHOP:
That's a release to --
P.O. TONNA:
Yeah, let's not release -- no, go ahead.
LEG. CARACAPPA:
Thank you, Mr. Chairman.

P.O. TONNA:
All right. There's a motion and a second. Legislator Alden, I'm sorry, on the motion.
LEG. ALDEN:
Steve, if you can have the MTA at your meeting, I would appreciate if you'd give me notice of it, too, because, basically, the MTA takes a little bit of an attitude with Suffolk County as far as our needs for even overpasses and things like that. And they've continually left us with grade crossings where we continue to have our people killed. And I'd like to address a lot of issues with them if they're going to come out. Thanks.
P.O. TONNA:
Okay. Motion to table, seconded. All in favor? Opposed? Tabled.
MR. BARTON:
18.
P.O. TONNA:
Okay. Number 1245 (Pursuant to G.M.L. Section 72-h to transfer .827+ acres at C.R. 17, Carleton Avenue to the Town of Islip). Is there a motion? Somebody from Islip might like to make the motion? Okay. It's going to fail for a second if you don't have a motion.
LEG. FIELDS:
Motion.
LEG. CARPENTER:
Second.
P.O. TONNA:
Motion by Legislator Fields, seconded by Legislator Carpenter. All in favor? Opposed? Approved.

MR. BARTON:
18.
P.O. TONNA:
Number 1227. (1247 - Amending the 2000 Operating Budget and transferring funds from an escrow account to the Planning Department, Division of Real Estate, for computer based modernization of Division Operations). Is there a motion?
LEG. FIELDS:
1247.
LEG. CRECCA:
1247.
P.O. TONNA:
Sorry, 1247. Is there a motion?
LEG. CARPENTER:
Motion.

LEG. LEVY:
Motion.
P.O. TONNA:
Motion by Legislator Levy, seconded by Legislator Foley. All in favor?
LEG. TOWLE:
Explanation.
P.O. TONNA:
Opposed? On the explanation.
LEG. LEVY:
This is $41,000 that was in escrow since 1987. It was the Emergency Assistance Rehousing Program. It was money that went into this kitty for enhancement of landlord facilities to house Department of Social Services recipients. That money is no longer being used for that purpose. They have an escrow account and they want to use it for the modernization of their division operations, their computers.
P.O. TONNA:
I'm just wondering why we should give them back $45,000.
LEG. HALEY:
Forty-one.
P.O. TONNA:
$41,000.
LEG. LEVY:
Well, you can put it in the reserve fund, you can use it for the computers, you can do whatever you like with it, but it doesn't make sense to keep it in escrow.
P.O. TONNA:
I'm going to make a motion to table subject to call.
LEG. LEVY:
Well, what do you want to do --
P.O. TONNA:
I just don't think -- I think it should stay in Social Services.
LEG. CARPENTER:
It was in the Department --
LEG. POSTAL:
Mr. Chairman.
P.O. TONNA:
Go ahead, yes.

LEG. CARPENTER:
No, no, no, no, it wasn't in Social Services.

00086

LEG. POSTAL:
Can I just suggest that it might be --
LEG. LEVY:
No, it's Real Estate.
LEG. CARPENTER:
It's planning.
LEG. LEVY:
It's planning money.
LEG. CARPENTER:
Yeah, it's planning money.
LEG. LEVY:
Real Estate within Planning.
LEG. POSTAL:
I was going to suggest that, you know, if you have reservations, maybe it could be tabled. What I'm concerned about is the impact on -- we've been reading about people being housed at motels again in this County.
P.O. TONNA:
Right.
LEG. POSTAL:
And I really would like to see an answer to why that is. But if this could have an impact on creating more permanent housing or better transitional housing, I don't think we should kill it. Let's just table it and find out whether it has any relation to that --
LEG. BISHOP:
Second.
LEG. POSTAL:
-- function.
P.O. TONNA:
Motion to table by Legislator --
LEG. HALEY:
Mr. Chairman.
P.O. TONNA:
Yes, go ahead.
LEG. HALEY:
Can we just ask someone from the County Exec to explain that?
P.O. TONNA:
Well, okay. Does somebody from the County Exec that explain this? This is my concern. You ready? I don't think they have people to explain this. Can you explain this bill?

00087

MR. RICHARD:
What I do know is that it's $41,000 basically from escrow for Real Estate to purchase computers. If you wanted a more detailed explanation, I would have to get somebody from Real Estate.
P.O. TONNA:
I think the problem that we're up against, and this is maybe the third or fourth bill that we've -- we were asking questions about today, is that if the County Executive puts in resolutions that they want passed, then they should be here ready to speak about these and advocate the bills that they put into place. If they're not advocating them, then

maybe we should just table them until we get information.
MR. RICHARD:
Well, if there is a possibility --
P.O. TONNA:
That's basically the process.
LEG. HALEY:
Mr. Chairman, why don't we just hold off until after lunch with this. Why not ask them to come up?
P.O. TONNA:
Okay, great.
LEG. LEVY:
Fine.
P.O. TONNA:
Great. Is that agreeable to Legislators? That's fine. Let's do that. Marty, we're going to hold off.
Okay. Resolution Number 1257 (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 reconstruction of C.R. 16, Portion Road at Hans Boulevard, Town of Brookhaven, Suffolk County, New York, C.P. 5511 (aka 3301). Is there a motion?
LEG. CARPENTER:
Motion.
LEG. FISHER:
Motion.
P.O. TONNA:
Motion by Legislator Carpenter, seconded by Legislator Fisher. All in favor? Opposed? Approved. Okay. Number 1244.
MR. BARTON:
18.
DISCHARGED BY PETITION

P.O. TONNA:
(1244 - Amending the 2000 Operating Budget and the Suffolk County Salary and Classification Plan for the Director and Assistant Director of Weights and Measures in the County Executive's Office of Consumer Affairs). I understand that the -- is the County Executive -- I understand they're withdrawing the bill; is that true? No?
MS. FARRELL:
Which one, 1244?
MS. BURKHARDT:
Yes.
LEG. HALEY:
Which one, 1244?
P.O. TONNA:
Yeah. Is there somebody from the County Executive that wants to tell us that they're withdrawing the bill?
MS. GODSMAN:
I don't think they are.
P.O. TONNA:
Well, the people -- my staff has gotten calls from the County Executive's Office.
MS. GODSMAN:

I'll find out.
P.O. TONNA:
Why don't we -- why don't we --
LEG. LEVY:
Lunchtime.
P.O. TONNA:
Okay. Why don't we adjourn for lunch. All in favor? Opposed? Adjourned.
[THE MEETING WAS RECESSED AT 12:30 P.M. AND RESUMED AT 2:35 P.M.]
PUBLIC HEARINGS
D.P.O. LEVY:
Okay. Let's call the meeting to order, please. Let's have a roll call, Henry.
MR. BARTON:
You don't have to.
D.P.O. LEVY:
Okay. Let's not have a roll call. Let me just make sure we have ten.
LEG. CARACAPPA:
You don't need it.

MS. BURKHARDT:
We don't need 10.
MS. FARRELL:
You don't need that either.
MR. BARTON:
Mr. Chairman, the affidavits of publication are in order and the public hearings can begin.
D.P.O. LEVY:
Let's have a roll call, Henry.
(*Roll Called by Mr. Barton*)
MR. BARTON:
We have thirteen Legislators present.
D.P.O. LEVY:
I just want to go a little bit out of order, because we're going to need an hour for the particular legislation to ripen. So this is on the Sayville Ferry. It's -- there's a public hearing today. Upon it being closed, we can discharge the resolution for it to ripen for an hour. So I'm going to make -- Public Hearing 1256, approving the extension of license for Sayville Ferry Service, for Cross Bay Service between Sayville and Fire Island communities. Anyone here to speak on this particular resolution? There being none, I'll make a motion to close, second by Legislator Foley. In favor? Opposed? Motion carries. At this point, I'd like to make a motion to discharge from committee --
LEG. FOLEY:
Second the motion.
D.P.O. LEVY:
-- Resolution 1256, second by Legislator Foley, so that it can age for an hour. In favor? Opposed? Motion carries.
LEG. CARPENTER:
It was distributed?
D.P.O. LEVY:
Yes it has been distributed.

MR. BARTON:
Thirteen.
D.P.O. LEVY:
Now we'll go to the regular course of the hearings.
LEG. CARPENTER:
Mr. Chairman, I'd like to make a motion to discharge 1259 from committee.

00090

D.P.O. LEVY:
Well, I was doing that -- what is that, Legislator Carpenter?
LEG. CARPENTER:
Establishing fee free.
D.P.O. LEVY:
You know, I have a feeling that's going to enter into debate. That's going to start taking --
LEG. CARPENTER:
No. Just to discharge. It has to age an hour.
D.P.O. LEVY:
Even at that, I know there's a number of Legislators that are going to start debating that, and I think it will open a door --
LEG. CARPENTER:
I don't think so.
D.P.O. LEVY:
-- to a lot of others. I'd prefer to go straight into the -- into the public hearing. These people are here to speak on it. Immediately afterwards, we'll go forward.
LEG. CARPENTER:
Well, it was just that you were discharging resolutions, so I though that would be the appropriate time.
D.P.O. LEVY:
No. I just want to say, I had mentioned before, you were out of the room, that was a -- that was an exception, because it was subject to a public hearing. We closed the public hearing and we immediately discharged that one, that's why.
LEG. CARPENTER:
Fine.
D.P.O. LEVY:
Okay. Resolution 1081 (Adopting Local Law No. 2000, a local law to establish animal rights advocacy policy). We do not have any speakers who signed up. We have a motion to close by Legislator Fisher?
LEG. FISHER:
Yes.
D.P.O. LEVY:
Second by Legislator Caracappa. In favor? Opposed? Motion carries. Public hearing 1135, local law to establish a good neighbor public notification policy. We have no cards, no one signed up for this. Motion by Legislator Fisher to close.
LEG. FISHER:
Close.

00091

D.P.O. LEVY:
Second by Legislator Caracappa. In favor?
LEG. FISHER:

May I clarify something about that?
D.P.O. LEVY:
Yes, please do.
LEG. FISHER:
My Aide has distributed a corrected copy for to all Legislators. Please be certain that you're looking at the corrected copy of that resolution.
D.P.O. LEVY:
We have a motion, we have a second. In favor? Opposed? Motion to carry is approved. It is closed.
Public Hearing Number 1136, a Charter Law to extend public safety revenue sharing funds for municipalities. Legislator Guldi's not here I'm assuming he'd want to close that, so I'll make a motion to close, second by Legislator Caracappa. In favor? Opposed? Motion carries.
Resolution for Public Hearing for 1139, a local law to ban the use of MTBE in gasoline sold in Suffolk County.
(Applause)
We have three cards, the first being Cathy Ann Kenny. You have ten minutes, ma'am. Good afternoon. The floor is yours. I don't think that's on.
LEG. FISHER:
I don't think your mike is on.
D.P.O. LEVY:
There's a button on there. Henry, could assist her in putting that on, please? And, please, ma'am, make sure you speak directly into the microphone for our stenographer.
MS. KENNY:
Am I -- okay.
D.P.O. LEVY:
That's good.
MS. KENNY:
Good afternoon, Legislators. My name is Cathy Kenny. I'm the Associate Director for the New York State Petroleum Council. The Petroleum Council represents the major marketers of petroleum products in New York State. Our members include BP Amoco, CITGO, ExxonMobil and Shell/Texaco. I'd like to thank you for giving me time on your agenda this afternoon.
Undoubtedly, reports about drinking water contamination and the use of the additive MTBE in gasoline has heightened the public's concerns

about the health hazards this additive poses to private and public drinking supplies. Therefore, Intro. 1139 represents a bold step in pushing the agenda of federal authorities to remove the 2% oxygen mandate in reformulated gasoline.
The industry shares your frustration with the inaction of both Congress and the U.S. Environmental Protection Agency. For sometime, the industry has been advocating elimination of this 1990 Clean Air Act Amendment requirement. In July of 1999, EPA's own Blue Ribbon Panel, which was established to study this issue, included in its recommendations a reduction in the use of MTBE and congressional action to remove the Clean Air Act Oxygen Mandate.
Recently, the American Lung Association, the National Resource Defense Council, and the Northeast States for Coordinated air use management

which is known by the acronym NESCAUM. Those constitute the environmental regulators in eight Northeast states. New York is part of that coalition. They also announced an effort to get Congress to revamp the federal law. So you're in good company, and, actually, on the side of industry in this endeavor.

What I'd like to do this afternoon is express some of our concerns with the bill as it's presently presented. We first questioned the authority of the County to enact this legislation, but we'll leave that to the lawyers. And above that, we think it is ill-advised to pass local legislation of this nature. You can imagine what price and supply equation will come out to if 51 counties in New York State attempted to pass their own mandates for the components of gasoline. But leaving that issue aside, because I think we're on the same side in this issue, I think the Legislature must understand some of the properties of ethanol, which is the contemplated substitute for MTBE, because if you understand that, you understand why this can't be done overnight. First of all, gasoline produced for ethanol blends requires additional processing. Ethanol, unlike MTBE, raises the volatility of gasoline. So in the summer, that could create more air pollution problems. So it has to be processed through an extra refining method. Ethanol cannot be transferred by pipeline, MTBE is. Ethanol will have to be trucked in or taken by barge to the Northeast from the Midwest. There are no -- railroad is another option, but I checked all the terminals in the New York area, do not have hookups with railroads. Ethanol is highly soluble in water, and for that reason, you can't send it by pipeline. It must done, as I said, by barge or truck.

All of the ethanol is produced in the Midwest. As we stand here this afternoon, there's not one ethanol plant in the Northeast, nor is there any under construction. So you can imagine, those take awhile. Seventy-four percent of the nation's gasoline is reformulated gasoline, that is gasoline that uses MTBE -- excuse me. Seventy-four percent of the reformulated gasoline using MTBE is sold on the East Coast and none of the ethanol is produced here. So you have additional distribution costs, because all of this must be trucked up to New York or barged. Demand for ethanol in the Northeast will be fairly extravagant. We estimate actually the Renewable Fuels Association estimates that the

Northeast will need 680 million gallons a year of ethanol. The current supply is 494 million, so already you have a shortfall. None of the studies, however, include if California goes into the program of banning MTBE. California alone use 281 million.

So as we stand here today, there's already a short supply before we get into the Northeast states or California. This is not to say that we oppose the ethanol substitute. Quite the contrary. API, which is our parent company, has always been oxygenate neutral and has consistently promoted performance standards in regulatory fuel requirements, rather than the formulas dictated by Congress. What we are saying, however, is that if the consumer and the environmental goals we agree upon are to be met, consideration must be given to the practical logistical problems, which exist nationwide and regionally, that will arise with this major change in gasoline components and refining.

I might tell you anecdotally that when California studied this issue over a year ago, the Governor issued an executive order, and in the

executive order the Governor said that he wanted a ban on MTBE in 2002. At the same time in that executive order, he summoned a commission together, not only to look at the environmental problems, but also to look at the price and supply influence. When the Commission came out with its study, they told him that if you banned ethanol -- excuse me, MTBE immediately, the prices on gasoline would be catastrophic, first of all, on supply and demand, and gasoline prices could double. So when the legislation in California was finally passed, the Governor no longer put in the 2002 date, they substituted "as soon as possible" with given due consideration to supply and demand.

So our concern, if I get no other point across today, is that you cannot do this immediately. There are now about 24 states considering MTBE bans and MTBE phaseout. None has enacted a law that will require a 2002 deadline, an immediate deadline, most are looking to the outer years, which is not say somebody won't pass something. But what I want you to realize, that Suffolk County will be the only one to have passed an MTBE ban immediately.

I can almost predict for you the same thing that the California Commission predicted, and that is prices for gasoline in Suffolk County will be catastrophic. They're already rising. There are considerations and bills in Albany to reduce the taxes on gasoline, but that doesn't guarantee that the price of crude will go down either.

So we would like the Legislature to give this serious consideration. The due date that you have in the bill currently says immediate. The California language said as soon as possible giving consideration to price and supply. This will do two things. It may give you a 2002 deadline, if ethanol is available, or it may be a later date also. You put in the equation price and supply. If you start cutting yourself off right now from the rest of the distribution system, I cannot imagine what's going to happen to gasoline prices in Suffolk County. Suffolk County consumes 10% of the gasoline -- excuse me. Long Island consumes about 10% of the gasoline in New York State. It also ranks sixth among 20 major cities in gasoline consumption. So the effect on your consumers I think is going to be more sorely felt here than anywhere else.

I might also finally remark is that in California when the Commission made its prediction, they already have some ethanol plants. One was up and running for using biomass rather than corn, and that facility I think was going to supply 30 million gallons of ethanol. You don't even have any of that in New York.

So with due consideration, we're on your side on this. The only thing we ask is that you give the consumer and the industry time to support you in this environmental endeavor. Thank you very much.

LEG. D'ANDRE:
Steve.
D.P.O. LEVY:
Hold it, Mike.
LEG. FISHER:
Miss Kenny.
D.P.O. LEVY:
Hold it, Michael. We've got Legislator Fisher first, followed by Legislator Haley

MS. KENNY:
Hi.
LEG. FISHER:
How do you do?
MS. KENNY:
How do you do?
LEG. FISHER:
Thank you very much for your well-informed comments. And we have taken many of the points you have made into consideration -- under consideration. And my Aide will be giving you a corrected copy of the legislation in which the applicability section does state that we are asking the phaseout to be done by January 1st, 2004. Okay. And I would like to know how you react to that date of 2004?
MS. KENNY:
With a sigh of relief. There are -- you know, there are certain hurdles and one is the authority to pass this, and, as I said, the advisability. But if I put that aside, 2004 sounds more reasonable. I feel awkward in saying, yeah, 2004 is fine and I'll be ready, or the industry will be ready, but things can happen. You can have a drought in the Midwest and there goes your ethanol. Secondly, if the whole nation now is going to ethanol, right now, we use two oxygenates, if the whole nation's going just to ethanol, there still can be some problems.
LEG. FISHER:
Are you aware that I did not -- well, this resolution does not specifically asked that ethanol replace MTBE, that we are banning MTBE, but we are not dictating what method would be used for the oxygenation

nation of gasoline?
MS. KENNY:
Well, I appreciate that. The problem is ethanol is going to be the most likely substitute because of requirements of the Clean Air Act and other environmental benefits that you get from ethanol, plus it has a long history of use. It's used quite extensively.
MS. FISHER:
On March 10th, Senator Schumer made a statement that he would -- he is exploring, number one, a repeal of the requirement in the 1990 Clean Air Act, amendments to the Clean Air Act that require an oxygenate, and that other technologies are being explored for the oxygenation of gasoline. Do you know anything about any of these other technologies?
MS. KENNY:
One of the proposals was to use alkylates. And, you know, I'm a lawyer, I'm not -- I never heard of MTBE until I --
LEG. FISHER:
Okay. I'm a Spanish teacher.
LEG. HALEY:
Two strikes.
MS. KENNY:
I was an English major, too, so. Alkylates could be used, but I think it costs a lot to produce them and you need a lot of food -- basic stock to do this. I don't even know how it's made. I think Arco is suggesting that, but there's nowhere near you would get the supply. So there's lots of things you can do, and can also build plants in the

northeast.
LEG. FISHER:
Yes.
MS. KENNY:
But, you know, siting these things, getting permits to build them, you know, that could be --
LEG. FISHER:
We realize that and that's why we did extend the phase-out period. Because of the many different considerations that you have mentioned, we reached out not only to different levels of government, but to different regional lawmakers, a variety of lawmakers. And there is a resolution that has been introduced in Nassau County that mirrors the resolution that we've introduced here in Suffolk County. Westchester lawmakers have written to me and indicated that they are also exploring the possibility of introducing a ban on MTBE in their municipalities.
So I believe that it's very clear that regionally we see the danger of this, that it's not Suffolk County in a vacuum reacting to this. There has been concern regarding the entry of MTBE into our groundwater by means of rainwater, and we're not certain how the MTBE is going into the atmosphere. Do you have any -- have you gotten any indications of how that's occurring?

MS. KENNY:
Some of it's just exhaust emissions, tail pipe emissions. MTBE also is on the surface groundwater.
LEG. FISHER:
Yes.
MS. KENNY:
So it just goes back into the atmosphere and actually comes down. I do want to mention, I mean, nothing is good in your water, MTBE or gasoline, or anything else.
LEG. FISHER:
Right.
MS. KENNY:
MTBE is focused on, of course, because it precedes gasoline as not biodegradable, so it lasts much longer. But I think the underground storage tank regulations that were -- in fact, Suffolk County I think led in upgrading the tanks. There were a few more federal requirements. But I think if the County also can use its influence on EPA to enhance its enforcement for that federal program, I know that you have some delegation of the State authority to do it yourself, but I think EPA is for inspectors to do the entire New York State area, so.
LEG. FISHER:
There will be an amended version of this MTBE resolution --
MS. KENNY:
Is that available today?
LEG. FISHER:
-- Which will include -- I will make it available to you.
MS. KENNY:
Thank you.
LEG. FISHER:
Okay?
MS. KENNY:

Thank you so much.
LEG. FISHER:
Thank you very much.
MS. KENNY:
Thank you.
LEG. FISHER:
I believe there's another question.
MS. KENNY:
Oh.

D.P.O. LEVY:
Legislator Haley.
LEG. HALEY:
I appreciate the global perspective you gave us on the use of ethanol and the problems arising in the near future, and that was, obviously, one of my concerns before I've agreed to cosponsor this particular piece of legislation. But what concerns me more than anything else is how unique we are on Long Island, and how dependent we are on our own aquifer and how easily our aquifer is susceptible to the problems with MTBE.
Now I wasn't at the committee, I'm not part of the committee, the Environmental Committee, but I believe I had a conversation a few months ago with the Chairman of the Water Authority, Mike LoGrande, who talked about MTBE showing up in quite a few places throughout the Island, which is pretty scary for us, because, you know, we all realize the problem with MTBE and the fact that it doesn't dissipate, as does other parts of the gasoline.
And so my question to you is, is that while nationally we have to set a timetable for the removal of MTBE, it seems to me that our timetable on Long Island probably should be accelerated to some extent for two reasons. Number one, because we have a very sensitive aquifer and we have -- we use quite a bit of gasoline, as you said, 10% of the State. And secondly, when you add the rainwater possibility to it, that we're in a unique situation that we should perhaps be on the forefront of bringing resolve before the rest of the country, because I know that Westchester is important, and so is California and their emissions. But I'm not sure that their groundwater problems are as significant than ours might be, because we have a sole source aquifer and MTBE in that is going to be with us for decades and I'm concerned about that.
LEG. FISHER:
Centuries.
LEG. HALEY:
Centuries.
MS. KENNY:
With good reason. I mean, I couldn't agree with you more. I own a home in Suffolk County. First thing I did when I bought the house was to test for loads of constituents and one of them was MTBE. So I know personal experience with this and I've heard horror stories from others. The problem is in the distribution system, when supply is -- comes into the New York area and to Long Island, the distribution is set up, so that the deliveries from Long Island actually come through New York. The only thing I could think was possible, if you had an ethanol plant here that was separate, and somebody wanted to put one up

sooner. And, you know, things can be built and people can speed things up before the industry quite often is ready.
One of the important things you have to be aware of is, and the companies are sensitive, too, when your gasoline comes through, you have to test it, and it has to be on spec, and if it's not, the fines are exorbitant. So when they distribute through a whole system, that's

the way they do it; Long Island is included. In fact, RFG is sold in some areas probably where it doesn't have to be sold, just because of the way the distribution system is set up. So the only thing off the top of my head, frankly, is if you had a separate ethanol plant that was built here sooner than others, they could get it to you. Other than that, I think you're stuck with the distribution system the way it's presently laid out. It comes through Colonial Pipeline and Buckeye Pipeline and then is trucked out of New York -- actually, trucked out of New York City. It's delivered quite often by barge from New Jersey. So --
LEG. HALEY:
Thank you.
D.P.O. LEVY:
Mike D'Andre was next.
LEG. D'ANDRE:
One of the things that concerns me is the spiraling --
LEG. HALEY:
Get your mike on.
LEG. D'ANDRE:
Is the spiraling price of gasoline. Your companies are doing very well without, maybe, or anything else, and it's just a matter of what's going to come first, price itself out of the market or price it where we can't even begin to use it, so -- and the gas companies, to their benefit, they've got good running companies, they've got good personnel. They know where they're going tomorrow today. They're not caught by any surprises, as far as I'm concerned. They're well run companies. I can't get an explanation for these spiraling prices at the pumps without maybe, without anything. So what are you going to do for us in that line, besides talking about the excuses of maybe?
MS. KENNY:
Well, I just filled up for a $1.65, that's regular and I pumped it myself, so I'm well aware of the pinch. And it's always the industry. It's gone through its own difficult periods. But the short answer is, last year, at this time, crude was $13, today it's 34. Fifty percent of gasoline costs come from the price of crude. Another 20 or 30% are taxes. The others are distribution. So -- and manufacturing, obviously. If you look at the inflation numbers and average it out, the price of gasoline actually today -- thank you. Is about, for inflation dollars, what it was in 1980. I have a chart showing -- which doesn't give you much sympathy, nor I, when I have to --
LEG. D'ANDRE:
No, no.
MS. KENNY:
-- pull out my pocketbook. But that's the short answer.
LEG. D'ANDRE:
And, as I said to you before, gas companies know today where they're

going tomorrow. They're not caught by surprise. They may act

surprised and --
D.P.O. LEVY:
You're right, mike. And if I could just intervene, we've been discussing this quite a bit in Consumer Affairs and will continue to do so, but I want to keep this focused to MTBE. So I thank you very much, Cathy, for --
MS. KENNY:
Thank you.
D.P.O. LEVY:
-- taking the time to come down to address us.
LEG. D'ANDRE:
And I must tell you, Mr. Chairman --
MS. KENNY:
Thank you.
LEG. FISHER:
Thank you.
LEG. D'ANDRE:
I must tell you, I'm not out to shoot the messenger.
MS. KENNY:
Oh, I'd --
LEG. D'ANDRE:
It's just the gas companies that I have a disdain for.
MS. KENNY:
I knew that from the start.
LEG. D'ANDRE:
Okay.
MS. KENNY:
Thank you.
D.P.O. LEVY:
Before you leave, I'm sorry, Legislator Cooper wanted to be recognized.
LEG. COOPER:
I just had one more question. I don't know whether you can address this or not, but I have heard different stories as to whether or not fuel tanks in Suffolk County have been upgraded in recent years to minimize leakage problems. Can you tell me whether that is the case and what percentage of them have been upgraded?
MS. KENNY:
Yeah. There was a federal requirement by December 21st, 1998, that all tanks, all underground storage tanks had to be upgraded with cathodic protection, secondary containment, leak protection, leak notification, all of these bells and whistles. And among the industry, we complied

quickly. There are probably some and the EPA's investigating, they arrested somebody last year who had thirteen stations with gross violations. So they're really going after the big violators at the moment. My impression, because Suffolk County took an early start on the U.S.T. Program and an aggressive one, I think theirs was in place by 1994. The federal requirement's added a few extra things, but I think Suffolk County was ahead of the game on that, if that answers your question.
LEG. COOPER:

So that relieves some of the pressure for --
LEG. FISHER:
I just wanted to respond to --
LEG. COOPER:
Yeah, go ahead, please.
LEG. FISHER:
But the number that Cathy mentioned was right, by 1993, we were in compliance with it. We had started to move on that.
MS. KENNY:
Thank you.
LEG. COOPER:
Thank you.
D.P.O. LEVY:
Thank you. Robert Smith.
MR. SMITH:
Good afternoon, Ladies and Gentlemen. My name is Robert Smith and I'm from Flanders. We were personally involved with a fuel spill in Flanders by the Metro Gas Station. Subsequently, we have discovered that within a one-block period, we've got seven people over there with cancer, of which my wife happens to be one of them. The spill occurred in 1990. To this date, the DEC has never notified any of us that we're drinking MTBE unless we were over the 50 parts per billion requirement in New York State. To me, that was an atrocity.
My wife was a breast cancer patient 14 years prior. Her immune system was already dissipated. This only brought it about and nobody can tell me differently, that by drinking this additive, even in small quantities did not add to the health causes that has devastated my family.
I am in full support of this legislation. My problem is the time limits. I think that it should be as soon as possible and not four years down the road, because, Ladies and Gentlemen, I'm going to tell you right now, I don't have very much empathy for the oil companies. Since 1986, the oil companies have been using a derivative from the making of natural gas to make MTBE and they used it initially as an {oxidate} or an octane booster in very small amounts. The oil companies, the EPA, and the rest of the country, specifically on the federal lines, have known about the effects of MTBE since the early

'90's. As a matter of fact, I think New Jersey was the first one to sing out the cry and Maine followed suit. So it's not something that's new to these people, it's something that they took full advantage of, because prior to that, they used to have to dispose of the chemicals that was left over from making natural gas and they had to pay to have that disposed of. Well, now they no longer have to pay to have that disposed of, they're able to take anywhere between 14 to 17% of every ten gallons of gasoline, which is a gallon-and-a-half, basically, put that in your tanks and charge you full price for it. I think the only one here that's had the windfall is the oil companies, and they've been sucking that down very, very well. So I have no empathy for the oil companies. But I have a lot of problems with the EPA, because the EPA approved this without ever doing any human ingestion studies.
If you take a look at OSHA, OSHA will tell you there are some very, very harsh and strict requirements in dealing with MTBE, because it

does cause cancer, inhaling it, and it does serve neurological problems with those people who inhale it. Well damn it all to hell, I'll tell you what, it doesn't take very much common sense to realize, if you inhale it and you get cancer, what the hell are you going to do if you drink it? But not one human ingestion study has ever been done in this country, not one.

I've been in contact with ATSDR, the agency for disease and pollution control. These are the people who come out and say, "I give you my papal blessing, there is no health concerns here," and they did that in Flanders. They put it in all our papers. We fought to get public water put into Flanders. It happened at the tune of a $6.3 million bond issue of which it's going to cost us, the taxpayer, somewhere around $27 1/2 million by the time we get through paying for it, and then, on top of that, we had to pay anywhere between 14 to $1,800 to hook up to the water. Well, we're paying through the nose, but the oil companies aren't, and they damn sure should have been a long time ago.

Now, some of the proposals that I have made to my Congressman, Mike Forbes, are as follows, and I hope that you will pick up that banner and run forward with it. I would like to see the amendment to the Clean Air and Water Act done immediately in Congress, and enacted in the Senate, and signed by the President. I would like to see the oil companies convert to ethanol as soon as possible, not drag their heels for another two or three or four years, because they know they can get away with it, but to start acting on it now and to be forced into acting on it now. I would like to see Congress make available to farmers the same -- the same amount of money that they're paying them not to grow a crop, but to be able to give them that subsidy for the next five or six years in order to grow a crop specifically for ethanol, both on the small and large tracks of land. I would also like to see Congress authorize low income -- low interest federal loans in order for these people to tool up to grow a crop.

And, by the way, Ladies and Gentlemen, the federal government each year destroys millions upon millions of bushels of grain and corn in order to keep the price up, so that there's an elevation in the price in the marketplace, so that when you buy your loaf of bread, you're paying $1.29. Release it. Release it now, don't burn it. Make ethanol.

Go after the oil companies and set up a superfund, a superfund to do two things: One, to study the long and the short-term effects of MTBE on the public, and to push that forward as quickly as possible. And the next thing is to help ease the cost of public water being provided to those people who have suffered through this bill, which eases the cost to you people that have to lay out the money as well. The homeowners should not be the only one that is devastated here. I think that both the EPA on the federal side of The House and the oil companies that produce this product are equally responsible and should be held equally accountable.

I also feel that we have to enact on this bill as soon as possible.

And I realize that there's a tremendous amount of pressure on both the County, the State, and the federal government as far as the Legislators are concerned and the Assemblypeople are concerned, because the lobbying efforts done by the oil companies in this country are far and expansive. Don't let that sway you, I beg you.

D.P.O. LEVY:
Thank you.
MR. SMITH:
I beg you. Thank you.
(Applause)
LEG. FISHER:
Steve.
D.P.O. LEVY:
Yes, Legislator Fisher
LEG. FISHER:
Mr. Smith, thank you very much for being here. Thank you for the support on this bill. I just wanted to ask you a question. Were you aware that the EPA has listed MTBE as a possible human carcinogen?
MR. SMITH:
Possible.
LEG. FISHER:
Okay. I just wanted to let you know that that had been --
MR. SMITH:
Yeah.
LEG. FISHER:
-- Listed, so we're on our way to classifying it as a carcinogen.
MR. SMITH:
I'm still waiting for Artie Block to get back to me, who is the Regional Director of ATSDR, with a three-way phone call with his boss down in Atlantic City, because I've questioned everything that these people have done. And let me tell you something, when they put into these newspapers here that there was no apparent health effect problem in Flanders, that included small children, it included our elderly, it

included people like my wife, whose immune system was already, all right, not necessarily up to par. And when they said that there was no apparent health problems, I called them a liar then and I call them a liar now, because there is no basis to their opinion, there is no basis to any fact, they have nothing.
They use a {Craig} System. The {Craig} System is a point of evaluation, and part of that {Craig} System is data that has been received from the EPA. Well, if there's never been any data from the EPA, how the hell are they using the system? And that's my question to them, and that's my question now, and it will be my question until -- I told them, "The only way you're going to shut me up, pal, is to kill me, because I'm coming after you." This is personal for me, this is very personal for me. I can't do nothing for my wife, but maybe I could do something for that child that's down that road or somebody else's grandmother. Remember, the older we get, our immune systems go down. The younger we are, the immune systems are developing. This is common sense, folks, that's all this is.
LEG. FISHER:
Well, Mr. Smith, I think we all take it personally here in Suffolk County, because we have a very vulnerable aquifer here that we have to protect, and that's why we're taking the initiative here. Thank you.
MR. SMITH:
The Peconic Estuary Plan has already shown it in Reeves Bay. It's on the surface water, folks. That is, quote, unquote, our recreational

area out here, and the only damn industry that we have is tourism. Well, when you get rid of the beaches and you get rid of the water that you're drinking, what do you got left for Long Island? I'll tell you what you got, you won't have to worry about a nuclear power plant going up, you're going to have a mass evacuation going over the top of that bridge over there called the Verrazano and people are going to head elsewhere.
LEG. D'ANDRE:
Mr. Chairman, I can understand this gentleman's frustration. Like in Desert Storm, they said there were no disease there and our G.I.'s are all sick. And I can see what you're going through. Government is so far removed and it shouldn't be. They should be at your doorstep taking care of you and your family and finding out the truth.
MR. SMITH:
Well, Mike, I'll tell you what then. For four years, I have begged Suffolk County Health Department to come into Flanders and do a door-to-door study.
LEG. D'ANDRE:
Mr. Chairman, I suggest.
MR. SMITH:
And for four years, sir, they've come to our meetings and they've given us the same crap,"We don't have the funding or the manpower to do it." But I've never seen a piece of legislation come across your desk.

LEG. D'ANDRE:
Mr. Chairman, I haven't been asked for money or anything. I think you should give this the highest priority for this gentleman.
D.P.O. LEVY:
Well, what I recommend, sir, is you contact Legislator Fields, who's the Chair of the Health Committee and any specifics can be discussed there. But for now, we're going to move on to the next speaker.
MR. SMITH:
Thank you very much.
LEG. FISHER:
Thank you, sir.
LEG. D'ANDRE:
Now you know how our G.I.'s feel and how they felt fighting that war and coming home and being told there was nothing with them.
MR. SMITH:
Yes, sir.
D.P.O. LEVY:
Thank you, Mike. Thank you very much, sir. Jack Potere. Welcome, Jack.
MR. POTERE:
Thank you. I'm at the age I have to change glasses here.
LEG. GULDI:
Explain that to me so I can understand it.
MR. POTERE:
I'm going to read my prepared statement, then I'm going to deviate a little bit and make some comments of things I've already heard here this afternoon.
Good afternoon. My name is Jack Potere. I'm the Associate Executive Director of the Long Island Petroleum Dealers and Repair Shop

Association, commonly known as LIPDRA, and the Gasoline and Automotive Service Dealers Association, commonly know as GASDA. These two industry trade associations merged together in September 1999. We now have a combined membership of 1,500 gasoline dealers, station operator/owners from Eastern Long Island, from Amagansett through Nassau, Suffolk County, and the five boroughs. We're also a member of the New York State Association of Service Stations with a statewide membership of 3,500. I want to thank you again for letting me speak here this morning on Legislator Fisher's proposed bill.

Under the 1990 Clean Air Act, Congress required parts of the country that were classified as non-attainment areas to begin in 1995 to use reformulated gasoline, which contains at least 2% oxygen by weight. MTBE has been the most popular oxygen fuel additive because of economic factors, namely cost and transportation. It is used in about 85% of the reformulated gasoline, which accounts for about 30% of all gasoline sold in the country. Gasoline reformulated with MTBE is intended to

improve combustion, allowing engines to run cleaner, thus reducing air pollution. Groundwater wells as -- groundwater wells and some streams and ponds recently have been found to be contaminated with this additive.

While MTBE has been classified as a carcinogen, other chemicals in gasoline, such as benzene and tylene of zylene may be equally an environmental concern. What is the solution then? Is it to ban the combustion engine? I think we all agree that isn't practical to consider such an option, but, rather, to continue to search for a reasonable alternative that will meet the needs of all.

Currently, there are only two replacements for MTBE, butane and ethanol. Butane was replaced because it was volatile and it was an environmental concern due to its help of creation of the ozone. Ethanol seems to be an alternative to MTBE, but there are concerns that I'll have to -- I'll address shortly.

Although this legislation may be well intended, the use of MTBE in gasoline sold in Suffolk County is not practical and may well adversely affect the citizens, the motoring public and the gasoline industry. If ethanol is used as a replacement, and that seems to be the only alternative, numerous problems will arise that need now to be addressed.

Ethanol is made from corn, which is currently produced in the Midwest and the western parts of the country. Transportation is a problem. In addition, there is no storage currently in the Northeast. Also, since November of 1999, the cost of ethanol has risen 20%. These issues alone may cause supply problems, and an increase in the cost, particularly at a time when the motoring public can no longer afford an increase in the price of gasoline. In addition, a local ban would place the gasoline dealers at an unfair competitive disadvantage with other gasoline dealers in neighbor boring counties, thus driving business from Suffolk County into Nassau County.

Last week, a Department of Energy official told lawmakers that the phasing out of MTBE would be the equivalent of losing $400,000 of gasoline per day. And a phase-out should be done gradually to give refiners an opportunity to adapt.

Recently, legislation has been introduced by Senator Peter Fitzgerald

of Illinois to ban the use of MTBE within three years. However, it's widely believed that the EPA may have the authority to order an immediate phase-out of this additive. In addition, the Clinton Administration appears to be moving toward a national phase-out of MTBE. We strongly suggest and we will support an effort by this Legislature to pressure the EPA and Congress to order the elimination of MTBE as a gasoline additive across the country on a national level.
I want to thank you for letting me read my prepared remarks, but now I just want to make a couple of other comments. The way I read the legislation one, of the main problems the retailers has is, again, we're at the bottom of the hill and everything's sliding down. The legislation says that any person operating, owning, running, managing service stations are in the loop of responsibility. We can't test the

product, we don't know what's in the product. All we know is when it comes off that tanker truck, we have to pay for that product. A thousand dollar fine, one year in jail, we just shouldn't be held responsible. If you can move that responsibility to the suppliers and the refine, that would help us, that may help us support this.
Also -- excuse me. Also, one of the concerns is having a local bill like this, as it's been explained before, will create supply problems, causing the price of the product to go up. I would be very hesitant as any Legislator to propose any legislation that would drive the price of gasoline any higher than it is now, and this can very well happen, and I think it's going to happen. I think the focus here, the effort here, and I think if we all come together, should be to pressure the federal government to ban this product across the country. I think we all agree it's a dangerous additive, it's a carcinogen, maybe, possibly is, it is. It shouldn't be there, we know that. When it was first introduced, the retailers, the gasoline dealers associations that I'm a part of were opposed to it. We were in favor of ethanol. But for whatever reason, we have MTBE. So if we're going to get rid of it, let's get rid of it all across the country, so we don't create different zones and chaos, and that's our concern as retailers. It would cause a lot of chaos in the marketplace, and for something where the retailers have no control over. Thank you very much.
D.P.O. LEVY:
Okay.
LEG. ALDEN:
Steve.
D.P.O. LEVY:
Legislator Alden.
LEG. ALDEN:
Hi. Thanks a lot for coming before us. One thing you said is just, if you know the answer to this or if you don't, you said since November of 1999, the cost of ethanol has gone up 20%?
MR. POTERE:
That's correct.
LEG. ALDEN:
Do you have any idea why?
MR. POTERE:
Demand, demand has increased.
LEG. ALDEN:

Not the cost of production or that there was a drought situation that reduced --
LEG. D'ANDRE:
They won't tell you that.
LEG. ALDEN:
What?

00107

LEG. D'ANDRE:
They won't tell you that. They jack it up.
D.P.O. LEVY:
Let him answer the question. Go ahead, sir. Go ahead, Jack.
MR. POTERE:
I can only tell you what I know.
LEG. ALDEN:
Yeah. No, I know.
MR. POTERE:
And what I know is the price -- we have nothing to do with ethanol. Ethanol is grown on farms in the Midwest. They have plants that produce it out there. What we've been told, what we've read and our information has told us the price of ethanol has climbed 20% since November and it's due to the demand of the product.
LEG. ALDEN:
Okay, thanks.
D.P.O. LEVY:
Okay. Thank you, Jack. Last speaker on this hearing, Henry Bokuniewicz.
LEG. FISHER:
Bokuniewicz.
D.P.O. LEVY:
Oh, close enough. Oh, is that a "J"? It looks like an "S" to me. Bokuniewicz. Bokuniewicz.
MR. BOKUNIEWICZ:
Bokuniewicz. That's much closer.
D.P.O. LEVY:
Okay. I'll buy whatever you tell me on that name.
LEG. GULDI:
That's why some people have names with four letters.
D.P.O. LEVY:
Right.
LEG. GULDI:
That's all they can handle.
MR. BOKUNIEWICZ:
I'm Henry Bokuniewicz from the State University of New York. I'm a Professor of Oceanography at Marine Sciences Research Center, and I'm also Director of the University's Long Island Groundwater Resource Institute. And I'm just here to reinforce your resolve on a ban on MTBE.

00108

As you've heard, some MTBE has been in our gasoline for over 20 years. It's been there as a replacement for led at first to boost the octane. But over the last decade, increased quantities of MTBE have been in gasoline as an oxygenate intended to improve air quality. MTBE is now the leading organic chemical produced in the United States. The

evidence is that it has not been effective contributor to air quality, but it has become the most ubiquitous contaminant in the nation's water. The nature of MTBE makes it spread easily through the air and it makes it easy to reach groundwater. Once there, it can spread almost unimpeded. It's very persistent and it's very difficult to remove. Leaky storage tanks and spills pose major threats, of course, but wherever gasoline is used, there's some risk. A few gallons of spilled product can contaminate millions of gallons of drinking water, and this is why MTBE is such a threat to the country's drinking water supplies now.

Long Island's water supply is special. We are a sole source aquifer, one of the largest or the largest groundwater aquifer public water supply in the country. Long Island's public water supply is not yet contaminated, but we have to be vigilant and take action now. The sources of MTBE must be removed. As a result of spills and emissions, MTBE is even now in the ground and is moving towards our water supplies. MTBE must be eliminated from the groundwater before it reaches those supplies. So I commend the Legislature for seeking to ban MTBE. It's a hazardous chemical and remains a looming threat to public health. Thank you.

D.P.O. LEVY:

Legislator Fisher?

LEG. FISHER:

Hi, Henry. Thank you so much for being here. Your expertise is certainly very well appreciated. The speaker before you mentioned other constituents of gasoline such as benzene. And I understand that there's quite a bit of difference between benzene and MTBE as far as the persistence of MTBE and the widespread nature of MTBE in our water supply. Can you explain to us what the difference is between benzene and MTBE and why we have to be more vigilant with regards to MTBE?

MR. BOKUNIEWICZ:

Well, MTBE is much more mobile in groundwater, for one thing. It can spread faster and farther than the {Betex} products. Also, it is persistent. It does not decay away naturally in the groundwater system, as do other types of contaminants. Another part of its behavior is that it's very volatile and it gets into the air at very low levels, but into the air nonetheless and --

LEG. FISHER:

And that's why it gets into the rainwater.

MR. BOKUNIEWICZ:

And then comes out as rainwater. So even if you have a contamination problem in one part of the Island, that could be spreading MTBE to other unaffected areas. Now this happens at very low levels, but as long as the source is there, will continue to happen and continue to accumulate in the groundwater.

LEG. FISHER:

Thank you, Henry.

LEG. D'ANDRE:

Mr. Chairman.

D.P.O. LEVY:

Mike, on this particular hearing, please.

LEG. D'ANDRE:

The man with the hard name to pronounce.
MR. BOKUNIEWICZ:
Henry is fine.
LEG. D'ANDRE:
Henry. Henry, you know what gets me, with these volatile chemicals and the fact that we have a sole source aquifer, that when that's gone, there's nothing else besides rainwater. Why the powers that be all the way to Washington doesn't designate Long Island as a special area, whereby none of these -- I can take five miles less per gallon, or 10 or 20 miles less per gallon to not have these contaminants come in, so why do we need speed alleys and all the rest that go with it? Why don't we simply revert back to the old fashioned four cylinder motor, five cylinder motor and keep these chemicals out of there and protect our sole source aquifer? It's not that difficult. But paying attention seems to be a monstrous job. You tell me. You're in the business. You tell me what you hear.
MR. BOKUNIEWICZ:
Well, I'm a scientist. I don't know if I can answer that kind of a -- that question.
LEG. D'ANDRE:
Oh, you certainly can answer that.
MR. BOKUNIEWICZ:
But, as I said before, Long Island is special, as you realize.
LEG. D'ANDRE:
Yes, yes.
MR. BOKUNIEWICZ:
And I think it is incumbent on us to make special efforts to get these things done and to remove these sources of contamination. They're just going to get worse if we don't take action.
LEG. D'ANDRE:
I grew flowers all my life, and about 30, 40 years ago, they had to stop growing orchids on Long Island, because the air is not pure anymore, given the exhaust of the vehicles, and so on and so forth, so these facts we all know. They're not -- it's not a surprise to anybody. So why aren't you scientists coming up with these solutions for Long Island? Give us a choice and say, "Look, you can go this route, you can go that route."

D.P.O. LEVY:
Okay.
LEG. D'ANDRE:
"No chemical route, you can go this route."
D.P.O. LEVY:
Thank you, Jack.
LEG. D'ANDRE:
You know what I'm saying?
D.P.O. LEVY:
Not Jack, Henry.
LEG. D'ANDRE:
You tell me why you don't do that.
D.P.O. LEVY:
All right. Henry, you don't have to respond at this point.
LEG. D'ANDRE:

Why?
D.P.O. LEVY:
We've got a lot of other speakers and we appreciate you coming down and giving us your thoughts on that.
LEG. D'ANDRE:
He's a scientist, Steve, I'd like to hear from him.
D.P.O. LEVY:
Yeah, I know. We're trying to keep this as to the point as possible on this particular hearing. So perhaps, again, it's something that we can entertain in the Energy and Environment Committee.
MR. BOKUNIEWICZ:
Thank you.
D.P.O. LEVY:
But thank you very much for coming by seven. We have -- I don't see Legislator Fisher. I assume -- do you know if she wants to -- let's --
LEG. TOWLE:
Yeah, close.
LEG. CRECCA:
Close the hearing.
D.P.O. LEVY:
Make a motion to close by Legislator Crecca, second by Legislator Fields.
MR. PROSPECT:
Mr. Levy.

D.P.O. LEVY:
Wayne? Anybody else wish to speak after Mr. Prospect? State your name for the record, please, Wayne, for the stenographer.
MR. PROSPECT:
Wayne Prospect. You look good up there, Steve. I just wanted to make a few observations on Legislator Fisher's legislation. The point was made by a Mr. Smith, the gentleman who I don't know, that MTBE is a hazardous waste product. What you should really understand is that if the oil industry was not marketing MTBE and creating a $50 billion plus industry nationwide, they would be spending tens of millions of dollars to get rid of the substance, because MTBE is a waste product in the gas refining process. It's a waste product that they would have to get rid of, they would have to spend their own money, their own dollars to get rid of the stuff. But, instead, they've come up with a scam, they've come up with a scam to put it in your gasoline and to force you to pay for it and to create a $50 billion plus industry. So think about it. Here is a waste product. All industries have waste product that they have to spend money to get rid of. Here they're spending money on a waste product, they're not spending money to get rid of it, they're making a profit on it. They've created an MTBE industry, if you will. The whole thing is a total scam, it's a scam of the people of the country. We've spent in 20 years tens of millions of dollars on Long Island, or specifically in Suffolk County, to protect our drinking water supply, and now we're surprised by this MTBE additive. And as the point was made by others, the effect on air quality, which was supposedly the rationale to add this oxygenate, the affect on air quality is negligible. So this is not a trade-off between air quality or in groundwater. MTBE has negligible impact, negligible impact on

air quality. You can take it out of the gasoline as an oxygenate tomorrow and no one will miss it.
The oil industry knew back when the legislation was passed that this was a dangerous product. The EPA knew the same thing. There's legal culpability here in my judgment. There's going to be an economic cost to get this stuff out of the drinking water. Who's going to pay for it, us? Shouldn't the oil industry bear some responsibility? Seems to me there could be a RICO action here.
I urge all of you to get a copy of the transcripts of a 60 Minutes broadcast six, seven months ago, because it was documented what the oil industry knew and when they knew it, and they knew this was bad stuff. They had all the documents in-house, but, yet, it was marketed anyway to all of us. So, Members of the Legislature, this is a scam. Suffolk County, I understand the phase-in in 2004. You have to -- you know it's hard for us to remove it just by ourselves, so I understand the logic of the 2004 threshold. You may want to consider putting in the legislation urging the State of New York to act and get this out of the gasoline immediately.
Again, think about RICO. Once upon a time, this Legislature was effective in bringing a RICO action against a, let us say, a runaway utility. Well, here we have a runaway industry that deliberately marketed a product that they knew was hazardous to the public health,

it was marketed anyway. EPA officials knew it was bad, they approved it anyway. Seems to me someone should take -- should be accountable for it and not just the pocketbook of the people of Suffolk County. With that, I wish you good luck.
LEG. FOLEY:
Thank you, Wayne.
(Applause)
D.P.O. LEVY:
Was there anyone else on this particular hearing? This particular hearing. Hearing none, we have a motion by Legislator Fisher --
LEG. FISHER:
To close.
D.P.O. LEVY:
-- to close, second by Legislator Guldi. In favor? Opposed? Motion carries.
I'm going to deviate for one second. There are three people who were here this morning and their cards did not -- were not gotten to. And since there's only three, I'm going to make a motion to recess these hearings for ten minutes until quarter to four, and go back to the public portion for these three people, so they can get out of here. They've been here all day. Second by Legislator Guldi. In favor? Opposed? Motion carries. Back to the public portion. Anne Mayer-Kristiansen.
MS. MAYER-KRISTIANSEN:
Hello.
D.P.O. LEVY:
Good afternoon.
MS. MAYER-KRISTIANSEN:
I'm back. I was here in the fall of last year. This relates to the use of pesticides and the West Nile Virus and the threat that's going

to be upon us probably in the near future. I'm a health advocate. I work very carefully to protect the health of my family and my children in terms of what we eat, and this spraying of pesticides is something that's out of my control. And if it continues and persists, people of my mind-set are thinking of actually moving off of Long Island, because we don't know what the long-term health effects are. And it's no different than this MTBE that we're talking about, except it's something that we're doing to ourselves, not something that the chemical industry is doing. And I have to say it's because of efforts of activists like myself that brought this issue to the attention of this Legislature, and also to the media, and some good things have actually come out of it, and that the State is proposing some outlines in terms of how we're going to deal with this West Nile Virus, should it show itself again. But the concern is, is that they have spraying still as a last resort. And I'm not sure what that means, what the last resort is. Does that mean one case? Because we were told by the Health Department that it just takes one person to make an epidemic.

And it won't -- it seems to me that it's not going to take long before we have an epidemic on our hands again.

What is of great concern to me presently, as in today and yesterday, is that the Long Island Landscapers and Gardeners Association is presently certifying landscapers across Long Island to be able to deal with this mosquito issue, and that means that they're going to be able to spray neurotoxins on their neighbors with every person that calls for this kind of attention to take care of the mosquitoes on their property.

And as much as the State is trying to come up with some sort of protocol, the protocol is meaningless, as long as landscapers are going to be able to be called at will to come and spray these kind of toxins. This program, which as I said is taking place, it's a 12-hour certification course, and by Thursday of this week, they are going to be certified by the DEC to be able to use these chemicals. And I think it should be mandated by this body to stop this certification, or at least have some sort of controls over it.

Another area that is of concern to me is the accountability of the information that comes out of the Health Department. I know we talked about that last time. But just like there's disparagement laws about what you can say about beef, and what you can say about food, and what you can say about vegetables, it seems to me that there should be laws about, for example this man who stood here before and told us about how the people in Flanders were told that there was no health issues or concerns in the newspapers. And the press puts out misinformation, but the misinformation, too, is coming from Health Department, and there have to be laws, it seems to me, to regulate the truth of the information that comes out of these venues.

D.P.O. LEVY:

You're just about through with the three minutes.

MS. MAYER-KRISTIANSEN:

Sure.

D.P.O. LEVY:

If you just want to wrap up, please, Anne Marie.

MS. MAYER-KRISTIANSEN:

I'd like to say, the health department, if they do resort to spraying

and declare that this is an emergency or health emergency, that they should treat it like one, that schools should be closed, children should not be allowed to go to-and-fro and people travel and commuting while they're spraying toxic chemicals on our heads, which, in fact, leak into the water, and leak into our aquifer, and leak into our -- the bay, and the reason that we have lobsters dying and fish dying. And I don't hear anybody talking about this is why the lobsters are dying, but it's a good place to look.
D.P.O. LEVY:
Okay.
MS. MAYER-KRISTIANSEN:
And then I'd just finally like to say that policy at the Health Department, they should be held accountable. It should not be a

popularity poll, as Gaffney tried to suggest, that he had more calls from people saying that they wanted to sprayed. Well, if you turned on Channel 12 and saw that the way that they were showing the map of the dead birds, implying that all these birds had died from encephalitis, which they hadn't, but implication was there that these people were begging to be sprayed. And I would say that their department should make these decisions of using pesticides. They should really use alternatives to pesticides, or there's a possibility of actually doing nothing as a solution.
D.P.O. LEVY:
I've got two other speakers to fit in for six minutes, so if you --
MS. MAYER-KRISTIANSEN:
I understand. But they should use good, sound environmental science, not take a poll from the people who call, "We want to be sprayed," and use that as the basis of poisoning children and the whole populous because of seven people who had compromised immune systems, and we don't even have the profiles on those people. We should have those profiles. You guys should know what the profiles were, so that you can understand why they perished as a result of this disease and not poison the entire populous.
D.P.O. LEVY:
Thank you, Anne. Thank you very much. Next speaker, Bettina Barbier.
MS. BARBIER:
Good afternoon.
D.P.O. LEVY:
Good afternoon.
MS. BARBIER:
My name is Bettina Barbier, I live in Huntington. I got just over three minutes, so I'll go as fast as I can. I'm also here to talk about the problem of West Nile-Like Virus and the pesticides that may again be used because of it. Comparatively little is known about this disease. Nobody seems to acknowledge that we --
D.P.O. LEVY:
Bettina, can you just speak into the mike, so everyone can hear you? That's great.
MS. BARBIER:
I'm sorry. Comparatively little is known about the West Nile Virus. Nobody seems to acknowledge that we don't know that much about the pesticides either. The EPA, when it registers a substance, makes no

representation regarding the safety of the substance. We have had many examples of chemicals and drugs that seemed great at first, but then turned out to be dangerous and caused worse problems than they were intended to solve. It has been shown that there are health problems with some of the chemicals being used in this case. It is suspected that most of the pesticides in use today, especially combined with each other, have effects that we do not yet know or understand. The breast cancer rates here on Long Island set alongside our high rate of pesticide use are certainly suggestive.

Something has changed that is causing the rise in these diseases over the last 50 or 100 years. There is one change that we know about for certain and that is greater use of all these pesticides. Does it not make sense to try to reduce their usage? When these chemicals are suspected of causing these horrible diseases in so many people, does it make sense to use them especially against something that realistically threatens so few people as the West Nile Virus really does.

The news coverage of this situation has been misleading and sensationalistic. The networks have been priming the pump for the coming summer for months already. They've aired segments like the one titled "The Birds", warning that the disease would be back, and implying that things are much worse than they really are.

Then we had Nassau County's Health Commissioner on the local news claiming that it was perfectly safe to go right out into the pesticide mist as they were being sprayed. As I understand it, it is actually illegal to represent a pesticide as safe under EPA regulation.

Children were sent home from school with fliers claiming safety for these sprays, implying that they pose no threat to health. The thing is it's impossible to tell what illness today exists because of past exposure. We all want to be able that they wouldn't let us do it if it wasn't safe, but who are they? To the average citizen, they are you, our Legislators. You make the laws that govern these things. People think you know the details of what is or is not safe.

It is my understanding that you depend on the County Health Office and its employees to give you the information you need to make good laws on these issues. Unfortunately, the process breaks down when those people, whether from the bias of the system they were educated under, or convenience, or personal philosophy turn a blind eye to some of the evidence. I believe that you would prefer to do the thing that you believe causes the least harm. But to be -- it seems to be more convenient and popular to believe that these chemicals are the boons to humanity they are portrayed as by the companies who make them, and by the so-called experts who recommend them for whatever reason, even in the face of compelling evidence. Just look at the people --

D.P.O. LEVY:

Bettina, if you could just start wrapping up. Your three minutes are up.

MS. BARBIER:

Yeah, I'm just about done.

D.P.O. LEVY:

Sure.

MS. BARBIER:

Just look at the people who work with these chemicals who get these

illnesses in such greater numbers than the general population, then look at the rise in incidents of these illnesses in the general population.
I ask you to look deep in your hearts and ask yourselves whether you

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want your children or grandchildren out on the lawn during this spraying or in the day or two after the spraying. Given that the EPA has never said these things are safe, and that even as we speak, they are studying whether to reclassify one of them as a carcinogen, and that such reclassifications have happened on more than a few occasions. Thank you very much.
D.P.O. LEVY:
Thank you very much.
LEG. BISHOP:
May I just --
D.P.O. LEVY:
Legislator Bishop.
LEG. BISHOP:
I want to let you and the previous speaker know, and I know you've waited a long time to speak, that not only did the Legislature hear you today, but we've taken actions in the last few months during the winter in accord with your concerns. For example, when the Operating Budget came out, the administration proposed, I believe I have these numbers correct, a $1.2 million increase in vector control. About a quarter of that they attributed to additional spraying of chemicals. We removed that portion, one quarter of that increase, and told them to take the remainder -- remaining three-quarters and focus on preventative measures such as trenching and public information campaigns. In addition, Legislator Fields has filed a bill, which is -- before you leave, you should get a copy of it, it's in the current packet, which --
MS. BARBIER:
The Last Resort.
LEG. BISHOP:
Right, the Last Resort Bill, which reinforces that policy direction we took in the budge process. So we are concerned. We want to make sure that the first priority in fighting the potential outbreak is in prevention, not in reactive spraying.
MS. BARBIER:
Thank you.
D.P.O. LEVY:
I'm going to make a motion to extend the public portion for three more minutes, second by Legislator Fisher. In favor? Opposed? Motion carries. Last speaker, Bob DiBenedetto.
MR. DI BENEDETTO:
Hello. It's nice to see you all again. My name is Bob DiBenedetto, I run EarthSave. And EarthSave is now currently aligned with probably 30 other health environmental and breast cancer groups, and the reason we're aligned is because of what happened last year, because of the pesticide spraying. And what we've seen is that there's a lot more going on than just the spraying of malathion and Anvil.

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Last year I told you that these pesticide used are not safe. They

continue to be not safe. But regardless of what you're told about the safety of these pesticides, let me ask all of you some questions, and this is something that you have to ask to the Health Department. How do the pesticides being used react with the other 16 million pounds and two million gallons of pesticides used in New York State? How do they do this? They have no idea. Let me name you what these chemicals, these 16 million pounds and two million gallons do to us. They are known carcinogens, probable and likely carcinogens, possible carcinogens, reproductive/developmental toxins, neurotoxins, and endocrine disrupters. How do they all work together with MTBE? We don't know. The Health Department does not know. What we'd like to see is them erring on the side of safety. The way they erred last year was on the side of letting us think that pesticides were safe, and we are not supporting that anymore.

These pesticides that we're using, we were talking about MTBE being a possible carcinogen. Sumithrin, which was sprayed all throughout Nassau and Suffolk as well, contains a synergist which is a possible human carcinogen, piperonal butoxide. Are you all aware of that? This pesticide also is known to be a hormone disrupter. Do you know what a hormone disrupter is? You probably do because of all the breast cancer. Hormone disrupters, or breast cancer causers, or estrogen mimickers and other chemicals are currently viewed by many as a major health risk for breast cancer, prostate cancer, and other hormone sensitive tissue. Over two-thirds of women with breast cancer have estrogen dependance breast cancer, which is why so many breast cancer groups are joining with us to speak out against this action.

Now, there's been new information on malathion coming out since last year, and I don't know if you've all heard it or not, but I'll just refresh your memories in case you haven't. The cancer-causing potential of malathion has been debated for the last 20, 30 years, since the 1980's, and according to someone at the USDA, the EPA is considering changing the registration status of malathion because of studies that suggest it could be a low level human carcinogen. Our officials should declare a moratorium on using this pesticide until this is determined. Also, malathion was used in Florida. Over the winter, since we sprayed, the CBC has come out and confirms that 123 people in Tampa, Florida were classified as probable or possible cases of acute pesticide related illnesses after they used malathion. Now, this is after we used it.

If you look at the documents coming out of California, you look at the neurologists, the toxicologists, everyone's speaking about malathion, you see that there is a major problem with it, as there is with the Sumithrin and the Anvil. We've got to stop this, we've got to pull the plug now.

The West Nile Virus Response Plan that New York State came out with was good, but it had a lot of flaws, including not mandating the proper funding and various other aspects, and I'll give you a copy of this. Together, we will, together with the coalition that I told you about, put together a response to their response plan, and this is available for you to see. It basically discusses the fact that these chemicals are dangerous, that deet, which was suggested to be used last year,

even for children, and it's known to be, by the EPA, to be not child

safe. This is what we were telling kids to use.
We see this one man who has a wife, and a family, that had cancer and it makes you want to cry. But when we see that there are tens of thousands of other people who have cancers, we don't know why, but we know that many of them are preventable. And there are two things we can do, we can take the chemicals out of our society and we can take our -- clean up our diets and eat foods that are cleaning up our bodies, and in doing this type of thing, we can prevent hundreds of thousands of cancers every year. This is not conjecture, this is according to the best known studies on this topic.
So this is our responsibility now, this is your responsibility and ours. Together with this coalition, we're going to be here to offer you information, so that we give you everything we know about these pesticides and this becomes available to you. I hear the bell. This information will be what is going to enable you and our Nassau and Suffolk County Departments of Health to say no to spraying, because if you have the truth on these pesticides, you can present it alongside with the truth about the West Nile Virus. The West Nile Virus affected immune-compromised people, so do the pesticides, but they also effect everyone else in the population, including the very young, the very old, and everyone who breathes this in this year, for ten years from now. The legacy of DDT stopped on Long Island. Rachel Carson was here to fight it. We have the opportunity to stop the use of all these other chemicals, and I ask you to join us in doing that. Thank you.
D.P.O. LEVY:
Thank you, Bob. Thank you very much. Okay. We're finished with the public portion. We will go back now to the public hearing. Public hearing regarding Introductory Resolution 1146, a local law to require well water testing prior to acquisition of residential homes.
Legislator Caracappa, motion to close?
LEG. CARACAPPA:
Yes, sir.
LEG. CARACCIOLO:
Second.
D.P.O. LEVY:
Second by Legislator Caracciolo. In favor? Opposed? Carries. It is closed.
Public Hearing 1151, a local law to create a Suffolk County Ferry Advisory Committee. We have a number of speakers here. George Hafele, I believe. Correct me if I'm wrong with the pronunciation.
MR. HAFELE:
Very good, Mr. Chairman.
D.P.O. LEVY:
Okay, thank you. It's good to get one right today.

MR. HAFELE:
Good afternoon, Mr. Chairman. My name is George Hafele, I'm the President of the Fire Island Ferries, a privately owned company in Bay Shore. I have some concerns with regard to proposal -- to the proposed Ferry Advisory Committee, I.R.
My company serves the western most segment of Fire Island, specifically Ocean Bay Park in the Town of Brookhaven, Seaview, Atlantique, Dune Wood, Fair Harbor and Kismet in the Town of Islip, and the Incorporated

Villages of Ocean Beach and Saltaire. All of these communities are located on the Fire Island National Seashore under the direction of the National Park Service through the United States Department of the Interior. The Islip portion of Fire Island lies within Legislator Carpenter's district, the Brookhaven portion lies within Legislator Foley's district, and our main terminal and properties in Bay Shore lie in Legislator Alden's district.

In addition to the Department of the Interior and the Suffolk County Legislature, the operation of Fire Island Ferries receives oversight in varying degrees from the United States Department of Transportation, the United States Coast Guard, the U.S. Justice Department, the Environmental Protection Agency, OSHA, the New York State Department of Environmental Conservation, New York State Department of Labor, the Suffolk County Police Department, the Islip Town Supervisor, the Islip Town Harbor Police, the Islip Town Department of Parks and Recreation, the Board of Trustees of the Villages of Saltaire and Ocean Beach, and also the Suffolk County Legislature's Energy and Environmental Committee, and now, if I.R. 151 is enacted into law, the Suffolk County Ferry Advisory Committee as well.

At a time when all levels of government are trying to streamline government services, deregulate private businesses and remove layers of bureaucracy, the Suffolk County Legislature seems poised to move in the opposite direction by duplicating services already available to our ridership.

There are five ferry companies -- there are five companies in Suffolk County that will be affected by this proposed legislation. It is proposed that there will be five members of this advisory committee. The members of the proposed committee will be as follows: The Chairperson of the Energy and Environment Committee, the Legislative Committee already charged with oversight of the ferry companies involved. The Director of the Legislative Office of Budget Review, and Budget Review is currently charged with review of all financial statements with regard to fare increase requests, and they make their recommendations to the Energy and Environment Committee as well. The third member of the committee would be an individual selected by the Legislature who represents a civic group or organization, a difficult task considering the wide geographical range encompassed by all five of these companies. The fourth individual will be selected by the Presiding Officer with a background in accounting, finance or business, strikingly similar credentials to a member of the Budget Review Office. And the fifth individual to be selected by the Legislature with a background in Consumer Affairs, while already the residents of Suffolk County are well served by their Suffolk County Consumer Affairs Bureau.

The committee would expect to provide further oversight and issue annual reports to the Suffolk County Legislature with regard to all interstate and County ferry service operations under the jurisdiction of the county, and their duties shall be, among others, to make recommendations for capital improvements and to make recommendations for other pertinent oversight goals. Recommendations for other pertinent oversight goals. In other words, all of these oversight issues may not be enough. The proposed committee is to delve into

these five privately owned businesses to explore other possible areas of oversight, thusfar unimagined by any of the other government agencies currently providing oversight. And to think that a member this proposed committee with a background as a member of a civic organization could possibly make a recommendation for capital improvements to any of us, considering our backgrounds, our expertise and our tenure in the marine industry, is particularly disturbing.
The creation of this committee will further burden us with more unnecessary paperwork, unnecessary public hearings, and unnecessary duplication of oversight to the detriment of the daily operation of our businesses.
We all share the same goals and that is to operate efficient, profitable and safe ferry companies. We have been successfully meeting these goals in the past. Please allow us to do so in the future.
Thank you.
D.P.O. LEVY:
Thank you.
MR. HAFELE:
Do we have any questions?
D.P.O. LEVY:
Legislator Caracciolo.
LEG. CARACCIOLO:
Sir, could you, please, explain to me how this would have a daily -- be detrimental on a daily basis to your business?
MR. HAFELE:
On a daily basis, maybe that's a bit of an overstatement. But already, as we've come in front of the Legislature at various times for our licenses, for our fare increases, the public hearings that are necessary for that, an annual public hearing which is -- it would be a totally unnecessary burden, from my standpoint, as I try to operate a business.
LEG. CARACCIOLO:
When was the last time your company was before a Legislative Committee of the Legislature?
MR. HAFELE:
Two years ago.

LEG. CARACCIOLO:
Two years ago. That doesn't appear to me to be very burdensome, is it?
MR. HAFELE:
It is.
LEG. CARACCIOLO:
As elected representatives, we have a fiduciary responsibility to protect the consumer's best interest, as well as trying to promote good healthy business relationships with businesses such as yours. The perspective of this legislation is to do that. It's a consumer advocacy bill, not a bill that's trying to micromanage private businesses. So I share that with you so you have a -- perhaps a better understanding of what the bill intends to do.
MR. HAFELE:
Okay. These are my interpretations. And formal public hearings are not part of our everyday business. I do -- however, as a business operator, I am in touch with my constituents, with my riders on almost

a daily basis. I held almost what seemed to be a public hearing last Saturday in the pouring rain as people brought up their questions about how I go about scheduling boats during the off-season and during the season, for that matter. It's not like I'm locked up in an office someplace without -- where these people have no way of getting in touch with me and would forced to seek another avenue. I am a wide open businessman who's -- interacts with my ridership on a daily basis.
LEG. CARACCIOLO:
In terms of the committee composition, do you have a specific recommendation?
MR. HAFELE:
No. I vehemently oppose the idea of another level of oversight.
LEG. CARACCIOLO:
You make it sound like somebody's going to be standing over your shoulder day in and day out and that's simply not the case.
MR. HAFELE:
Well, if a person -- if a person is charged with helping me to make improve -- you know, or to explain myself, or for them to make recommendations to me with regard to capital improvements in my business, that is a micromanagement, especially considering the person doesn't have anywhere near the background that I have, or that any of these other ferry owners have as well. I don't see how that could be constructive.
LEG. CARACCIOLO:
So you find that portion objectionable.
MR. HAFELE:
Yes, I find it --
LEG. CARACCIOLO:
Okay. Well, you know, that's the purpose of these hearings is to get

-- to elicit your input.
MR. HAFELE:
Which is why I'm here, Mr. Caracciolo.
LEG. CARACCIOLO:
And I appreciate that. But I just wanted to clarify your statement about this being detrimental to your daily business operation. I don't see this as being that far-reaching to have anywhere near that effect.
MR. HAFELE:
Well, in order for these members --
LEG. CARACCIOLO:
And I'm glad you clarified that in your response.
MR. HAFELE:
Just in order for these people to be up to speed on what they feel are the issues with the ferry companies, I would imagine that they would be at our places of business from time to time, looking around, asking questions, interviewing people. And, again, that just cuts into my -- what I would be doing on a normal day rather than walking around with a committee member. It would just add to the burden.
LEG. CARACCIOLO:
You mentioned you operate the Fire Island Ferry System.
MR. HAFELE:
That's correct.
LEG. CARACCIOLO:

Or one of the operators. As such, do you have a breakdown of how many of your riders, particularly during the peak season, the Memorial Day, Labor Day season that is summering on the Island, or vacationing or day-tripping, what percentage are County residents versus out-of-county residents?
MR. HAFELE:
No, sir.
LEG. CARACCIOLO:
You don't have any statistics like that.
MR. HAFELE:
No, sir.
LEG. CARACCIOLO:
One of the complaints that I receive oftentimes in my office, because I represent some ferry companies, is that people that use the ferry system don't know who to complain to, particularly people that are outside the area or outside the region, if they have a complaint. Would you be opposed to the posting of signs on your boat or in -- all right. I'm not familiar with how you take fares. Do you take fares on the ferry or do you have a facility --

MR. HAFELE:
We sell tickets in advance. We sell tickets at a ticket window in advance and collect them before the passengers board the boats. Our complaint department, we have four phone numbers that are listed on every single schedule that is posted and -- or every schedule that is printed, and it's -- people are very well aware of their avenues to redress. Lord knows, I've answered -- on a regular basis, I answer their questions, concerns, not always to their satisfaction, but I do try.
LEG. CARACCIOLO:
Okay.
MR. HAFELE:
As do the rest of us.
LEG. CARACCIOLO:
Well, I appreciate that. But my question would be they call the company, they called the provider. Would you be opposed to a notice that they could notify the County's Consumers Affairs?
MR. HAFELE:
I have suggested that to people in the past and they have -- there are people who have taken that avenue.
LEG. CARACCIOLO:
That's not printed anywhere?
MR. HAFELE:
No, sir. No, sir.
LEG. CARACCIOLO:
Okay. So my question again is --
MR. HAFELE:
The complaint would come to me.
LEG. CARACCIOLO:
Right.
MR. HAFELE:
And I could point them.
LEG. CARACCIOLO:

Would you be opposed to either putting it on the schedule, putting it on the ticket, or posting it somewhere within reasonable public view, so that if an individual had a complaint, they would know who, besides the operator, which I would agree with you, is the first step, they should attempt to resolve any complaint with the operator before coming to a governmental agency, but would you be opposed to that measure?
MR. HAFELE:
Only because the space on our schedules is so valuable to us, I would have --

LEG. CARACCIOLO:
How about on the boats? How about at your ticket booth?
MR. HAFELE:
Or even a pamphlet of some kind, like somebody just handed me a pamphlet as I walked in the door.
LEG. CARACCIOLO:
Will you be -- would you be opposed to that?
MR. HAFELE:
I would be able to put those pamphlets in a public place and allow anybody the particular avenue of redress that wish to -- wish to proceed on.
LEG. CARACCIOLO:
Thank you.
MR. HAFELE:
You're welcome.
LEG. CARPENTER:
Mr. Chairman, if I could.
P.O. TONNA:
Yes.
LEG. CARPENTER:
Legislator Caracciolo, you said this is a consumer advocacy bill, and I would just like to, for the record, state that when it comes to advocating for the consumers that use the Fire Island Ferries, I can attest to the fact that the management of the Fire Island Ferries does just that. There have been many, many times that issues have come up in my Legislative district where the ferry company not only was there represented to answer questions that consumers may have, but, actually, hosted meetings at the ferry company. And on a year-round basis, the Fire Island Ferry Company is represented at a monthly meeting of the Fire Island Law Enforcement Council, hearing from the various user groups, the year-round association, the Fire Island Association, and the other entities that serve on that commission. So I can appreciate their reticence to see another level of government or another level of oversight that they would have to answer to.
And I do know, during the process when they are applying for a rate increase or a license renewal, that our Budget Review Office is very involved in their business, that they are there on their premises, that they are examining their books, that they are required to sit down and meet with them, so that this kind of extensive oversight could really be troublesome and is really not necessary. Now, I don't know if -- what the genesis is, if there were some problems with one ferry company in particular, but it seems that the relationship that we've developed with Fire Island Ferries and their responsiveness to the consumers that

use the boats is really a model and something I'm sure that the ownership would be willing to share with anyone who has any problems.

LEG. CARACCIOLO:
I would just like to respond, Mr. Chairman, by --
P.O. TONNA:
Yes.
LEG. CARACCIOLO:
-- informing my colleague that I think already, based on the give and take that just transpired, that we are already getting some better ideas and methods by which consumers can be protected and served in this County by ferry operators. That is there is not a uniform application of the methods this particular company utilizes. And I, too, represent ferry companies, and I don't know how recently you've done a survey of the people who use your ferry systems, but I have, and in one case, they're not very pleased with the operation. So rather than try to target a particular ferry operator, I believe a broad-based approach, you know, applied across this County makes sense, and no one should be fearful of that.
LEG. CARPENTER:
And if I could just respond to that. No one -- a broad base across this County is all well and good, but I don't think we should be singling out one industry. If we want to talk about consumer advocacy and making sure that users of public transportation know where to go if they have complaints, then we should be addressing those kinds of consumer advocacy issues, not just to the ferry companies, but to the bus companies and the trains and taxis and everybody else that operates any kind of business in this County.
LEG. CARACCIOLO:
Well, right now, because the issue of gasoline and fuel oil have made the headlines, we have singled out an industry, okay, and there is a Consumer Protection Committee of this Legislature that has pursued that and rightfully so. And what I submit is I think, given the fact that there's been infrequent examination of ferry operations in this County, it's high time that we take a look at it and make sure that there is fair and equitable provision for services and complaint structure, if that's necessary, for the residents of this County and those who visit. You know, we pride ourselves as being a tourism-based economy in Suffolk County, and as such, I think we have an obligation to not only the people we represent --
MR. HAFELE:
Perhaps --
LEG. CARACCIOLO:
-- and the taxpayers, but we have a responsibility to the people we'd like to promote our region to, to make sure if they have an unpleasant experience, that beyond going to the operator, to the fox, if you will, and I don't mean that in a derogatory sense --
MR. HAFELE:
I understand. Perhaps your --
LEG. CARACCIOLO:
-- that they are aware, they are aware that there is a governmental

apparatus to -- in place that can examine their complaint perhaps more

fully, and, hopefully, resolve the problem, which has a mutual benefit and not only aids the individual who maybe feels they've been dealt a disservice by either the operator, but also provides you with feedback that you might not otherwise receive. So I don't think this is something that people should be fearful or that concerned about. This is I think --
MR. HAFELE:
I worry about the scope of --
LEG. CARACCIOLO:
Well, I'd be happy to talk to you and the other operators after today to explore some -- maybe some common ground that we can agree upon.
MR. HAFELE:
Very well.
LEG. CARACCIOLO:
And take that into consideration.
MR. HAFELE:
Thank you, Mr. Caracciolo.
LEG. CARACCIOLO:
Thanks.
MR. HAFELE:
We will be in touch.
LEG. CARACCIOLO:
Okay.
P.O. TONNA:
Okay. Cliff Clark.
MR. CLIFF CLARK:
Thank you, Mr. Chairman, and Legislature. My name is Cliff Clark and I am the President of the South Ferry Company on Shelter Island, and we are in Mr. Caracciolo's district, as well as we service Mr. Guldi's district. George, how are you? Good to see you. I'm going to try to separate -- I had some thoughts I had written down, and George did a good job of expressing our views in several areas, so I'll try not to go over too much.
The South Ferry Company services Shelter Island to the South Fork of Long Island, North Haven, into the Southampton Township. My family has been running this business for 200 years. We began in 1797, and I'm the fifth generation. My brother spent 30 years in the Coast Guard, running around here, back there; has joined me as of three years ago. And I apologize for our garb, but, as it were, we both started the vessel up at 6:30 this morning and ran ferry until midday, and then we went over to the shipyard to check on a couple of boats and got here for the meeting just in time. We didn't have a chance to dress as we normally would for this august group. But here's the situation.

Mr. Caracciolo, I just have to say that I'm not sure of where the value of this comes from. And I know we've had a long-standing good relationship, but we only found out about this yesterday. And so, if possible, we may be able to sit down as a group and talk about it. But I'm not really interested in us coming with a different piece of legislation or a compromised position really, I just think we should make this thing go away today, if possible, because we are more than enough regulated. Most of our input comes from the deck of ferry boats with our customers who know exactly who we are and they know they can

talk to us, and if they have any complaints, the crewmen will stand down there, the man or woman, and will say, "Well, the owner's right up in the pilot house, I'll get him down here," and we'll go talk to them. Happens whenever necessary.
We were a part of the survey that you took, and I would stake the entire corporation on the fact that we came out with good grades. And our -- the responses of the customers were that they're quite satisfied with the service and the way we handle business; am I correct about that, Mr. Caracciolo?
LEG. CARACCIOLO:
Well, I think that's a fair interpretation of the results, yeah.
MR. CLIFF CLARK:
Okay, okay. I would certainly hope so, because that has been our history and our reputation. We are regulated, first of all, by our customers. Our customers that we serve are the first line that we go to for how we're doing. Then we have the rates and the franchise, which come under 131G State Law, which is delegated to you. We have the Budget Review Office who does a very fine and thorough job, Energy and Environment Committee, district Legislators then review, two of them, and then the Shelter Island Town Supervisor, and there also is a Ferry Advisory Committee that is established long-standing on Shelter Island that we answer to as well, specifically doing locally, people that know the service and know what they need, locally have a committee that we interact with. We have the United States Coast Guard, the Army Corps of Engineers, and the Department of Consumer Affairs who we answer to on a regular basis.
The Shelter Island Town Supervisor, Jerry Siller, when he found out about this, said that had he known before today, that he would have been here today making his presentation in opposition fully to the concept of another level of advisory for the ferries on Shelter Island. He will speak to anybody who wishes to speak on that issue. We historically deal with the public at the level that they are, right there where the people are. This legislation, I agree with George, will have an impact on the companies, it will be negative. It will be costly to the County. You're going to have to monitor this stuff, you'll have to keep your records, you'll have to redo things, which you're already doing, whenever we come in for a rate increase or come in to do any kind of franchise work. We will have to then be a part of meetings, and as George said, people coming in. If they're going to do their job, they need to be down there on the ferry boats with us, at least on occasion, and that's going to take their time, somebody's going to have to pay for their time, and as we come before you, there

are going to be various things that are going to cost us money, because if we have to go to the Budget Review Office and we have our accountant involved, sometimes our lawyer, and our own time. And right now, I should be in the shipyard working on the boats that I have in there. That's where I should be right now, my brother should be with me, and we're here dealing with this piece of legislation.
I would like to know, Mr. Caracciolo, is what do you -- what are you trying to accomplish with this that we're not already accomplishing through personal contact between you and me, or Mr. Guldi and myself, and also these other committees? What are we going to accomplish by

having this legislation?
LEG. CARACCIOLO:
First, Cliff, I'd like to respond to the remarks you've made regarding being regulated by customers.
MR. CLIFF CLARK:
Yes.
LEG. CARACCIOLO:
Okay.
MR. CLIFF CLARK:
That's the -- what everybody else says we don't really care about, the Coast Guard requires by law. We don't really get excited about what anybody else says, because we know our allegiance is to our customers and they're the ones we have to satisfy along with the safety issues of the Coast Guard. So, yes, I stand behind that.
LEG. CARACCIOLO:
I would be the first to acknowledge that in the case of your ferry company, and I've been a Legislator -- this is my ninth year, I have never once received a complaint about the South Ferry Company.
MR. CLIFF CLARK:
Thank you. We appreciate that.
LEG. CARACCIOLO:
And consistent with that, the survey results disclose that. The Clerk of the Legislature, Henry Barton, was in my office two of those years, back in 1990 and '91 and he could also verify that, going that far back, we never received complaints about South Ferry operations.
MR. CLIFF CLARK:
I'm glad to hear that. We take care of them on the deck.
LEG. CARACCIOLO:
However, that may not be the case across this County, number one. Number two --
MR. CLIFF CLARK:
Okay. May I address that one thing.
LEG. CARACCIOLO:
Number two, you mentioned that Fire Island --

MR. CLIFF CLARK:
Mr. Caracciolo, may I address that one thing about it? If you have a ferry company --
LEG. CARACCIOLO:
We're not going to have a give and take. You spoke --
MR. CLIFF CLARK:
I'm sorry.
LEG. CARACCIOLO:
-- now it's my opportunity; okay?
MR. CLIFF CLARK:
Okay. I'm sorry.
LEG. CARACCIOLO:
The second point you made was the Fire Island Advisory Committee, Ferry --
MR. CLIFF CLARK:
Shelter Island, Shelter Island.
LEG. CARACCIOLO:
Shelter Island.

MR. CLIFF CLARK:
Yes.
LEG. CARACCIOLO:
I'm sorry.
MR. CLIFF CLARK:
That's okay.
LEG. CARACCIOLO:
Shelter Island Ferry Advisory Committee.
MR. CLIFF CLARK:
Yes.
LEG. CARACCIOLO:
I'm a member of that committee and that committee hasn't met in over two years.
MR. CLIFF CLARK:
Right, but we have --
LEG. CARACCIOLO:
Uh-uh.
MR. CLIFF CLARK:
Okay.

LEG. CARACCIOLO:
Okay?
MR. CLIFF CLARK:
I'm sorry. I'm just trying to have a dialogue with you and it's hard not to answer things.
LEG. CARACCIOLO:
Okay. We're going to do that tomorrow. You're coming to my office at 11 o'clock tomorrow to have a dialogue.
MR. CLIFF CLARK:
Yes, sir. Yes, sir.
LEG. CARACCIOLO:
Okay. So I just want to, you know, put on the record some facts as opposed to representations about there being a committee in place. Yes, in name only, there is a committee.
MR. CLIFF CLARK:
Not true. In reality, those people, the rest of the committee lives on Shelter Island and I see them every week, and they interact with us on a daily -- not daily basis, but whenever there's a question or problem, we talk to them. You're in kind of an executive level of that committee, but the day-to-day people, Mrs. Reylek and the others that are there, these people are people who we interact with daily.
LEG. CARACCIOLO:
Okay. We'll take these issues up tomorrow at length. Well, the point I'm making is that, officially, the Shelter Island Ferry Advisory Committee has not met in more than -- it's either 18 months or 24 months. It's been a considerable length of time. In fact, Fred Pollert was at the last meeting we had there. Fred, maybe your recollection is better than mine. It's at least 18 or 24 months. It's sometime ago.
MR. POLLERT:
Yes, it has been a long time.
LEG. CARACCIOLO:
Okay. And, typically, what happens, because Shelter Island is such a

small community, is that a lot of the residents are intimidated to come out to those advisory committee meetings, because they know -- they know a lot of the participants on the committee, and as such, they don't feel comfortable speaking out about some of the issues they feel very strongly about, and which was very evident in the survey, and the response rate was really exceptional.
MR. CLIFF CLARK:
Good.
LEG. CARACCIOLO:
It's probably, and I haven't shared this with my colleagues yet, but it's probably the best response to any Legislative survey in Suffolk County's history. It was overwhelmingly, you know, the response rate.

You mention that this legislation would add cost to both your business and to the County.
MR. CLIFF CLARK:
Yes, definitely.
LEG. CARACCIOLO:
Could you explain to me how it would add cost to the County?
MR. CLIFF CLARK:
Yes. You said -- in this legislation, it's suggested that all the clerical work and the administrative work will be -- or handled by County staff, and you're going to be using the Budget Review Office on an annual basis, where now it's only done every four, five, six years, when we come in for a rate increase, and that you will have people that will be doing things. So I don't know what the cost is, but I know these people aren't planning to volunteer their time for 1151, so there's a cost there. These things start out innocently. Often, these things start out so innocently, oh, this isn't going to cost us anything and it's not going to be micromanaging, but there are so many little caveats written into this that leave it as a complete open-ended thing. They can have meetings at their discretion, they can meet on other issues and open up other avenues as they can go to address managing ferry boats, or helping manage ferry boats. So even if it stays at the most basic level, you've got cost built in administratively. Then if I'm going to meet and meet with the Budget Review Office, I'm going to have my accountant out there for a day and he's going to go over things and make sure that everything's in order. I might have to have my attorney, if we run into a problem, they get paid, plus my time is worth something. And I'm going to be involved in dealing with those people that come out to visit. I'm sure these people are going to be excited about coming out, spending a day on Shelter Island, and riding the ferry boat and talking to the customers and finding out where the problems are. If they're not going to do that, they're a paper tiger, they're useless, because they're not going to know anything about the ferry operation.
LEG. CARACCIOLO:
Well, I would submit, that's what the Shelter Island Advisory Ferry Committee is, it's a paper tiger, because it hasn't met. And that being said, I think you're making my point of why we need a County-wide Ferry Advisory Committee.
MR. CLIFF CLARK:
Okay. That --

LEG. CARACCIOLO:
But that being said --
MR. CLIFF CLARK:
Okay.
LEG. CARACCIOLO:
-- I can point out to you that in terms of County cost, the Budget Review has a full-time staff, and this would be part of their -- you know, their workload. It's not something that would be onerous or

burdensome for them. They have economists, they have lawyers on the staff. They have quite competent individuals that could undertake the minimum requirements of this resolution, so let's not try to make this more than it is.
MR. CLIFF CLARK:
I'm only going on the past history of government.
LEG. CARACCIOLO:
We'll talk tomorrow. I'd appreciate tomorrow when we meet if you would bring forth maybe some common ground that we could share and agree upon.
MR. CLIFF CLARK:
Okay. And the one thing that I wanted to say, one thing I want to mention, you indicated that you might have a problem with a ferry company on Shelter Island where you didn't with us. And my suggestion would be to do as I do with my staff of personnel. If I have a problem with a member of my staff, I deal with them and that problem, and I don't throw out blanket rules that cover all the people that work for me. If there's a problem with a ferry company on Shelter Island and it's not South Ferry, I would ask that you leave South Ferry alone, let us continue to do the good work we're doing and have been for 200 years and deal with your problem, if you should have one there.
LEG. CARACCIOLO:
Again, let me repeat, this resolution has County-wide applications, not for the Town of Shelter Island.
MR. CLIFF CLARK:
I understand that.
LEG. CARACCIOLO:
There may be other operators that we're not aware of, simply because there isn't a mechanism for the public to come out and speak out or speak to the complaints they have about those operators. So that's why I feel there's a need for some type of advisory group. And that's what it is, it's advisory, it's not regulatory, as, you know, I think some people may try to stretch this. This is not a regulatory body, so I think we need to keep it in perspective. I'll see you tomorrow.
MR. CLIFF CLARK:
Okay. Thank you for your time.
D.P.O. LEVY:
Mr. Guldi, Legislator Guldi.
LEG. GULDI:
Yeah. Cliff.
D.P.O. LEVY:
Sir.
LEG. GULDI:
Before you run away, two questions.

MR. CLIFF CLARK:
Yes, Mr. Guldi.
LEG. GULDI:
One, is it true that when your family's been in the same business on Shelter Island for 200 years, you're still an outsider?
MR. CLIFF CLARK:
Yes, that's correct, yep, yep. We have 40 more years to be considered an Islander.
LEG. GULDI:
You've been there -- you've been there for 200 years and you just got off the boat this morning; is that right?
MR. CLIFF CLARK:
Yes, sir. Yes, sir.
LEG. GULDI:
The other thing I wanted to ask you is, you know, with all due respect, is there anything else that you want to say with respect to this bill that you haven't had a chance to yet?
MR. CLIFF CLARK:
No -- yes. I thank you very much, Mr. Guldi. One thing and it is philosophical. I don't think that there is a broad problem with ferry companies in Suffolk County. I know these other operators we know that recently passed, and rest his soul, Ken Stein, who's just one of my heroes, just a fine, fine individual, I know he runs a fine business. His son is a fourth generation to run that. I know that with all of us, there have been isolated cases where we've been before you and you've said, "We want you to do the business a certain way," and we have been nothing but cooperative, and you folks have been cooperative with us. So there's a relationship that's going on here. And I just see this as something that is aimed at one company, but is broad based, put out potentially to hurt a lot of people who are doing their job well, who care about the customers, and who truly, truly know what we're doing. And I feel like this is just another example at a local level of a luring of government and it's onerous and it will creep and it will get worse before it gets better, I fear. And I thank you for the opportunity to express that.
(Applause)
D.P.O. LEVY:
I believe everyone's spoken on this hearing who wishes to speak. Anyone else? Last chance. Sir?
MR. WILLIAM CLARK:
I filled out a card.
D.P.O. LEVY:
Bill Clark?

MR. WILLIAM CLARK:
Bill Clark.
D.P.O. LEVY:
Okay.
MR. WILLIAM CLARK:
Yes. And I'll just take a moment of your time. Cliff stole my line about starting the ferry boat up at 6:30, so I won't belabor that anymore. But I would like to say, Cliff has covered just about

everything I would have covered. But the one thing I would ask you to do, and then I'm going to sit down, is if you don't think that this South Ferry Clark Family is committed to serving our customers, which is the only service we have to offer according to my grandfather, who I can clearly remember on the decks of the ferry boat, and my dad, who I can certainly more clearly remember, but if anybody doubts for a minute that we're committed and we mean it, talk to us, come to us with the problem. Cliff is absolutely right, we understand the problems, because we're there. And you don't have to take it on faith that when a problem comes up, and they do come up from time to time, that we will do our level best to fix it. Try us. Thank you very much.
D.P.O. LEVY:
Thank you very much, Bill. Okay. Motion from Legislator Caracciolo to recess.
LEG. CARACCIOLO:
Yes.
LEG. FOLEY:
Second the motion.
D.P.O. LEVY:
Second by Legislator Foley. In favor? Opposed? Motion carries.
LEG. FOLEY:
Mr. Chairman.
D.P.O. LEVY:
Yes, Legislator Foley.
LEG. FOLEY:
Just for the record, the lead committee is the Public Works Committee, which will be meeting next Wednesday at three o'clock. Those who spoke today are welcome to attend the meeting. They don't have to, but if you do wish to attend the committee, it's next Wednesday at three o'clock in the Dennison Building. Thank you.
D.P.O. LEVY:
Resolution 1155, a local law establishing a site selection, must be policy, for Sober Houses. Is there anyone to speak? No one to speak on this matter.
LEG. CARACAPPA:
Motion to close.

LEG. POSTAL:
Mr. Chairman.
D.P.O. LEVY:
I don't see Legislator Towle. What do you think he wants to do, close?
LEG. POSTAL:
No. Mr. Chairman. Legislator Towle --
D.P.O. LEVY:
Motion to -- we could always do --
LEG. POSTAL:
Legislator Towle wants to recess this.
D.P.O. LEVY:
Oh, okay. Motion to recess, Legislator Postal, second, Legislator Caracappa. In favor? Opposed? Motion carries.
Public hearing for Resolution Number 1159, a local law to add new category for waiver of interest and penalties on late payment of real property taxes. Anyone to speak on this? There being none, motion by

Legislator Postal to close, second by Legislator Bishop. In favor? Opposed? Motion carries.
Public hearing for Resolution 1200, a local law establishing Special Sports Score Jets Committee to bring New York Jets to Long Island. Anyone hereto speak on this? Being none, Legislator Caracappa makes a motion to --
LEG. CARACAPPA:
Wait a second.
D.P.O. LEVY:
He waited two years to do that with that lap top. Yes, recess or close?
LEG. CARACAPPA:
Close
LEG. FISHER:
Second.
D.P.O. LEVY:
Motion to close by Legislator Caracappa, second by Legislator Fisher. In favor? Opposed? Motion carries.
Public hearing for Resolution 1206, a charter law to adopt "Pay As You Go" financing for quarter percent Environmental Protection Program. Legislator Caracciolo makes a motion to close.
LEG. BISHOP:
No. Mr. Chairman, I make a motion to recess.
LEG. CARACCIOLO:
Why?

LEG. BISHOP:
Motion to recess.
LEG. CARACCIOLO:
Why?
LEG. BISHOP:
Because the Group for the South Fork called this morning and they said they have comments and they'd like to bring them to our attention at the next opportunity.
LEG. CARACCIOLO:
Fine.
D.P.O. LEVY:
Motion to recess, Legislator Caracciolo, second by Legislator Bishop.
LEG. BISHOP:
And I apologize for not -- I though they --
D.P.O. LEVY:
In favor? Opposed? Motion carries. Public hearing regarding Introductory Resolution 1254, a charter law to implement smart growth by designating open space of critical environmental concern in connection with suburban renewal at Pilgrim State --
LEG. BISHOP:
Motion to recess.
D.P.O. LEVY:
Pilgrim State Site. Motion to recess, Legislator Bishop, second by myself. In favor? Opposed? Motion carries.
[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]
D.P.O. LEVY:
Public Hearing Regarding Introductory Resolution 1255 - A Charter Law

to reform Suffolk County Ethics Commission. We have one card, that is Ruth Cusack from the League of Women Voters. Welcome again, Ruth.
MS. CUSACK:
Good afternoon. Ruth Cusack, League of Women Voters, Suffolk County with regard to 1255. Our comments today will echo and enlarge our remarks made last session regarding IR 1094 which also addresses the make up of the Ethics Commission. With regards 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 welcome a review of the Ethics Commission Section in the Suffolk County Charter.
We note another resolution laid on the table today, 1266 regarding financial closure -- disclosure. This current interest in the ethics commission indicates that it would be in the public interest to have a public airing in committee of the activities of the commission and the Commissioners as well as the Executive Director and other staff

mentioned in the Charter. We presume that their annual written report also mentioned in the Charter is available to the public. And I quote, "They will prepare an annual written report to be submitted to the County Executive and the County Legislature summarizing the activities of the commission and recommending changes in the laws governing the conduct of local elected officials, local political party officials and local officers and employees."
With regard to 125 and Commission appointees, we repeat our suggestion to include a representative from the general public, or several representatives, especially citizens with a good government background in order to have a more broadly based panel. As to the total number and required background for appointees, that may become more apparent following a review of what the commission has done recently and any problems they have encountered. Thank you.
D.P.O. LEVY:
Thank you.
LEG. CARACAPPA:
Thanks, Ruth.
P.O. TONNA:
Thank you very much. Okay, I think we're --
LEG. CARACAPPA:
One more, Mr. Chairman.
P.O. TONNA:
Motion to close.
LEG. LEVY:
Second.
P.O. TONNA:
All in favor? Opposed? Closed.
Okay, we're going to have to set the hearings.
LEG. CARACAPPA:
Paul.
P.O. TONNA:
Motion to set the hearings -- wait, 1256?
LEG. FOLEY:
We did that earlier.
P.O. TONNA:

Yeah, we took that out, I think we did that earlier.
Okay, the motion is to set the hearings for March 28th at 2:30.
LEG. CARACAPPA:
Second.

00138

P.O. TONNA:
Let me just read them, Introductory Resolutions No. 1263 --
LEG. BINDER:
Mr. Chairman?
P.O. TONNA:
1264 -- yes?
LEG. BINDER:
When you get to 1286, you don't have to read that because I'm going to be withdrawing it. Legislator Fisher has added some provisions for tank removal enforcement that are in that legislation so it will be combined, it will be in Legislator Fisher's. So you don't even have to set that for a hearing.
P.O. TONNA:
Thank you. 1263, 1264, 1265, 1266, 1280 and 1284. I make a motion. Is there a second?
LEG. CRECCA:
Second.
P.O. TONNA:
Second by Legislator Crecca. All in favor? Opposed? Okay, set.
Legislator Fields, do you have a question?
LEG. FIELDS:
At the last Health Committee meeting we asked Dr. Clare Bradley and Dominick Ninnivaggi to present their plan for Vector Control for this year and asked that they present it to the Legislature today; they said that they would and I wonder if we could get someone here to answer that.
P.O. TONNA:
Is there anybody here to speak about Vector Control? Maybe we'll take a second.
LEG. LEVY:
They had a Mr. {Pentiro}.
P.O. TONNA:
While they're doing that, Legislator Binder, we skipped over Resolution No. 1041 - Adopting Local Law No. 2000, a Charter Law to establish competitive bidding process for selection of County Bond Counsel. Do you have a motion?
LEG. BINDER:
Yeah, I'd like to make a motion to table and then speak on the motion.
P.O. TONNA:
Okay. Motion to table, seconded by myself. All in favor? Opposed?
LEG. BINDER:
Let me just -- on the motion.

00139

P.O. TONNA:
Oh, on the motion to table.
LEG. BINDER:
The reason that I want to table that resolution is that to my understanding, the representative from Wilke, Farr and Gallagher, Tom

Rothman who has been our Bond Counsel for some years, has not testified, in fact wasn't even here today, to discuss why we should or shouldn't do this. I do know that he sent a letter to the Presiding Officer, and I appreciate the Presiding Officer sharing that with me, defending himself and for some reason feeling like this is just personal rather than a policy matter talking about the things that he has done over the years. And I would like to give him a chance to come here and discuss that before the Legislature so, in fact, I'm going to invite him to come here for the next meeting to have a discussion about this. And what I'll do is I'll give this to the Clerk so we can put the letter that he sent into the record and I would ask that the Clerk transmit this to all members so they can see a copy of this so they can see what Mr. Rothman -- why he would oppose the legislation, but he opposes only in writing and didn't come down to the Legislature to support that position. I think that having a dialogue with him would probably be a good thing.
So I would like to, as I said, table this today and maybe we can take this a little further and I will -- he hasn't even called me or anything or communicated with me, but I think I will communicate with him and make an invitation that he come down to the next meeting to discuss it. Whether he does or not, I will be looking to move the legislation at the next meeting.
LEG. CARPENTER:
Second.
LEG. CRECCA:
Second the motion to table.
P.O. TONNA:
All in favor? Opposed? Tabled.
MR. BARTON:
17, one not present (Not Present: Legis. Towle).
P.O. TONNA:
Maybe I'll ask the Clerk just to -- from my standpoint, I think we are over to look at 1247 and then we skipped to 1244, is that where you guys are?
MS. FARRELL:
1244.
MR. BARTON:
1244.
LEG. FOLEY:
We need 1247.

LEG. FISHER:
1247.
P.O. TONNA:
Okay. 1247, is there a motion?
LEG. CARPENTER:
Motion.
LEG. GULDI:
Motion.
P.O. TONNA:
Okay. There is a motion from Legislator Haley. Whoever, please shut off your phones and beepers, or put the beepers on vibration. 1247, is there a motion?

LEG. HALEY:
Motion.
P.O. TONNA:
Motion by Legislator Haley. Is there a second?
LEG. CARACAPPA:
Second.
P.O. TONNA:
Second by Legislator Caracappa. On the motion, I think there was some concern about this.
LEG. FISHER:
Yes, there were questions.
P.O. TONNA:
Questions about this resolution.
LEG. CRECCA:
Is there anybody from the County Exec to answer the questions that we have?
P.O. TONNA:
Okay County Exec, you're up.
MS. DEMARZO:
I'm up?
P.O. TONNA:
1247, there are some questions.
LEG. LEVY:
The escrow money in real estate.
P.O. TONNA:
1247 - Amending the 2000 Operating Budget and transferring funds from an Escrow Account to the Planning Department, Division of Real Estate, for Computer Based Modernization of Division Operations.

MS. DEMARZO:
Yes. I understand --
P.O. TONNA:
Hold it one second, Janet. Okay.
MS. DEMARZO:
What I would like to say is that I would ask for the Legislature's consideration in tabling this resolution. I do not have all the detailed information that I would want to present to you as you make your final decision. This was a resolution that came out of committee, I did not -- I was not informed that there were questions in committee and I therefore made the assumption that I did not need additional resources here. Sometimes we have a lot of background and material on a resolution and sometimes we work with the department and forward the resolution with a general understanding. So therefore, I would ask for the Legislature's consideration.
LEG. HALEY:
Motion to table.
LEG. CARACAPPA:
Second.
LEG. CRECCA:
Second.
P.O. TONNA:
All in favor? Opposed? Tabled. Thank you very much, Janet, we appreciate that. What a pro. Okay, here we go.

MR. BARTON:
17, one not present (Not Present: Legis. Towle).

Discharged By Petition

P.O. TONNA:
1244 - Amending the 2000 Operating Budget and the Suffolk County Salary and Classification Plan for the Director and Assistant Director of Weights and Measures in the County Executive's Office of Consumer Affairs. I think there was a discharge petition and the question --
LEG. CRECCA:
Motion to approve.
LEG. LEVY:
Mr. Chairman, I make a motion to table. First of all, was this withdrawn? We heard it may be withdrawn.
P.O. TONNA:
Yeah. Janet, we heard that 1244 was going to be tabled; is that true? This is the weights and measures -- withdrawn I mean.

00142

MS. DEMARZO:
Well, actually I would ask that the Legislature table it. Some questions have come up and I would like an opportunity to --
LEG. HALEY:
Motion to table.
P.O. TONNA:
Motion to table by Legislator Haley, seconded by myself. All in favor? Opposed? Tabled.
MR. BARTON:
16, 2 not present (Not Present: Legis. Carpenter & Towle).

Energy & Environment

P.O. TONNA:
Okay, 1084 - To implement use of natural gas as fuel for County fleet. Is there a motion?
LEG. LEVY:
Is Charlie Bartha here?
P.O. TONNA:
Well, let's first make a motion?
LEG. LEVY:
It really depends. I'll make a motion to approve which I can amend if necessary.
P.O. TONNA:
Motion to approve. Is there a second?
LEG. FOLEY:
For purposes of discussion, I will second it.
P.O. TONNA:
For purposes of discussion, Legislator Foley is kind enough to second. Charlie, come on up here, let's talk about natural gas.
COMMISSIONER BARTHA:
Thank you for the opportunity to discuss natural gas and IR 1084.
LEG. LEVY:
You're in the right place.
P.O. TONNA:
We hear there is a lot of hot air around here. Go right ahead.
COMMISSIONER BARTHA:
We would like to see this resolution tabled. Last year the Legislature

asked us to take on an initiative of looking at natural gas as a fuel for the County fleet and we've secured funding both from the County through the Legislature as well as from the Federal and State Government for a study of natural gas as well as alternative fuel. So we have two separate studies that have been authorized and are

scheduled for completion before the end of the year to look at using, one, alternative fuels for buses and cars, and the second, for strictly using natural gas. Our concerns are to jump into this at this point, the United States Department of Energy has several times delayed the implementation date for the requirement of using natural gas, and at this point it's delayed -- they're contemplating delaying it until the model year of 2003.

Fueling stations cost approximately a half of million dollars each, according to the preliminary information we have, right now we have 32 gasoline fueling stations in the County. Possibly we could do with less fueling stations, but even so it's a significant cost. Cars, the information we have is that cars will cost approximately $4,500 more each and have half the range that they presently have, and trucks would cost approximately $10,000 more.

So we see significant cost issues here and we think before we proceed, it's logical to have a study done. The funds have been identified, the Legislature has authorized it and a study has been -- we have already gone through the RFP stage and the firm is working on the study.

LEG. LEVY:

Mr. Chairman?

P.O. TONNA:

Yes, Deputy Presiding Officer.

LEG. LEVY:

Charlie, I have no intention of trying to ram this through, I don't even have a problem tabling. But my only concern is this was introduced last year and we held back when we heard it had to be studied. My concern is having to wait yet another year for a study to be complete on this problem. If you could tell me that, you know, we can get a study back in a couple of months, I don't mind holding it up. But at some point, I mean, to wait two years to get a response to a resolution I just think is too much to ask for to holdup on. So, you know, what can you do to expedite the results of this study, whether it's going to be internal or external?

COMMISSIONER BARTHA:

I can't promise you that we'll have the results of a study in two months. I mean, I could promise you that we would meet with you in two months and then let you know what kind of progress is being made.

P.O. TONNA:

If you can promise you can meet with Steve within two months, that's already pretty -- no, I'm joking.

COMMISSIONER BARTHA:

The funding was only authorized earlier this year for the study, so we are moving along. And even with the study results being received at the end of the year, we still would be ahead of the Federal implementation date.

LEG. LEVY:

I just don't recall, when we first brought this up last year, that we

were talking about having to get outside funding for the study to proceed. I know we did pass something, I think it was just a couple of weeks ago that we passed through yet the second study that we're talking about and that's a whole 'nother question, why are we having two studies on this. But I don't recall there being a necessity of having to wait for money to come in from this federal grant to have started this study. Where is this other study and why are we doing two studies?
COMMISSIONER BARTHA:
Well, clean -- compressed natural gas is only one of the alternative clean fuels that's available, there's clean diesel fuel, there's the ethenyl question. So we had Federal funding available to look at alternative fuels without it being predisposed to a particular type of fuel such as -- you know, in this case the compressed natural -- clean natural gas -- compressed natural gas, sorry.
LEG. LEVY:
So what are the two studies going to do?
COMMISSIONER BARTHA:
They'll look at what the cost implications are, the service implications, the additional training that would be necessary for our mechanics, it would recommend where the sites would be, the fueling sites, it would provide us some cost figures as to what the fueling sites would cost.
LEG. LEVY:
What are the differences between the two studies?
COMMISSIONER BARTHA:
They're different fuels. With different fuels there's different maintenance issues, there's different fueling issues, different safety issues.
LEG. LEVY:
I know Budget Review had a -- I don't know if it was Budget Review's Financial Impact Statement or from the County Exec, probably from Budget Review since it's a Legislative initiative. Fred, I think you had noted that it would be about $200,000 per station as opposed to the 500,000 that Charlie is referring to, and we'd need maybe four of them and that each car would cost an additional, I don't know if it was four to $6,000. So the way I was calculating it, it in toto it would cost maybe about 800 to $900,000 on the outside not including the efficiencies that we might save. But I'm just curious if you have anything further to add regarding fiscal impact.
MR. POLLERT:
No. Actually we spent a substantial amount of time working on the fiscal impact statements. We contacted other municipalities, we did a search through the Internet and I believe that we also spoke with the Department of Public Works, I think that we covered all the bases in it.
LEG. LEVY:
At what point -- again, I'm not trying to ram this thing through, by

the same token I want action at some point. Fred, can you give us some advice as to at what point there's a comfort level here that we're doing something that's cost effective; are we there yet or should we

wait to get further information?
MR. POLLERT:
Certainly, if the department of Public Works can come up with more detailed data because they are in charge of the fleet, they may wish to come up with a cost analysis where rather than just choosing a random sample of the vehicles, perhaps they would use the marked vehicles that use a lot of mileage, something of that sort, which would be even more cost effective. So if the Department of Public Works could look at the issue and come up with more definitive numbers in the next month or so, it would probably be worth while to defer to them on a short term type of basis.
LEG. LEVY:
And I believe this bill only pertained to 20% of the fleet.
MR. POLLERT:
That is correct.
LEG. LEVY:
It did not require a complete conversion. So why don't I do this, why don't table it today --
LEG. HALEY:
Second.
LEG. LEVY:
Okay. And Charlie, if you could perhaps give us an interim report with a little more detail say in about within 30 to 60 days, at least we can entertain it again at that point to determine if -- you know, give it more time, if we can at least get a little more substance. Okay; is that okay, Charlie?
COMMISSIONER BARTHA:
Yes, Sir.
LEG. LEVY:
Thank you.
LEG. HALEY:
Second.
LEG. ALDEN:
Can I ask a question of the sponsor?
P.O. TONNA:
Okay, hold it one second. Everybody? Okay, Legislator Alden has the floor. There is a motion to what?
LEG. LEVY:
Table.

P.O. TONNA:
Table by Legislator Levy, seconded by Legislator Haley.
LEG. LEVY:
Table for 30 days, okay?
MS. FARRELL:
April 18th.
P.O. TONNA:
Okay. On the motion to table, Legislator Alden.
LEG. ALDEN:
Steve, is the intent of your bill to be cost effective as far as our fleet or is it just to improve air quality?
LEG. LEVY:
A mixture of both, but it would be a cost benefit analysis. But I think

it's important to find out what the cost would be before we move forward, even if it were just on an environmental -- for an environmental perspective.
LEG. ALDEN:
Okay. Thanks, Steve.
COMMISSIONER BARTHA:
Through the Presiding Officer?
P.O. TONNA:
Go ahead, Charlie.
COMMISSIONER BARTHA:
You had asked me whether I could provide an interim report in 30 to 60 days, but you only made the motion to table for 30 days. I would appreciate -- I would request 60 days.
LEG. LEVY:
All right, I'll make it for 60.
LEG. HALEY:
Second.
P.O. TONNA:
Okay. What's the motion?
LEG. LEVY:
Motion to table for 60 days.
P.O. TONNA:
Seconded by Legislator Haley. All in favor? Opposed? Approved. Another Levy resolution tabled for 60 days, okay.
COMMISSIONER BARTHA:
Thank you.

MR. BARTON:
16, 2 not present (Not Present: Legis. Bishop & Towle).
P.O. TONNA:
Let's go on to 1153 - Reappointing Joseph Gergela as a member of the Suffolk County Soil and Water Conservation District. Is there a motion?
LEG. GULDI:
Motion.
P.O. TONNA:
Motion by Legislator Guldi, second by myself. All in favor? Opposed? Approved.
MR. BARTON:
16, 2 not present (Not Present: Legis. Bishop & Towle).
P.O. TONNA:
1161 - Making a SEQRA determination in connection with the proposed improvements to Sewer District #7 - Medford. Is there a motion?
LEG. GULDI:
Motion.
P.O. TONNA:
Motion by Legislator Guldi, second by myself. All in favor? Opposed? Approved.
MR. BARTON:
17, one not present (Not Present: Legis. Towle).
P.O. TONNA:
1162 - Making a SEQRA determination in connection with the proposed improvements to Sewer District #10 - Stony Brook. Motion by Legislator Fisher, seconded by Legislator Levy. All in favor? Opposed? Approved.

MR. BARTON:
18.
P.O. TONNA:
1163 - Making a SEQRA determination in connection with the proposed improvements to Sewer District #14 - Parkland. Is there a motion?
LEG. CARACAPPA:
Motion.
P.O. TONNA:
Motion by Legislator Caracappa, seconded by Legislator Caracciolo. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
1164 - Making a SEQRA determination in connection with the proposed improvements to Sewer District #22 - Hauppauge Municipal.

LEG. CRECCA:
Motion.
P.O. TONNA:
Motion by Legislator Crecca, seconded by myself. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
1165 - Making a SEQRA determination in connection with the proposed surplus Tower Space Marketing: Mt. Misery Tower Site, Town of Huntington. Motion by myself, second by Legislator Binder. All in favor? Opposed? Approved.
MR. BARTON:
16, two not present (Not Present: Legis. Cooper & Towle).
P.O. TONNA:
1166 - Making a SEQRA determination in connection with the proposed improvements to Suffolk County Sewer District #18S - Suffolk County Business Center, Village of Hauppauge, Town of Smithtown (CP 8126).
LEG. CRECCA:
Motion.
P.O. TONNA:
Motion by Legislator Crecca, seconded by Legislator D'Andre. All in favor? Opposed? Approved.
MR. BARTON:
16, two not present (Not Present: Legis. Cooper & Towle).
P.O. TONNA:
1167 - Making a SEQRA determination in connection with the proposed improvements to Suffolk County Sewer District #18N - Heartland, Village of Hauppauge, Town of Smithtown (CP 8126). Motion by Legislator D'Andre, second by Legislator Crecca. All in favor? Opposed? Approved.
MR. BARTON:
16, two not present (Not Present: Cooper & Towle).
LEG. LEVY:
Mr. Chairman?
P.O. TONNA:
Yes.
LEG. LEVY:

Could I go back to 1163, it's in my district. I would just like to make a motion to reconsider to table it for one session so I can get a little more information that I had asked for. So motion to reconsider 1163 for the purpose of tabling.

00149

LEG. CARACAPPA:
Second.
P.O. TONNA:
I will second it if it's in your district. All in favor? Opposed?
MR. BARTON:
16, two not present (Not Present: Legis. Cooper & Towle).
LEG. LEVY:
Motion to table.
P.O. TONNA:
Okay. Now a motion to table by Legislator Levy, seconded by myself. All in favor? Opposed? Tabled.
MR. BARTON:
16, two not present (Not Present: Legis. Cooper & Towle).
P.O. TONNA:
Okay. 1168 - Making a SEQRA determination in connection with the proposed Greenways Acquisition of the De Lalio Sod Farm for active recreation, Eastport, Town of Brookhaven. Motion by Legislator Caracciolo, seconded by --
LEG. BISHOP:
Mr. Chairman?
P.O. TONNA:
Wait. Legislator Caracciolo, 1168, the De Alo Sod Farm.
LEG. CARACAPPA:
De Lalio.
P.O. TONNA:
De Lalio.
LEG. CARACCIOLO:
Motion to table, that's the --
P.O. TONNA:
Why don't you make a motion?
LEG. CARACCIOLO:
Motion to table.
P.O. TONNA:
There we go.
LEG. BISHOP:
Second.
P.O. TONNA:
Seconded by Legislator Bishop. All in favor? Opposed? Tabled.

00150

MR. BARTON:
16, two not present (Not Present: Legis. Cooper & Towle).
P.O. TONNA:
1240 - Amending the 2000 Capital Budget and Program by transferring funds in connection with the Peconic Bay Estuary Study (CP 8235). Is there a motion?
LEG. GULDI:
Motion.
P.O. TONNA:

Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed? Approved.
MR. BARTON:
16, two not present (Not Present: Legis. Cooper & Towle).
P.O. TONNA:
Okay. Resolution 1241 - Amending the 2000 Capital Budget and Program by transferring funds in connection with the Study of occurrence of Brown Tide in Marine Waters (CP 8228). Motion by Legislator Guldi, seconded by Legislator Fields. All in favor? Opposed? Approved.
MR. BARTON:
16, two not present (Not Present: Legis. Cooper & Towle).
P.O. TONNA:
Introductory Resolution 1087 - Authorizing an RFP for the sale of naming rights to the Multi-Purpose Health Technology Building at the Western Campus of Suffolk County Community College (Levy). Is there a motion?
LEG. LEVY:
Motion.
LEG. HALEY:
On the motion.
P.O. TONNA:
Motion by -- wait. Motion by Legislator Levy. Is there a second?
LEG. FOLEY:
Second.
P.O. TONNA:
Second by Legislator Foley. On the motion, Legislator Haley then Legislator Carpenter.
LEG. HALEY:
Authorizing the RFP for the sale of naming rights at a Multi-Purpose Health Technology Building. You know, I thought that this Legislature really only got involved with approving the Trustees at the college so that they could set the policy, and I thought the only other time we got involved was to look at their budget obviously because we generally provide revenues up to -- hopefully up to a third. I think this is a

distinct situation where we should give the Board of Trustees, allow them I should say, to continue to set the policy and to ascertain whether or not they want to send out an RFP to do the naming rights for the Multi-Purpose Health Technology Building.
P.O. TONNA:
Legislator Carpenter.
LEG. CARPENTER:
I would concur with Legislator Haley. It seems to me that this would be the prerogative of the college of the Board of Trustees to set the policy on an issue like this. This is not like a ball park or a commercial venture, this is an educational facility. And I don't think it's within the purview of this Legislature to be authorizing an RFP or even passing a Memorializing Resolution to that effect if this is in case, in fact, what this is.
LEG. LEVY:
Mr. Chairman? Jim, this -- we had talked about this and I know this was a recommendation from Budget Review to make some additional money for the County. And can you just give a -- Jim or Fred -- can you just give

us a quick synopsis as to the genesis of this resolution and why you think it's prudent for us to move forward.
MR. POLLERT:
To begin with, if there are any revenues generated from the naming rights, the revenues would be revenues to the Community College, the legislation specifically states that those revenues would flow into the Community College's Reserve Fund. The Budget Review Office first became aware of the lucrative nature of the naming rights when we were working with Legislator Caracappa on the ball field. Since then we have contacted other counties and community colleges that have field houses and have found that they have raised rather substantial revenues through either the naming rights, appointing rights or, you know, things of that sort. It was a recommendation of the Budget Review Office I believe last year or the year before within our Community College Report when the community college was looking for some extra revenues, we thought that this would be advantageous to the community college, at the time that the construction was going on, to entertain the generation of the revenues through the naming rights.
LEG. LEVY:
Thanks, Fred. I just don't understand why this is controversial in nature. I have bent over backwards to try to accommodate the requests that were made from other Legislators and the college in particular so we weren't imposing anything on them. The name itself would be picked by the College Trustees, the money would stay with the college, it's just designed to move the process forward. And anyone who is on Economic Development and Education Committee would verify that at the committee the President of the college came before us and said, well, the college was looking into this as well, and I kept on waiting and waiting and waiting to get something back. And at a meeting about a month ago, I asked the President, "Now, can you assure me that you'll come back in two weeks to let me know where this stands," and he didn't. So at some point you just have to say, you know, enough is enough. It's a good idea from Budget Review, it's a way to make money,

we have always been hearing that, "Well, well, you know, maybe we'll do this, maybe we'll do that"; well, fish or cut bait. It's a good idea, it gets us some money. All the money stays with the college, they get to decide who it will be named after. Let's just get the money, that's what this resolution does, it says go forward and get the money. Motion.
LEG. BISHOP:
Mr. Chairman?
LEG. CRECCA:
I think he's got a list going.
LEG. BISHOP:
I'm sorry.
LEG. CRECCA:
I think.
CHAIRMAN BISHOP:
Paul, you have a list?
P.O. TONNA:
Yes, there is a list and the next is Legislator Caracappa, then Crecca and then Legislator Bishop.

LEG. BISHOP:
Thank you.
LEG. CARACAPPA:
Thank you. You have all heard my opinion on the naming rights issue with this building. As Legislator Carpenter says, it's not a ball park, it's not a stadium, though I do agree -- I think it's a great idea that we start moving towards naming right ventures for any building, including the one we're sitting in now, because there's revenue; other municipalities are doing it across the country and it's bringing in big bucks, but that's a side point.
The main issue with this place and the naming rights associated with it and an RFP is that RFP's do not work for naming rights, that's through my own experience, they just do not work due to the fact that it's a package, it's a plan, it's negotiations and you cannot do that through an RFP. We tried it twice with the ball park and it failed, and you're talking about a ball park with a lot of excitement around it and it just didn't work. We had to go out and hire someone to go out and sell it for us and we're about a week away from making that happen and it's going to be a very good deal for the County of Suffolk. That building is unsellable for the fact that it's not going to be very attractive to sponsors, it's not a Division I school where they're having tremendous types of college tournaments there. Selling naming rights on that building, and especially through an RFP, I'm not Nostradamus but I can pretty much put a hundred percent guarantee on it, it won't happen.
LEG. CRECCA:
I will be very brief and just say that this is really --

P.O. TONNA:
You say that each time, I'm just counting your brevity.
LEG. CRECCA:
I am going to be really brief this time. We should leave this to the Trustees, it's really not our place to be imposing this on the college. That's pretty brief.
P.O. TONNA:
That's great. Okay, Legislator Bishop.
LEG. BISHOP:
I am going to be loquacious and meandering.
LEG. HALEY:
What else is new?
LEG. BISHOP:
You may recall -- I don't know where you were in about 1985, but I was a student at American University where I was the head of United Campuses Against Nuclear War and there was not one nuclear war during my tenure as the head of that chapter.
LEG. LEVY:
Thanks to you.
LEG. FOLEY:
Very good.
P.O. TONNA:
There you go. There's Chernobyl.
LEG. BISHOP:
We're all better for that. One of the issues on campus, however -- there is a method to this madness.

LEG. LEVY:
I saved Y2K, so.
LEG. TOWLE:
You obviously never attended any Legislative meetings.
LEG. BISHOP:
One of the issues on campus at the time was the naming rights to the library, and one of the benefactors --
LEG. BINDER:
It was the center.
LEG. BISHOP:
Well, yeah, the student center.
P.O. TONNA:
And here's the other guy on the other side of it at American University, Legislator Binder was on the other side of that debate.

LEG. BISHOP:
One of the benefactors of American University is {Adnon Kashogi} Who you may know as one of the world's foremost arms dealers, and so we got into quite a lengthy controversy about whether it was appropriate to name a facility that serves students after somebody who made their fortune selling arms. Which leads me in a meandering way to this bill and what I want to know is do we have standards in the legislation that it would come back through the RFP?
LEG. LEVY:
No. The point is we don't want to tie the Trustees as to what the name would be, that's up to the Trustees. We're not trying to tell them, "This is what the name has to be." I'm sure they're going to use their common sense. Now, we can say, "Oh, well we better not do it because they might use an inappropriate name." Well, if that's the case, you can't name anything because it might be inappropriate to someone out there. So you have to allow that the judging body is going to implement some type of common sense here.
LEG. BISHOP:
Well, in drawing some guidelines for common sense, do we allow for commercialization of the education facility, or is it to be named after a benefactor?
LEG. LEVY:
Well, we do have one -- I'll tell you this. We do have one clause that says, "Consistent of the sponsor's corporate goals with the mission of the Suffolk Community College as an educational institution." So there's somewhat of a parameter there that's generic enough that we can get a wide source of possibilities while still being able to give the nix to something that is inappropriate.
LEG. BISHOP:
And then let me give you a slight jab, do we have a local preference for Suffolk County businesses over international corporations?
LEG. HALEY:
Yes, Republican businesses.
LEG. BISHOP:
Unfortunately, most of them are Democratic employees.
LEG. LEVY:
You know, let me just add this. It was stated before, you know, leave this to the Trustees, I have left it to the Trustees for a year and a

half and they haven't done it.
LEG. CRECCA:
Maybe they don't want to do it, maybe that's why they haven't done it.
LEG. LEVY:
So if you want to do it you have to move forward.
LEG. CARACAPPA:
(Inaudible).

LEG. LEVY:
And I just disagree, Joe. I know at the end of the last year I tabled it waiting to hear if there was anything further that would come forward regarding how it's done with the baseball park but, you know, they do it with other areas, they do it with things that are not baseball parks. And it's as simple as, "Give us a price for your name," and if they don't come forward they don't come forward, nothing lost in that regard. But if they do and we can make some money on it, why the heck not?
P.O. TONNA:
Okay. Legislator Haley.
LEG. HALEY:
I had a question to Counsel because I just -- I can't imagine if from a policy perspective, if the board of trustees wishes not to address this at this particular time, why you feel it's incumbent upon us to interfere with that process, number one. But number two, I'm wondering if technically and legally we're allowed to.
[RETURN OF REGULAR STENOGRAPHER]
LEG. LEVY:
Number one --
LEG. HALEY:
Why would the Community College, who has the responsibility of operating that whole institution, why would they adhere to anything that the County Attorney may do --
LEG. LEVY:
Let's not forget -- I'm sorry.
LEG. HALEY:
-- relative to an RFP? And it's a legal question I'd like to ask of Counsel.
LEG. LEVY:
Oh, I thought you were asking me. I'm sorry.
MR. SABATINO:
The way the resolution was constructed is that the Board of Trustees makes the final decision on the actual award. They're not obligated to make any award. That was the legal point that was incorporated in the legislation to make certain that you weren't into an encroachment situation. Legislator Levy wanted to jump start the process, so that they would have something to work off of, since they appeared in appearances that were made to be reluctant to start the process.
LEG. HALEY:
All right. So, in the interest of clarification, so that we can go through this whole process and the Board of Trustees at the Community College can totally ignore this.
MR. SABATINO:
At the end of the day, yes.

LEG. HALEY:
So it doesn't make sense to me at all.
LEG. LEVY:
But why, you know -- I'll wait my turn, if we ever get the Presiding Officer. Who's next?
P.O. TONNA:
Legislator Caracappa.
LEG. CARACAPPA:
I'll yield to Steve to finish his point.
LEG. LEVY:
You know, everybody's saying, "Well, it's totally up to the Trustees." You know, don't forget, we pay for one-third of this College, on or about one-third of this College. It's not as though we have no business in the College. We don't tell -- you know, we don't operate the curriculum and we don't deal with things on a day-to-day basis, but if there's a way to lessen the burden for the taxpayers that doesn't cost anything for us, why not pursue that? I don't understand how we are somehow infringing upon the sovereignty of Suffolk Community College if we just ask for an RFP to be done so that we can get money for the naming rights of a building. I really don't understand that.
LEG. CARACAPPA:
Am I back on the list, Paul?
P.O. TONNA:
You're on the list.
LEG. CARACAPPA:
Okay.
LEG. FOLEY:
You're back on the team.
LEG. CARACAPPA:
Thank you, Captain. Steve, I agree with you 100% in regards to we should name -- we should do naming rights wherever and whenever we can, but there's a process. I disagree with you on the RFP, because I've seen it firsthand, it just does not work. Everything that Legislator Bishop said, local preference standards, you can go out and you shop that way if you have a hired gun, whether it be in-house hired gun or an outside hired gun, to go out and just basically form your proposal. You go look for family-type businesses, you go look for sponsors that have nothing to do with alcohol or tobacco, and that's what we've done with the ballpark and it's worked. And I can say what didn't work, again, not to be redundant, is an RFP. On top of that, the building is going to be a tough sell, and I know I said this already. That's why you have to go out there and be aggressive, pick and choose who your sponsors you think are good for that building, pick and choose a local person that's trying to make it, like a Khol's, for instance, that's just upstarting here in Suffolk County and it's a family type of institution, if you will. They do theirself -- you can do more

advertising for the facility inside their stores. RFP's just don't do that.
LEG. LEVY:
Joe, I -- could I interrupt for a second? I just don't think that's legal to do what you want to do. I think it's well-intentioned. I

would just ask Counsel if we can pick a private entity and start discussing with them, "Do you want to put your name on there for a certain amount money," without entertaining other options through an RFP process. I think we'd have to go either through a bid or an RFP to make this somewhat palatable. We're going to run into criticism that we just selected before the fact one particular entity.
MR. SABATINO:
There has to be some kind of competitive evaluation process. You know, how formal it gets is subject to some degree of latitude. But because it is a County asset, you can't just give away the County asset, you got to show that you're getting the best price or value through some kind of an evaluation process.
LEG. LEVY:
And I'd just add, Joe, if I can, like I say, if nothing comes back, nothing comes back, but I think it might and I think this is the only way that we can spark it to happen. Like I said, I've waited a long time, about a year-and-a-half, for the College to tell me a better way, and I kept on hearing it was coming and it never did. And, at some point, I say, "All right. You know, I waited, I was patient, I didn't try to push it through, but, you know, come on already, I gave it enough time."
LEG. CARACAPPA:
Again, an RFP won't work in this instance. It works in every instance other than this and we have to do it by law, but I'm telling you, it's not going to work.
LEG. LEVY:
There's no alternative.
LEG. HALEY:
Before you know it, we'll be micromanaging OTB and the Suffolk County Water Authority.
LEG. LEVY:
Now, that's an idea.
LEG. GULDI:
That's a good idea.
LEG. BISHOP:
That's a good idea.
LEG. LEVY:
Sponsor, cosponsor.
P.O. TONNA:
Okay. We have a motion and a second; am I right?

LEG. LEVY:
Yes.
P.O. TONNA:
Is this a 60-day table deal?
LEG. LEVY:
No, this is to approve.
P.O. TONNA:
Okay. Anyway, there's a motion to approve and a second. Let's do a roll call.
LEG. HALEY:
Thank you
(*Roll Called by Mr. Barton*)

LEG. LEVY:
Yes.
LEG. GULDI:
Motion to approve?
LEG. FOLEY:
What's the motion?
MR. BARTON:
Motion is to approve.
P.O. TONNA:
Yeah, motion to approve.
LEG. FOLEY:
Motion to approve? Yes.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
LEG. TOWLE:
Pass.
LEG. CARACAPPA:
Abstain.
LEG. FISHER:
Yes.
LEG. HALEY:
No.

LEG. FIELDS:
Pass.
LEG. ALDEN:
Nope.
LEG. CARPENTER:
No.
LEG. CRECCA:
No.
LEG. D'ANDRE:
Abstain.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Pass.
LEG. COOPER:
Yes.
P.O. TONNA:
Yep.
LEG. TOWLE:
No.
LEG. FIELDS:
Yes.
LEG. BINDER:
Abstain.
P.O. TONNA:
Okay. Let's --

MR. BARTON:
Ten.
P.O. TONNA:
Ten?
MS. FARRELL:
Yep.
P.O. TONNA:
Motion passes.
MR. BARTON:
10-5, 3 abstentions.

00160

LEG. BISHOP:
It will get vetoed.
P.O. TONNA:
It will get vetoed. All right. There we go. A Levy bill passes. All right. It's a new day in Suffolk County. Here we go. All right. Number 1258 (Extending deadline for expiration of Comprehensive Downtown Revitalization Plan Citizens Advisory Panel to implement recommendations). Is there a motion?
LEG. CRECCA:
Motion.
LEG. CARACAPPA:
Second.
LEG. LEVY:
Second.
P.O. TONNA:
Okay. We have a motion by Legislator Crecca, seconded by Legislator Levy. All in favor? Opposed?
LEG. FOLEY:
How do the towns feel about this?
P.O. TONNA:
Approved.
LEG. FOLEY:
I'm only kidding.
P.O. TONNA:
Hey, is this your first bill that passed.
MR. BARTON:
18.
LEG. CRECCA:
I don't know.
P.O. TONNA:
I think so.
LEG. CRECCA:
I think it is.
P.O. TONNA:
Very good. Hey-hey.

(Applause)

P.O. TONNA:
There we go. I swore a month ago you'd never get one of these things passed, but, you know, it's just quite amazing how things change.

00161

LEG. HALEY:
Don't let it go to your head.

P.O. TONNA:
Yes, right, exactly.
LEG. LEVY:
That's only because he stole it.
P.O. TONNA:
No. Way to go. Now, now, please. Good going.
LEG. CRECCA:
I won't even go there.

PUBLIC SAFETY

P.O. TONNA:
All right. We're into the Public Safety portion of our agenda. Okay. Number 1044 (Adopting Local Law No. -2000, a 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). Is there a motion?
LEG. TOWLE:
So moved.
LEG. BISHOP:
Motion.
LEG. TOWLE:
Motion to approve.
LEG. TOWLE:
Motion by Legislator Towle, seconded by Legislator Bishop.
LEG. HALEY:
On the motion.
P.O. TONNA:
Legislator Haley.
LEG. HALEY:
Just a quick, brief explanation of what the changes are, and then I have a question for Counsel.
LEG. TOWLE:
You want me to answer that, or do you want Paul?
LEG. HALEY:
Yeah, there were some changes. Yeah, yeah, please.
LEG. TOWLE:
This bill basically does a couple of things. It follows through with what we had talked about last year in reference to the vehicles that

the County would seize and the actual dollars that would be acquired by the County should there be a forfeiting of the vehicle and then, obviously, an auction of the vehicle, and how the money would be divided. The money now would be split that the Police Department and County Attorney's Office would cover any and all of their expenses, and the balance of the money, should there be any, would be put in a fund to assist victims and/or their families.
LEG. HALEY:
What else? There's something else in there, though. You changed something about minors and -- maybe Counsel could explain.
LEG. TOWLE:
Yeah, I think it was the venue of --
MR. SABATINO:
Yes. There are two other changes, which are technical in nature. Number one, because the State law now provides that someone operating a

motor vehicle under the age of 21 who has consumed alcohol would be a misdemeanor act, this language now conforms the definition of a predicate act to include that because in order to have a seizure action, you have to show that there was at least the two prior convictions. This would conform it to State law as one of the categories. And the other change that was made, something the District Court had brought up with regard to when somebody tries to get an order releasing the vehicle, the way the original statute, or, actually, the amended statute from last year read, you will -- the focus was in District Court at the time of arraignment. The District Court has indicated that that's not necessarily practical. So it now puts the process in a petition going either to County Court or State Supreme Court to get that order releasing the vehicle, if, in fact, there's the situation to release the vehicle after it's been initially seized.
LEG. HALEY:
Okay. And it goes back to the last time, when we past that seizure law, and I think I was one of only two people that voted against it, and the question, I'll ask you the same question I asked you at the end of that debate, too, is it possible, all right, that someone, an innocent -- there could be an innocent victim here where if their vehicle was inappropriately seized, it could still take them quite a period of time before they get that vehicle back, whether it's three months, six months, nine months. Do you recall that question?
MR. SABATINO:
I recall the general tenor of the question. The honest answer is that there are safeguards built into the system, but if something goes wrong, yes, it's a burden on the party that -- the alleged innocent party that lost the vehicle to get it back. That's the nature of seizure and forfeiture, that it is burdensome.
LEG. HALEY:
They're innocent. There could be innocent victims.
MR. SABATINO:
I wouldn't say that every case is going to be dragged out for the period of time you described, but it's possible in individual cases it

could get stretched out, yes.
LEG. HALEY:
Yeah, an innocent victim, so to speak. Thank you.
P.O. TONNA:
Just a question. Fred, maybe you would know this. How many cars have been seized?
LEG. TOWLE:
It's funny you mention that, because during the lunch break, I took a ride out, as Legislator Fields and Caracciolo know, I bumped into them out there to Westhampton to take a look at the vehicles that we had seized at this point. We've almost reached 400 vehicles.
P.O. TONNA:
We've seized 400 vehicles with the DWI.
LEG. TOWLE:
Almost 400 vehicles. It was like three-ninety-something. I had an opportunity to tour the facility and talked to the police officers that are operating the facility about some of the problems and difficulties that they're having and some of their needs. We had one car out there

that was valued at over $22,000, and we've got cars that are valued at a couple of hundred dollars, so the gamut is pretty wide.
P.O. TONNA:
How much is the most expensive car, you think?
LEG. TOWLE:
About $22,000, based on their estimate. It's a 19 --
P.O. TONNA:
Is that with pinstriping?
LEG. TOWLE:
No. It's actually a 19 --
LEG. CRECCA:
Are they nonsmoking cars? That's what I want to know.
LEG. TOWLE:
It's a 1986 Porsche, actually. A 1986 Porsche. There was also a 1999 Cadillac Coupe Deville. There were actually some very nice cars out there, amazingly enough.
P.O. TONNA:
You never know, that might go to the District Attorney for --
LEG. TOWLE:
Yeah, it's possible. I could just see the Presiding Officer riding around in some of these vehicles out there.
P.O. TONNA:
No, thank you. I have a great County car as it is.

LEG. TOWLE:
There is a $20,000 motorcycle out there that they had just released.
P.O. TONNA:
There's more my speed.
LEG. TOWLE:
Yeah. So they've got -- they've collected a lot of vehicles over the period of time during this law. You know, the interesting thing about it, and I understand Legislator Haley doesn't agree with the policy of the issue, but today's bill really is not about policy, it's just about the money that we get -- from my perspective, it's about the money that we get from the forfeiture of these cars as opposed to it going into the General Fund. It actually is going to reimburse to departments that are expending that money, as opposed to falling into the black -- and then --
LEG. HALEY:
And victims.
LEG. TOWLE:
Potentially, the victims, if there is any money left over. But, clearly, I think Legislator Bishop would probably recollect from our Public Safety Committee meeting last year, it's highly unlikely that there's going to be a massive amount of money left over to assist victims. It's more so to reimburse us to keep our costs, you know, revenue neutral as opposed to, you know, costing the County money. And if there is money left over, which like in the case of this Porsche that's worth $20,000, it's clearly not going to cost us the same whether the vehicle's a $200 vehicle or a $20,000, in that instance, there may be money left over.
LEG. HALEY:
I have a personal question. Do you qualify as a victim with the

possibility of getting that Porsche based on that toothpaste attack?
LEG. TOWLE:
No. Actually, based on serving with you on the County Legislature, they said that I would qualify as a victim.
LEG. CRECCA:
Oh, touche.
LEG. TOWLE:
They offered that immediately today as restitution for having to put up with you for the last four or five years. But I told them I loved you nonetheless.
You know, just as an aside, if the Presiding Officer would indulge me for a second on this particular subject.
P.O. TONNA:
It's very hard not to indulge you, Legislator Towle.
LEG. TOWLE:
Appreciate it. Appreciate it. I also had an opportunity to speak with

the Police Commissioner and we're going to set a meeting up with the County Attorney's Office and with the Police Department and myself, and anybody else that's interested in following where this is going and what's happening, and some of the problems that they've had, and some of the things that we need to address, possibly as far as a capital expense, and, also, as far as, you know, policy issues are concerned. One of my concerns in having gone out to this facility is that it's completely outside, it's not an enclosed facility whatsoever. And, obviously, if you've got a vehicle that's worth $20,000 and that vehicle sits there for a year or a year-and-a-half before we process it, the -- yeah, the vehicle is worth garbage, exactly as Legislator Fisher pointed out. So from my --
P.O. TONNA:
Hold on one second, Fred. I can't hardly hear him and I have pretty decent hearing.
LEG. TOWLE:
And I talk pretty loudly, too.
P.O. TONNA:
So I'd just ask, just please. Okay, thank you.
LEG. TOWLE:
You know, one of my concerns, I just want to keep -- you know, keep abreast of this issue as for all of us, because, obviously, we're going to revisit this issue as the year goes on. And I think the question becomes, you know, we may want to start working for, you know, an indoor storage facility at the Police Department's Westhampton facility, and that might be something we need to look at as a possibility.
LEG. CARACAPPA:
The dome stadium.
LEG. TOWLE:
The dome stadium, I like it.
P.O. TONNA:
I'm very particular of the word "dome". Okay. All right. There's a motion and a second. All in favor? Opposed? Approved?
LEG. HALEY:
Abstain.

P.O. TONNA:
Okay. Abstain, Legislator Haley.
MR. BARTON:
17, 1 abstention.
P.O. TONNA:
1212 (Accepting and appropriating $17,500 made available by the State of New York Governor's Traffic Safety Committee, to locate and apprehend certain habitual scofflaws with 63% support.) Is there a motion? I'll make a motion, seconded by Legislator --

LEG. FISHER:
I'll second it.
P.O. TONNA:
-- Bishop. All in favor? Opposed? Approved.
P.O. TONNA:
Number --
MR. BARTON:
18.
P.O. TONNA:
--1225A (Appropriating funds in connection with the purchase of Security Equipment for Suffolk County Correctional Facilities), a bonding resolution. Roll call. Oh, I'll make a motion, seconded by Legislator Bishop. Okay.
LEG. CRECCA:
Explanation.
P.O. TONNA:
Roll call. Okay, on the bill. 1225.
LEG. CRECCA:
It doesn't matter to me who explains it, whoever can do it best.
LEG. CARACAPPA:
Isn't it body alarms, Paul?
P.O. TONNA:
Brian, you're one -- you've been one bill short today. You got one -- 1225A.
MR. SABATINO:
That's $750,000 would be appropriated for the closed circuit television cameras at the correctional facilities. This was the outgrowth of that study that was authorized by the Legislature last year for the $50,000 to find out how the surveillance cameras should be installed and whether they made any sense. This implements that policy from last year.
LEG. CRECCA:
Does this --
P.O. TONNA:
Okay.
LEG. CRECCA:
Were the funds allocated in the 2000 Budget for this, or is this a new appropriation?
P.O. TONNA:
In the Capital Program, you mean?

LEG. CRECCA:
The Capital Program.

MR. SABATINO:
This is in the Capital Budget, it's already got a ranking, and it's a straight appropriation.
P.O. TONNA:
What's the ranking?
MR. SABATINO:
It's got a ranking of 64 under the --
P.O. TONNA:
There you go, pretty good.
MR. SABATINO:
-- Haley/Bishop Priority Ranking System.
P.O. TONNA:
Okay. Roll call, please, Henry.
(*Roll Called by Mr. Barton*)
P.O. TONNA:
Yes.
MR. BARTON:
Legislator Bishop.
P.O. TONNA:
Legislator Bishop.
MR. BARTON:
Mr. Bishop.
P.O. TONNA:
Bishop.
LEG. FISHER:
Fisher.
P.O. TONNA:
Security. Public -- Public Safety. Pass, pass. He's got to focus.
MR. BARTON:
Pass, okay.
[LEG. CARACCIOLO-NOT PRESENT]
LEG. GULDI:
Yes.
LEG. TOWLE:
Yes, cosponsor.

LEG. CARACAPPA:
Yes.
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.
LEG. FOLEY:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Yes.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
Pass.
LEG. D'ANDRE:

Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.
LEG. CRECCA:
Yes.
LEG. BISHOP:
Yes.
P.O. TONNA:
Thank you.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracciolo)
P.O. TONNA:
Okay. Bonding Resolution Number 1226A -- oh, same motion, same second, same everything. Okay. 1226A (Appropriating funds in connection with replacement of the County D.W.I. Alternative Facility). Is there a motion?

LEG. CARPENTER:
Motion.
P.O. TONNA:
Motion by Legislator Carpenter.
LEG. CRECCA:
Explanation.
P.O. TONNA:
Second by Legislator Binder. Roll call.
MR. BARTON:
Legislator Carpenter.
LEG. CRECCA:
I asked for an explanation. It's a half million dollars. Again, really the same, is this a capital project that was in the budget?
MR. SABATINO:
This is $330,000 for the planning and $100,000 for the site improvements to build a new DWI facility in Yaphank. The money is in the Capital Budget, so it's a straight appropriation.
LEG. CRECCA:
Okay.
P.O. TONNA:
Okay. Roll call.
(*Roll Called by Mr. Barton*)
LEG. CARPENTER:
Yes.
LEG. BINDER:
Yes.
[LEG. CARACCIOLO-NOT PRESENT]
LEG. GULDI:
Yes.
LEG. TOWLE:

Yes.
LEG. CARACAPPA:
Yep.
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.

LEG. FOLEY:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Yes.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.
P.O. TONNA:
Yep.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracciolo)
P.O. TONNA:
Okay. Bonding Resolution Number -- oh, same motion, same second, same everything. 1227A (Appropriating funds for the purchase of heavy duty vehicles for the Police Department). Is there a motion?
LEG. TOWLE:
Motion.
LEG. GULDI:
Second.
P.O. TONNA:
Motion by Legislator Towle, second by Legislator Guldi. Roll call.
LEG. ALDEN:
Explanation.
MR. SABATINO:
$75,000 in serial bonds would be appropriated for a tow truck and $60,000 for an emergency vehicle in the Police Department. Again, it's in the Capital Budget, it's a straight appropriation.

P.O. TONNA:
Okay. Just roll call, please, Henry.
(*Roll Called by Mr. Barton*)
LEG. TOWLE:
Yes.
LEG. GULDI:

Yes.
LEG. CARACCIOLO:
Yes.
LEG. CARACAPPA:
Yes.
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.
LEG. FOLEY:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Pass.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.

P.O. TONNA:
Yep.
LEG. ALDEN:
No.
P.O. TONNA:
Okay.
MR. BARTON:
17-1.
P.O. TONNA:
Same motion, same second, same vote. Number 1228 (Appropriating funds in connection with the purchase of a surveillance vehicle.)
LEG. FISHER:
Motion.
P.O. TONNA:
Is there a motion? By Legislator Fisher, seconded by myself. All in favor? Opposed?
(*Roll Called by Mr. Barton*)
LEG. FISHER:
Yes.
P.O. TONNA:
Yep.

LEG. CARACCIOLO:
Yes.
LEG. BISHOP:
It's not a bond, 1228.
LEG. CRECCA:
Yes, it is. It is.
LEG. GULDI:
Yes.
P.O. TONNA:
No, it is. You see the "A" on the bottom of the first one.
LEG. TOWLE:
Yes.
LEG. CARACAPPA:
Yes.
LEG. HALEY:
Yes.

LEG. FOLEY:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Yes.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.
MR. BARTON:
18.
P.O. TONNA:
Okay. Number -- yeah, I got it. On Number 12 -- same motion, same second, same everything. 1229A (Appropriating funds in connection with the purchase of a surveillance vehicle.)
LEG. CRECCA:
Motion to approve.
P.O. TONNA:
Motion by Legislator Crecca, second by Legislator Bishop. Okay. Roll call.
(*Roll Called by Mr. Barton*)
LEG. CRECCA:
Yes.

LEG. BISHOP:
Yes.

00174

LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
LEG. TOWLE:
Yes.
LEG. CARACAPPA:
Yep.
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.
LEG. FOLEY:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Yes.
LEG. CARPENTER:
Yes.
LEG. D'ANDRE:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.
P.O. TONNA:
Yes.
MR. BARTON:
18.

SOCIAL SERVICES

P.O. TONNA:
Okay. Social Services: 1144 (Reorganize Suffolk County Women's Advisory Commission). Is there a motion?

00175

LEG. FIELDS:
Yes.
LEG. CRECCA:
Second.
P.O. TONNA:
Motion by Legislator Fields, seconded by Legislator Crecca. All in favor? Opposed?
LEG. CARPENTER:
On the motion.
P.O. TONNA:
On the motion, Legislator Carpenter.

LEG. CARPENTER:
I've spoken with the sponsor of this and appreciate her desires to reorganize this and have all intentions of supporting this. We had reorganized this Commission last year, because the numbers of participants was a little unwieldy. Obviously, it didn't work in getting everyone to come forward or agreeing on appointments. I would just urge Legislators, because those who were the most adamant in arguing against the way we had organized it last year and wanted each Legislator to have their appointment, those Legislators never came forward with appointments. So I would just ask, so that this Commission can get on with their work, that everyone be diligent in putting forward a name, so that they can move forward. And I thank Legislator Fields.
LEG. FIELDS:
Thank you.
LEG. LEVY:
Move it. Second. Move it.
P.O. TONNA:
Okay. We said a motion and a second. All in favor? Opposed?
MR. BARTON:
18.
P.O. TONNA:
What, you're opposed to approve?
LEG. TOWLE:
No, no.
P.O. TONNA:
We're onto Health? We're into Health now.
LEG. TOWLE:
Yeah. I just had a --

P.O. TONNA:
1208. Why, you want to discharge something again, Fred?
LEG. TOWLE:
Funny you mention that.
P.O. TONNA:
Not yet. 1208 (Accepting and appropriating additional 100% State Grand Funds to the Department of Health Services, Division of Mental Hygiene Services from the New York State Office of Mental Health for the Compulsive Gambling Program). Is there a motion?
LEG. FOLEY:
Motion.
P.O. TONNA:
Motion by Legislator Foley, seconded by myself. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
1209 (Accepting and appropriating 100% State Grant Funds to the Department of Health Services, Division of Mental Hygiene Services from the New York State Office of Mental Health through Reinvestment/Homeless MICA Funds for the development of 50 Bed Service Enriched Single Room Occupancy Program). Motion by myself, seconded by Legislator Fields. All in favor? Opposed? Approved.

MR. BARTON:
18.
P.O. TONNA:
1213 (Amending the Department of Health Services 2000 Adopted Budget to reallocate funds among 100% State Grand Funded Contract Agencies in the Division of Community Mental Hygiene Services). Motion by myself, seconded by Legislator Fields. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1219 (Reappropriating a donation from Mr. Barry Charles to the Department of Health Services for the Services to Children with Special Health Care Needs Program). Motion by Fields, seconded by Legislator Levy. All in favor? Opposed? Approved.
MR. BARTON:
18.

PARKS, LAND ACQUISITION & CULTURAL AFFAIRS

P.O. TONNA:
Parks, Land Acquisition and Cultural Affairs.

LEG. FISHER:
Motion.
P.O. TONNA:
Motion by -- 1001 (Adopting Local Law No. -2000, a Local Law to require full background disclosure for County Planning Commission determination.) Legislator Postal, would you like to make a motion?
LEG. POSTAL:
Yes.
LEG. FISHER:
Second.
P.O. TONNA:
Second by Legislator Fisher.
LEG. HALEY:
Explanation.
P.O. TONNA:
All in favor?
LEG. HALEY:
Explanation.
P.O. TONNA:
Explanation. Legal Counsel. Do you want to explain this, Maxine?
LEG. POSTAL:
Yeah. This just opens the process for input to a greater range of people and allows the notification by the Planning Commission to go out over the internet. Steve Jones testified, he said that if we did that, allowed him to do that, then it wouldn't be an overwhelming burden. We heard from the Health Department, which would respond to applications, that they needed more time than was in the original resolution. They wanted 30 days. I changed it to give them 30 days. So all this does is to open the process to not only all the various interested County departments, but to the public as well, so that they could comment before the Planning Commission makes a recommendation.
LEG. HALEY:
Oh, okay. So Steve Jones represented the Commission in saying that

they had no problems with it, provided --
LEG. POSTAL:
As long as they could use the internet.
LEG. HALEY:
Okay. Thank you.
P.O. TONNA:
Okay. Motion by Legislator Postal, seconded by Legislator Fisher. All in favor? Opposed? Approved.

00178

MR. BARTON:
18.
P.O. TONNA:
Number 1042 (Appointing Susan Lebow as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 8). Motion by Legislator Postal.
LEG. BINDER:
Second.
LEG. CARPENTER:
Second.
P.O. TONNA:
Seconded by Legislator Binder. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1124 (Appointing Eileen Herz as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 4). Motion by Legislator Binder, seconded by Legislator Cooper. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1133 (Appointing Robert LaBua as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 2). Motion by Legislator Carpenter, seconded by Legislator Alden. All in favor? Opposed?
LEG. LEVY:
Just on the question.
P.O. TONNA:
Approved. Which one?
LEG. LEVY:
On 1133. I know some of these people came before the committee, some didn't. I don't have a problem --
LEG. CARPENTER:
He was the only one that did.
LEG. LEVY:
Yeah. I don't have a problem with this particular individual. I just want to say, you know, for someone who was here years ago when we changed the look of the Vanderbilt Museum, we did so because we wanted to get away from too many people on the museum who had political backgrounds. It was getting to the point where everybody on the museum had some type of --

00179

LEG. HALEY:
Republican background.

LEG. LEVY:
No, not only -- at one point, it was all Republican, but then it was Republican, Democrat. We started putting on people with backgrounds in history and, you know, anthropology and a lot of other things and that was a great thing. We got a lot of information and resources from these individuals. I just want to make sure we don't go backward here and start getting back to the trend of every appointment to the Vanderbilt is someone who is associated with either the Democratic or the Republican Party, and I think we should hold off and try to get a few more nominees to come forward.
P.O. TONNA:
Well, the --
LEG. LEVY:
And there are some in the packet, in fact.
P.O. TONNA:
Okay. We're going on with the agenda. 1140 how to I respond to that?
LEG. GULDI:
You don't.
P.O. TONNA:
Motion by Legislator Fisher.
MR. BARTON:
Mr. Chairman.
P.O. TONNA:
Or Legislator Guldi, I'll give --
MR. BARTON:
MR. Chairman.
P.O. TONNA:
-- that to you to sponsor, right?
LEG. LEVY:
I don't think we had it. We never had a motion.
P.O. TONNA:
Second by Legislator Fisher.
LEG. LEVY:
Hold it. We never had a motion.
LEG. CARPENTER:
Back to 11 --
MR. BARTON:
On 1133, I have a motion and a second.

P.O. TONNA:
Yes, there was a motion, second. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Okay. 1140 (Reappointing a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation (Aurelio A. Colina).
LEG. GULDI:
Motion.
P.O. TONNA:
Motion by Legislator Guldi, seconded by Legislator Fisher. All in favor? Opposed? Approved.
MR. BARTON:
18.

P.O. TONNA:
Number 1156 (Appointing Michael Broxmeyer as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 3). You want to say this again?
LEG. LEVY:
Motion to table.
P.O. TONNA:
Motion to table. Is there a second?
LEG. FIELDS:
Second.
P.O. TONNA:
Second by Legislator Fields.
LEG. FISHER:
Question.
P.O. TONNA:
On the motion.
LEG. FISHER:
On the motion. Why do you want to table this?
LEG. LEVY:
Again, number one, I don't think the individual came before the committee. Number two, there are --
LEG. FISHER:
Oh, I was on 1160.
P.O. TONNA:
No. We're on 1156.

LEG. LEVY:
Motion to table.
LEG. FISHER:
On 1156?
P.O. TONNA:
Personally, I think if somebody does not have a mitigating excuse, does not come in front of the committee, but I would say to the committee chairperson, don't let this out of committee. You know, I think that if they're not going to -- if they're not going to get to the committee, you know, we should, unless there's a mitigating -- unless there's a mitigating point. Okay?
LEG. GULDI:
Motion to recommit.
LEG. CRECCA:
Well, why are we approving some and not the others, though? I mean, the real problem here is --
P.O. TONNA:
Do you know why? I'll tell you why. Because nobody else brought it up before this point.
LEG. CRECCA:
Well, he's only picking on Republicans.
P.O. TONNA:
We just brought this one up that this person didn't attend. I'm not at that committee. I don't know if they all attended or they didn't.
LEG. BINDER:
Mr. Chairman.
LEG. TOWLE:

Mr. Chairman.
P.O. TONNA:
The only one that was raised before that was Mr. LaBua and he was at the committee.
LEG. BINDER:
Mr. Chairman.
LEG. TOWLE:
Mr. Chairman.
LEG. BINDER:
When you say they didn't attend the committee, were they all invited to be there? Did they get notification? Were they asked to? Because you're -- we're making it sound like they were absent and I don't know if they were all notified and requested to be --
LEG. FISHER:
The nominating Legislator would have to invite them to come.

LEG. TOWLE:
No. Normally, it would be the Chairperson.
LEG. BINDER:
No. Usually, the committee.
LEG. FISHER:
The Chairperson?
P.O. TONNA:
Okay. Just --
LEG. TOWLE:
Normally, they would.
LEG. FISHER:
I hadn't invited them to come to the committee.
P.O. TONNA:
You had not.
LEG. FISHER:
I had not.
P.O. TONNA:
Okay.
LEG. LEVY:
Well, give them a chance --
LEG. FOLEY:
All right.
LEG. LEVY:
-- and see what they have to say, but --
P.O. TONNA:
Just wait. Hold it one second. One at a time. Legislator Fields, you have the floor.
LEG. FIELDS:
I think, at this point, since that's a discovery, maybe it's a good opportunity and we should table everybody from this point on until they do have an opportunity and can have an invitation.
P.O. TONNA:
Okay. Legislator -- Legislator Postal.
LEG. POSTAL:
Yeah. I would agree that we've learned something.
P.O. TONNA:
Right.

LEG. POSTAL:
And if we're going to establish a practice, that's fine. But I would suggest that, at this point, we've approved half of the --
P.O. TONNA:
Yes.
LEG. FISHER:
Yes.
LEG. POSTAL:
-- resolutions on the agenda and I think it would be wrong not to at least continue for this meeting --
LEG. FISHER:
I think it seems very arbitrary to do it to --
LEG. CRECCA:
Correct.
LEG. FISHER:
-- one person and not to everyone.
LEG. CRECCA:
I agree.
LEG. FISHER:
Because I was the one who was remiss, as Chair of the Parks Committee, in not inviting all of the appointees.
LEG. D'ANDRE:
Well, Mr. Chairman, one of these --
P.O. TONNA:
Hold it one second.
LEG. FISHER:
No matter who it is, I'm just going to --
P.O. TONNA:
Just, everybody, believe it or not, you have to go through the Chair, you have to be recognized, and we go in order. Legislator D'Andre, you have the floor.
LEG. D'ANDRE:
We've approved Mr. LaBua and he was a member of this organization, this august body. I mean --
P.O. TONNA:
Right.
LEG. CARPENTER:
He's fine. Don't worry about it.
LEG. D'ANDRE:
Okay.

P.O. TONNA:
Okay. We know how democracy works. Those resolutions have been already approved. Right now, we're in a position where if you want to approve this resolution or don't, that's where you cast your vote.
LEG. LEVY:
Where does the individual reside? That's a question I have.
LEG. TOWLE:
Resume was attached.
P.O. TONNA:
Do we have a resume attached?
LEG. LEVY:

I don't have it with me.
MR. SABATINO:
Melville was the information provided.
P.O. TONNA:
Melville.
LEG. LEVY:
It seems like everybody's from Western Suffolk here. Is there anyone from like -- from like --
LEG. GULDI:
Oh, Levy's going to become an East End advocate?
P.O. TONNA:
All I can tell you is Melville's my district.
LEG. LEVY:
From like Melville on?
P.O. TONNA:
This gentleman never came to me. I second the motion to table. Anyway --
LEG. BINDER:
Actually, I think it's my part of Melville?
P.O. TONNA:
Oh, you -- do you have a part of Melville?
LEG. BINDER:
Yeah, I have.
P.O. TONNA:
Okay. Has he come to you and spoke to you?
LEG. BINDER:
Yes.

P.O. TONNA:
He did.
LEG. BINDER:
Yes, through Legislator --
P.O. TONNA:
Did you make sure that you told him to come to committee? Oh, okay. Anyway --
LEG. BINDER:
I said go with your call.
P.O. TONNA:
Let's go to the point -- let's go to the point that there was a motion to table by Legislator Levy. Was there a second?
LEG. FIELDS:
Second.
P.O. TONNA:
Second by Legislator Fields. Roll call. You want a roll call or -- okay. All in favor? Opposed to tabling?
(Opposed said in unison by Legislators)
Okay. Let's roll call, please.
(*Roll Called by Mr. Barton*)
LEG. LEVY:
Yes.
LEG. FIELDS:
Yes.
LEG. CARACCIOLO:

Sure.
LEG. GULDI:
Yeah.
LEG. TOWLE:
No, to table.
LEG. CARACAPPA:
No.
LEG. FISHER:
No.
LEG. HALEY:
No.
LEG. FOLEY:
Yes, to table.

LEG. ALDEN:
Nope.
LEG. CARPENTER:
No.
LEG. CRECCA:
No, to table.
LEG. D'ANDRE:
No, to table.
LEG. BISHOP:
Yes, to table.
LEG. POSTAL:
No.
LEG. BINDER:
No.
LEG. COOPER:
No, to table.
P.O. TONNA:
Nope.
MR. BARTON:
Six.
P.O. TONNA:
Well, I'm just saying, truthfully, from this point on, I'd ask Legislator Fisher --
LEG. FISHER:
Absolutely.
P.O. TONNA:
-- that your office facilitate that people who have to come in front of that committee be interviewed. And they have to understand in the letter that if they do not attend, they're going to be tabled in committee.
LEG. FISHER:
I stand educated.
P.O. TONNA:
Okay.
LEG. POSTAL:
Mr. Chairman.
P.O. TONNA:
All right.

LEG. POSTAL:
Just quickly on that.
P.O. TONNA:
Yes.
LEG. POSTAL:
I don't think it's only the Parks Committee. As far as with regard to every appointment, if it was a reappointment, we didn't ask that the person come before the committee, but if it was a new appointment, we did. So I think all the committees that act on appointments.
LEG. HALEY:
Well, Mr. Chairman.
P.O. TONNA:
Hold it one second. There's just a little -- it's very, very hard for people to hear each other, especially on the record. Legislator Haley has the floor.
LEG. HALEY:
I understand your approach, but I don't think you can unilaterally make a rule that they can't pass something out of committee because someone doesn't attend. I think that every effort should be made that they attend. There might be circumstances where -- and it is the responsibility of the committee to ascertain whether it should come out. If they bring it out to this floor, I feel comfortable that they've reviewed what they've had to review, and it may be a no-brainer. It could be somebody that we all know pretty well that didn't have to come down, even though it isn't a reappointment. So sometime you might not have to do that, so I think it's the responsibility of the chair on that particular committee.
P.O. TONNA:
We'll leave that up to the Chair of the committee.
LEG. BISHOP:
What we've done, since we're reviewing past practices, in those circumstances is --
P.O. TONNA:
Brought them here.
LEG. BISHOP:
-- we've asked them to come to the full Legislature --
P.O. TONNA:
Right.
LEG. BISHOP:
-- if they can't make the committee --
P.O. TONNA:
As a matter of fact, when --

LEG. BISHOP:
-- on the theory that if they don't bother to come to committee or the full Legislature, it's an indication that they really are not going to put a lot of effort into their appointment.
P.O. TONNA:
Right. And then -- and then, finally, we did that at least with Judges last week. They even came to the committee and came to the full Legislature. Anyway, okay. Let's go on to 1160..
LEG. TOWLE:
Motion to approve.

LEG. FISHER:
We have to vote on 1156.
P.O. TONNA:
Okay. The tabling motion failed. A motion to approve by Legislator --
LEG. TOWLE:
Myself.
P.O. TONNA:
Towle, seconded by Legislator --
LEG. HALEY:
Binder.
P.O. TONNA:
Binder. All in favor? Opposed?
MR. BARTON:
18.
P.O. TONNA:
Okay, approved. There we go. Okay. By the way, does anybody consult the Chairman of the Vanderbilt with regard to this? No? We don't really care? Okay.
LEG. BINDER:
Yes.
P.O. TONNA:
I think we should.
LEG. LEVY:
(Inaudible).
P.O. TONNA:
11 -- (inaudible). 1160 (Authorizing Cultural Affairs Agreement Funding for 2000). Is there a motion, Legislator Fisher?
LEG. FISHER:
Yes, there's a motion to approve.

LEG. HALEY:
Second.
LEG. CARPENTER:
Second.
LEG. FISHER:
You have the backup material.
P.O. TONNA:
Is there a second?
LEG. HALEY:
Second.
P.O. TONNA:
Legislator Haley. All in favor?
LEG. FISHER:
And you have the backup material.
LEG. BISHOP:
On the motion.
P.O. TONNA:
On the motion.
LEG. BISHOP:
On the motion. If you look at the back-up material, there are dramatic changes in fundings to particular agencies, and that may or may not be a good thing. But given some agencies have gone up more than 300%, I think it would be important that the Director come before the Parks

Committee and explain the winners and losers in this process. We've done that in previous years. And the reason that you're getting this backup material today is because it wasn't provided at the committee hearing, so we couldn't have a meaningful discussion on it. And we were led to believe that everybody was increased. I wouldn't say it was misrepresented, but when you hear that everybody's increased, you have some -- you, in your mind, you think it's sort of across the board same percentage or similar percentages and it's not. So I would like to discuss with Mr. Cooke which agencies receive big gains and which did not and why they -- why that is so.
LEG. FISHER:
But what he represented was correct, that the -- that there had been --
LEG. BISHOP:
There was no cuts.
LEG. FISHER:
-- an increase across the board from last year to this year and the material was provided as backup material. By the way, he did attend the committee meeting.
LEG. BISHOP:
He did attend. But are --

P.O. TONNA:
Okay.
LEG. FISHER:
And you say you see disproportionate --
LEG. BISHOP:
I hope my colleagues understand what I'm saying --
LEG. FISHER:
Yes.
LEG. BISHOP:
-- is that it's not --
LEG. CARPENTER:
On the motion.
P.O. TONNA:
On --
LEG. BISHOP:
It's not uniform.
P.O. TONNA:
Wait, wait, wait. Just, Legislator Bishop, are you done?
LEG. BISHOP:
Yes.
LEG. FISHER:
I'm sorry.
P.O. TONNA:
Okay. Legislator Carpenter.
LEG. CARPENTER:
I don't think it would be particularly wise to send this back to committee now, because there is a whole process that takes place and it wasn't Mr. Cooke that made the decision.
LEG. BISHOP:
I wouldn't send it back to committee, I would just say table it here on the floor.
LEG. CARPENTER:

All right. May I finish?
LEG. BISHOP:
And I'd just have him come to committee, unless you want him to come to the full Legislature.
LEG. CARPENTER:
There is a whole process that takes place in this and it's not Mr. Cooke that makes the decision on what groups are funded and what the

increase is, it was done by the Cultural Arts Advisory Commission who are volunteers --
LEG. BISHOP:
Well, if there's no accountability in the process --
LEG. CRECCA:
Would you let her finish.
LEG. CARPENTER:
Thank you, Counsel. Who are volunteers who --
P.O. TONNA:
Okay.
LEG. CARPENTER:
Who are volunteers. And, again, part of the process is that this funding has to get to the groups in a timely fashion, and a lot of this is done, you know, starting, you know, late spring. So I don't think that, you know, unless it's some real egregious error here on the funding for someone, that we should table this.
LEG. BISHOP:
Well, may I respond to that?
P.O. TONNA:
Wait, wait, no. Legislator Fisher has the floor.
LEG. FISHER:
I have to agree with Legislator Carpenter. This is -- it's important that we approve this today. These groups have to get their structure together for summer performances. There are many that depend on this, so that they can go ahead with their plans for their -- whatever work they're going to be doing, and much of it does occur in the summer months. So it's important that we move forward with this. We see that there is an improved -- well, that there's an increase in funding, that there's a greater variety of funding, that it's spread across the County more equitably, that there's not a disproportionate amount in one town as much there had been in the past. I believe that we should move forward on this today, so that these groups who had submitted their grants months ago have been told that they were going to be receiving monies, can do so, and go ahead with their planning.
P.O. TONNA:
Well, can I --
LEG. BISHOP:
May I get back on the list?
P.O. TONNA:
Yeah, Legislator Bishop, and then I'm going to put myself on this list.
LEG. BISHOP:
Thank you. Well, fortunately on, the issue of quick turnaround, we have another meeting in two weeks, so it's unlikely that any -- that a two-week delay would result in any deprivation of services. The reason

that this comes back to us for a vote is so that there is some accountability in the system and some dialogue on the decisions that are made.
LEG. HALEY:
That's why they went to committee.
LEG. BISHOP:
If you simply abdicated -- in the first order, it was offered to us to simply abdicate it, because they didn't bring us the list in who won and who lost in the process. We get the list and we see some unusual decisions. Maybe they're justifiable, they probably are. But I think it's incumbent upon us to raise those questions with a representative of the board and with Chris Cooke. So, for example, it's great if you live in Port Jefferson, because they're getting $13,000 just for Port Jefferson, but the Town of Babylon as a whole is getting -- what is the Babylon Art Council getting? $16,500. Now, there are four times as many people in the Town of Babylon as there are in the community of Port Jefferson.
LEG. FISHER:
Well, that's the Greater Port Jefferson.
LEG. BISHOP:
That may be justifiable. Maybe it's not by that type of formula.
LEG. FISHER:
They serve a large area. But there should be a discussion --
LEG. FISHER:
It's the Greater Port Jefferson Arts Council.
LEG. BISHOP:
-- as to why these decisions are made. The Islip Art Council, counsel I know the Islip Art Council does fantastic work. They're only receiving a very small increase this year. Why is that? We should those discussions before we vote on this.
P.O. TONNA:
Just, okay, we're going to -- we're going to go to the video tape. First of all, Legislator Haley, Legislator Caracappa.
LEG. HALEY:
One of the things they --
P.O. TONNA:
Who else?
LEG. HALEY:
Legislator Bishop, one of the problems we found, going back quite a number of years ago, when I first became a Legislator, is only approximately 11% of the cultural arts monies was getting into the entire Town of Brookhaven. There has been -- I'll be quite frank with you, there has been a concerted effort to try to improve that. We're only up to about 18 or 19%. Now, the Greater Port Jeff Arts area actually serves the entire north end of Brookhaven, north of the Middle

Country Road. So they go all the way. They actually cut across at least three Legislative districts. And that's one of the reasons we found in an effort of trying to improve and make a more equitable share of the funding go into Brookhaven, I think that was one of the reasons they gave them some additional monies. But, remember, they only got that money because their happened to be some extra revenues this particular year, then they dropped down. Whereas, if you look at some

of the other programs such as the ones in your district and some of the ones in Huntington, who happens to have one of the best cultural arts programs in the County, if not the best, all right, they've consistently got fundings over the years and those will are probably stay. The fact that the little extra money that was thrown to Greater Port Jeff area I think is almost an anomaly and may not take place next year.
LEG. BISHOP:
May I go back on the list?
P.O. TONNA:
Yeah, you can go back on the list, but Legislator Caracappa is next.
LEG. CARACAPPA:
Just to what Marty just said, for years, Brookhaven has not gotten their share, not even close compared to the rest of the County, and there's really been no gripes about that. But this year there was a conscious effort on both the Arts Council part and maybe at the pushing of a lot of Legislators from the entire Brookhaven area to get a little bit extra funding, so that we could do some needy programs that they do. As Marty mentioned, Port Jefferson Arts Council comes deep into the southern end of my district and actually goes into Legislator Foley's district, who is a South Shore Legislator, with their programs. So it's just not the Hamlet of Port Jefferson or the Village of Port Jefferson, they do a tremendous amount of work. And I'm not just sticking up for Port Jefferson, I'm trying to make a point that Brookhaven has been left out of the mix in regards to the amount of funding we should have been getting for years, and this year it may be a makeup year, call it what you want, but I think it's --
LEG. HALEY:
We're still not there.
LEG. CARACAPPA:
We're still not there, but I think this is a way to go at this point in time.
P.O. TONNA:
My concern, and to the Chairman in the committee, first of all, they need an Excel spread sheet. This is a terrible rendition of something to read. This was not information provided to your committee?
LEG. BISHOP:
Correct.
LEG. FISHER:
The information that was provided to the committee was information that we had also been provided last year, which was the awards this year;

okay? This is additional information that was requested, so that the Legislators could see the comparison between this year and last year. So Chris Cooke did come to the committee and provided us with the information as to the awards this year, which is what was -- what he thought was germane to the resolution.
P.O. TONNA:
My only concern is, and I want to agree with Legislator Bishop, you know, this goes at the very heart of the Legislative process, which is to scrutinize the way that our monies are allocated. Clearly, the -- you know, the funding and the grant programs that we provide for the-- you know, for the arts is important. But, I mean, I'm just looking at

this list, and I'm not looking at it from a percentage standpoint, and, honestly, I think if there are problems with regard to the funding that's provided into the Town of Brookhaven, those should be addressed. But I'm looking in my own town and I'm wondering, I mean, some of these groups I haven't even heard of and --
LEG. HALEY:
You've been getting it consistently.
P.O. TONNA:
Yeah. Well, some are new.
LEG. FISHER:
That information was available at the Parks Committee meeting. What you're saying that you didn't hear of groups, you would have known by seeing the list that was provide at the Parks Committee meeting. You didn't need a comparison.
P.O. TONNA:
What's the process of them making their decisions? This is made not by us, obviously, this is made by --
LEG. FISHER:
No. It's made by the appointees in the Cultural Arts -- what's it called Commission or Committee?
P.O. TONNA:
Do we have --
LEG. HALEY:
Cultural Arts Advisory Committee.
P.O. TONNA:
I should ask Paul, you know, of course, I should know this, do we appoint the people onto that committee?
LEG. HALEY:
Yes.
LEG. FISHER:
Yes.
P.O. TONNA:
So there are --

LEG. FISHER:
One from every district.
P.O. TONNA:
There are --
LEG. FISHER:
Yes.
P.O. TONNA:
-- designated representatives?
LEG. FISHER:
Yes.
MR. SABATINO:
Yes.
LEG. HALEY:
There's not 18, though. I don't think there's --
LEG. CARPENTER:
There was a list attached to the original resolution of who was actually on the Commission.
P.O. TONNA:
Okay.

LEG. FISHER:
Yes.
P.O. TONNA:
Well, in a certain sense, vicariously, I mean, we should be -- if we're appointing our representatives onto this commission, we should be dealing with our representatives, and, you know, they should be at least listening to us. Dave, how do you respond to this?
LEG. BISHOP:
Respond to what? I --
LEG. HALEY:
Time's up.
LEG. BISHOP:
May I speak? Paul, do you want to say something?
MR. SABATINO:
I want to eliminate the misimpression that there's 18 members from 18 districts.
LEG. HALEY:
It's not.
MR. SABATINO:
There's three different categories, I don't remember them exactly, but

they have to be backgrounds in the arts and industry, and maybe there's 11 or 13 members, but there's not one for each district.
LEG. HALEY:
They have to have backgrounds.
LEG. BISHOP:
I started this discussion and I feel that it's breaking down into everybody's quickly doing a formula in their head and saying, "My district should get "X" amount," like the Downtown Revitalization Fund. I fully understand that this is not like the Downtown Revitalization Fund, that often there are less amounts going to certain areas, because less amounts were requested. My point is that we should be having this discussion with people who know the answers rather than with each other at this point. And we should bring in the head of the Cultural Affairs Advisory Committee and Mr. Cooke and we can have the discussion, and then that would be the level of oversight that we're required to conduct.
LEG. HALEY:
I think the level of oversight is at the committee level and you certainly have the opportunity when you get those resolutions, as you've had them as long as the rest of us, to take a look and to see what's happened and to ask those questions. You know, there's a couple of us that spent an awful lot of time trying to make sure that there was a lot of equal play here and one of which was to make sure that we did not, and this was significant, because I know Legislator Carpenter and I worked together a couple of years ago on this, to make sure that we did not adversely affect those programs in your town and in Huntington and in Islip that normally got those monies. We didn't effect any of that.
LEG. BISHOP:
I think --
LEG. HALEY:
All we tried to do was simply make sure that there was the required

number of people on the Citizens Advisory Committee and Cultural Committee -- Advisory Committee and to make sure that they got additional monies, because Legislator Carpenter and I have increased funding for quite a number of years, and now they have extra money, and this committee made their decision based on the additional revenues and based on their representation of this Legislature. All of a sudden, because you decided you want to review their decisions is something that should have been done either as a request to the committee or done so on your own.
LEG. BISHOP:
Well, the point --
LEG. HALEY:
I think it's unfair to do that now.
LEG. BISHOP:
You're missing the point I made and you have to go back to the beginning. This information was not available at the committee.

LEG. GULDI:
Sure it was.
LEG. BISHOP:
The reason you have --
LEG. HALEY:
Sure it was.
LEG. BISHOP:
-- it today in front of you is because it wasn't available and we said it would be unfair to table it at the committee level not knowing whether we would object to the information or not, that we would move it forward to the full Legislature, but provide us the information. Now that I see the information, I have questions. I'm sure there are other Legislators who have questions. It may be fully valid that Brookhaven grab the lion's share of the excess money.
LEG. HALEY:
No, that's not true.
LEG. BISHOP:
That could be a valid --
LEG. HALEY:
It's not true, though.
LEG. BISHOP:
Why are you wincing at? That's exactly what has happened. Look at the numbers. And that could be valid, but I do want to discuss it with the Committee Chairman, the Advisory Committee Chairman, and Director Cooke.
LEG. CARPENTER:
May I just make a point?
P.O. TONNA:
Well, I'm surprised. Why isn't the Advisory Committee Chairman here?
LEG. CARPENTER:
He wasn't asked.
LEG. FISHER:
He attended our committee meeting.
P.O. TONNA:
Right. But he -- fully understanding --
LEG. FISHER:

And he provided the information that we asked for. He's never really had to go through this scrutiny in the past. I remember last year it was very simple.
P.O. TONNA:
Okay. Let's vote. All right? The arguments have been made. Now,

based on the merits of --
LEG. CARPENTER:
May I just make one point?
P.O. TONNA:
This debate -- sure. Go ahead, Legislator Carpenter.
LEG. CARPENTER:
One of the things that, in discussing this in years past, that a point that was raised, that maybe will help you feel a little bit better about it, is that even though it may look like one group or one town is getting more money, the area of service is broader than that, the numbers of people served are broader than that. And just because the program is in Babylon, it doesn't mean it's not servicing people from Islip and Brookhaven, and vice versa. So --
LEG. BISHOP:
It should be discussed, though.
LEG. CARPENTER:
But I think what we need to do is to remember this and discuss this earlier in the process next season.
P.O. TONNA:
Okay. Let's call the vote. Let's do this as a roll call.
LEG. FISHER:
What's the motion?
LEG. BISHOP:
Motion to table.
P.O. TONNA:
There's a motion to table by Legislator Bishop. I'm going to second the motion, because I think every Legislator has a right for information.
LEG. GULDI:
Roll call.
LEG. HALEY:
Roll call.
P.O. TONNA:
Roll call.
(*Roll Called by Mr. Barton*)
LEG. BISHOP:
Yes.
P.O. TONNA:
Yep.

LEG. CARACCIOLO:
Yes.
LEG. GULDI:
No.
LEG. TOWLE:
No.
LEG. CARACAPPA:

No.
LEG. FISHER:
No.
LEG. HALEY:
No.
LEG. FOLEY:
No.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Yes.
LEG. CARPENTER:
No.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
No.
[LEG. LEVY-NOT PRESENT]
MR. BARTON:
Nine. (Not Present: Leg. Levy)
P.O. TONNA:
Okay. There's a motion to approve and a second?
LEG. HALEY:
Yes.

00200

P.O. TONNA:
Okay. Let's do a roll call.
(*Roll Called by Mr. Barton*)
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.
LEG. CARACCIOLO:
Pass.
LEG. GULDI:
Yes.
LEG. TOWLE:
Yes.
LEG. CARACAPPA:
Yes.
LEG. FOLEY:
Yes.
LEG. FIELDS:
Pass.
LEG. ALDEN:
Pass.
LEG. CARPENTER:

Yes.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.

P.O. TONNA:
Yep.
LEG. CARACCIOLO:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Yes..
MR. BARTON:
18.
P.O. TONNA:
Okay. 1199 (Appropriating funds in connection with implementation of Suffolk County Community Greenways Fund). Is there a motion and a second? I'll make the motion, seconded by Legislator --
LEG. HALEY:
She'll do it.
LEG. FISHER:
Yes.
P.O. TONNA:
Fisher. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1231 (Appropriating funds in connection with the restoration of Smith Point County Park). Is there a motion?
LEG. TOWLE:
Motion. Cosponsor, as well.
LEG. FISHER:
Second.
P.O. TONNA:
1231, there's a motion and a second. Motion by Legislator Towle, seconded by Legislator Fisher.
LEG. FOLEY:
I'll make the motion since it's in my district.
P.O. TONNA:
Bonding resolution.
LEG. FOLEY:

Mr. Chairman.

LEG. FISHER:
I'm sorry.
LEG. FOLEY:
Yes. Since this is in my district, I'd like to make a motion.
P.O. TONNA:
Make a motion by Legislator Foley, seconded by Legislator Towle.
LEG. FOLEY:
We need to advise Legislator Towle of that.
LEG. TOWLE:
If we were going to do that, we'd have to go back and redo half the resolutions today.
P.O. TONNA:
Okay. Can you call roll call Henry?
MR. BARTON:
Yes.
P.O. TONNA:
Let's keep going with this.
(*Roll Called by Mr. Barton*)
LEG. FOLEY:
Yes, of course.
LEG. TOWLE:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
LEG. CARACAPPA:
Yes.
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Yes.
LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.

LEG. LEVY:
Yes.
P.O. TONNA:
Yes.
MR. BARTON:
18.
P.O. TONNA:
Okay. Number -- same motion, same second, all of that. 1232 (Appropriating funds in connection with the implementation of improvements to County Golf Courses - West Sayville & Indian Island). Is there a motion?
LEG. FOLEY:
Motion.
LEG. CARPENTER:
Second.
P.O. TONNA:
Motion, seconded -- motion by Legislator Foley, second by Legislator Carpenter. Roll call.
(*Roll Called by Mr. Barton*)
LEG. FOLEY:
Yes.
LEG. CARPENTER:
Yes.
LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.
LEG. TOWLE:
Yes.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
Cosponsor as well.
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Yes.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:

Yes.
LEG. LEVY:
Yes.
P.O. TONNA:
Yep.
MR. BARTON:
18.
P.O. TONNA:
Okay. Same motion, same second, same vote. 1233 (Appropriating funds in connection with the implementation of improvements to County Golf Courses - Timber Point). Is there a motion?

00205

LEG. TOWLE:
Motion.
P.O. TONNA:
Motion by Legislator --
LEG. CARPENTER:
Second.
P.O. TONNA:
Towle, second by Legislator Foley.
LEG. FOLEY: No, Carpenter.
P.O. TONNA:
Carpenter. It's in her district, okay.
(*Roll Called by Mr. Barton*)
LEG. TOWLE:
Yes. Cosponsor.
LEG. CARPENTER:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
LEG. CARACAPPA:
Yes.
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.
LEG. FOLEY:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Yes.
LEG. CRECCA:
Yeah.
LEG. D'ANDRE:
Yes.

00206

LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.

LEG. BINDER:
Yes.
LEG. COOPER:
Yep.
LEG. LEVY:
Yes.
P.O. TONNA:
Yep.
MR. BARTON:
18.
P.O. TONNA:
Same motion, same second, and all of that stuff, same vote. 1236 (Amending the 2000 Capital Budget and Program by appropriating funds in connection with purchase of equipment for County Parks). Is there a motion? I'll make a motion, seconded by --
LEG. FISHER:
Second.
P.O. TONNA:
Legislator Fields. All in favor? I mean Fisher. All in favor? Opposed?
LEG. CARACCIOLO:
On the motion
P.O. TONNA:
On the motion.
LEG. CARACCIOLO:
What is the equipment being purchased?
P.O. TONNA:
The equipment being purchased is?
MR. SABATINO:
Well, there's a list attached as backup. It's 5-25-5 equipment for Parks.
LEG. CARACCIOLO:
How much money?
LEG. FOLEY:
One hundred on --

LEG. CARACCIOLO:
A hundred thousand?
MR. SABATINO:
Hundred thousand is the total.
LEG. CARACCIOLO:
Okay. Thank you.
P.O. TONNA:
Okay. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1250 (Accepting a State and Federal grant of $595,060 for acquisition of farmland development rights, of which $400,000 may be utilized for up to fifty percent (50%) of the total cost of acquisitions, and $195,060 may be utilized for up to seventy-five percent (75%) of the total cost of acquisitions, or for reimbursement thereof. I'll make a motion.

LEG. GULDI:
Second.
LEG. FISHER:
Second.
P.O. TONNA:
Seconded by Legislator Fisher. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1251 (Accepting a State and Federal grant of $21,600 for acquisition of farmland development rights, which may be utilized for up to seventy-five percent (75%) of the total cost of acquisitions, or for reimbursement thereof).
LEG. FISHER:
Motion.
P.O. TONNA:
I'll make --
LEG. FIELDS:
Second.
P.O. TONNA:
Legislator Fisher makes a motion, seconded by Legislator Fields. All in favor? Opposed? Approved.
MR. BARTON:
18.

P.O. TONNA:
1252 (Accepting a State and Federal grant of $564,400 for acquisition of farmland development rights, which may be utilized for up to seventy-five percent (75%) of the total cost of acquisitions, or for reimbursement thereof).
LEG. FIELDS:
Motion.
P.O. TONNA:
Motion by Legislator Fields, seconded by Legislator --
LEG. FISHER:
Fisher.
P.O. TONNA:
Fisher. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Fields and Fisher. 1253 (Accepting a State and Federal grant of $1,231,918 for acquisition of farmland development rights, which may be utilized for up to seventy-five percent (75%) of the total cost of acquisitions, or for reimbursement thereof). Motion by Fields, seconded by Fisher. All in favor? Opposed? Approved.
MR. BARTON:
18.

PUBLIC WORKS & TRANSPORTATION

P.O. TONNA:
Public Works: Number 1217 (Authorizing Execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 11 - Selden with the developer of the Woodlands at Port Jefferson). Motion by

Legislator --
LEG. HALEY:
Haley.
P.O. TONNA:
Fisher.
LEG. CARACAPPA:
Haley.
P.O. TONNA:
Well, it's Port Jeff, right? Seconded by Legislator Haley. All in favor? Opposed? Approved.
MR. BARTON:
18.

P.O. TONNA:
Number 1218 (Authorizing the transfer of certain properties to Suffolk County Department of Public Works). Motion by --
LEG. FOLEY:
Motion.
P.O. TONNA:
-- Legislator Foley, seconded by Legislator Bishop. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Bond. 1230 (Appropriating funds in connection with the purchase of information systems and equipment for Public Works Support Services).
LEG. FOLEY:
Motion.
P.O. TONNA:
Motion by Legislator Foley, seconded by Legislator Caracappa. Roll call.
(*Roll Called by Mr. Barton*)
LEG. FOLEY:
Yes.
LEG. CARACAPPA:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
LEG. TOWLE:
Yes.
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.
P.O. TONNA:
Yep.
MR. BARTON:
18.
P.O. TONNA:
Okay. Same motion, same second, same vote. Number 1234 (Amending the 2000 Capital Budget and Program and appropriating funds in connection with the purchase of Sewer Facility Maintenance Equipment), bond.
Motion by Legislator Foley, seconded by Legislator Alden.
MR. BARTON:
The last bond.
P.O. TONNA:
Roll call.
(*Roll Called by Mr. Barton*)
LEG. FOLEY:
Yes.
LEG. ALDEN:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.
LEG. CARACAPPA:
Yes.
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.
LEG. FIELDS:
Yes.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.

LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.
P.O. TONNA:
Yep.
MR. BARTON:
18.
P.O. TONNA:
Same motion, same second, same vote. Number 1235 (Authorizing an exchange of interests in land between Hamlet Windwatch, LLC and the County of Suffolk). Motion by?
LEG. CARACAPPA:
Motion.
P.O. TONNA:
Motion by Legislator Crecca, second by Legislator Caracappa.

LEG. LEVY:
Explanation.
P.O. TONNA:
All in favor?
LEG. CARACCIOLO:
On the motion. On the motion.
P.O. TONNA:
Explanation. Legal Counsel, can we have your counsel?
MR. SABATINO:
Basically, it's a trade of a golf range area for access to additional land to treat the sewage treatment plant at the Windwatch.
P.O. TONNA:
They're giving up -- they're giving up the range?
MR. SABATINO:
It's all based on easements. The --
P.O. TONNA:
How could they do that?
MR. SABATINO:
They're not giving up the range, they're getting additional space for the range.
P.O. TONNA:
Okay. That's because Legislator Caracappa goes there and he hits the long ball, so, you know, you need a little extra space. There we go.
LEG. ALDEN:
On the motion.
P.O. TONNA:
On the motion. Alden wants to say he can hit the ball further. Go ahead.
LEG. ALDEN:
No, no, no. A lot less than Joe, actually.

P.O. TONNA:
But you're not as wild. Let's face it, I've seen both of you guys play. All right? No, I'm joking.
LEG. ALDEN:
Just in the committee, it was represented to us that they did an assessment of value of these two easements and we're getting a fair on it, so --
P.O. TONNA:
We are?

LEG. ALDEN:
Yes.
P.O. TONNA:
And, thank God, it's attached to the golf course. Okay motion and a second. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1237 (Amending the 2000 Capital Budget and Program by appropriating funds in connection with weatherproofing County Buildings).
LEG. FOLEY:
Motion by Legislator --
LEG. FISHER:
Second.
P.O. TONNA:
-- Fisher, second by Legislator Foley. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
1239 (Amending the 2000 Capital Budget and Program by appropriating funds in connection with traffic signal improvements on various County roads). Motion by Legislator Foley, seconded by myself. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1243 (Amending the 2000 Capital Budget and Program by appropriating funds in connection with the dredging of County Waters). Motion by -- somebody likes dredging.
LEG. FIELDS:
Me.
P.O. TONNA:
You're not getting me on this one. No, I'm joking. Legislator Fields, seconded by --
LEG. FISHER:
I'm second it.
P.O. TONNA:
Seconded by Legislator Fisher. All in favor? Opposed?

LEG. CARACCIOLO:
On the motion.

P.O. TONNA:
On the motion. Explanation?
LEG. CARACCIOLO:
Yes.
P.O. TONNA:
Explanation, Legal Counsel.
LEG. CARACCIOLO:
Not an explanation. I know --
P.O. TONNA:
Oh, okay.
LEG. CARACCIOLO:
But we wanted to raise the status of the environmental windows of the beach projects. Are we going to be in the situation where you have --
P.O. TONNA:
Mike, Mike, Mike. Mike, for the mike.
LEG. CARACCIOLO:
Are we going to have a situation where we may have a waterway that will not be dredged because an environmental window closed?
LEG. FOLEY:
Yeah.
LEG. CARACCIOLO:
Closure?
LEG. FOLEY:
That's an excellent question. I had asked the Commissioner that very question, since in the springtime, there's a variety of windows, anywhere from March 15 to June 1, and he's assured me that with the passage of this resolution, between the actual dredging monies and the survey work, that they should move forward with all of the projects that they --
P.O. TONNA:
Permits and everything.
LEG. FOLEY:
That they have permits for this particular spring --
LEG. CARACCIOLO:
Okay. I would ask you, Brian, as Chair of that committee to share with each member of the Legislature --
LEG. FOLEY:
Sure.

LEG. CARACCIOLO:
-- a statute report as of April 1st of funds and projects.
LEG. FOLEY:
Will do. Will do.
P.O. TONNA:
Okay.
LEG. FOLEY:
Very good. You'll have that next week.
P.O. TONNA:
We have to call the vote. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
1249 (Amending the 2000 Capital Budget and Program by appropriating

funds in connection with the purchase of Highway Maintenance Equipment). Motion by myself, seconded by Legislator Foley. All in favor? Opposed? Approved.
MR. BARTON:
18.
FINANCE, TECHNOLOGY & MANAGEMENT SERVICES
P.O. TONNA:
Finance and Technology.
LEG. LEVY:
Mr. Chairman, before that --
P.O. TONNA:
Yes.
LEG. LEVY:
I'd like to make a motion to pass on -- to approve 1256 --
LEG. FOLEY:
Second.
LEG. LEVY:
-- which is extending the license for Sayville Ferry.
LEG. FOLEY:
Second the motion.
LEG. LEVY:
This was --
P.O. TONNA:
Say it again. Where are we?

LEG. LEVY:
This was brought out of committee right after public hearing. It was ripened for an hour, and make a motion to approve.
P.O. TONNA:
It sounds like a ripened bill. Okay.
LEG. FOLEY:
Second the motion.
P.O. TONNA:
Motion 1251?
LEG. LEVY:
1256.
LEG. FOLEY:
1256.
P.O. TONNA:
Okay.
LEG. LEVY:
Extends the license for the Sayville Ferry.
P.O. TONNA:
Okay, motion. Motion by Legislator Levy, seconded by Legislator Foley?
LEG. FOLEY:
Yes
P.O. TONNA:
All in favor? Opposed?
MR. BARTON:
18.
P.O. TONNA:
Approved. Okay thank you. All right.

LEG. TOWLE:
1201.
P.O. TONNA:
Number 1201 (Strengthening the use of the Capital Project priority ranking system established by Resolution No. 571-1998). Motion by Legislator Caracciolo -- oh, Haley. You want this?
LEG. HALEY:
(Nodded head yes).
P.O. TONNA:
Okay, maybe. Seconded by Legislator Caracciolo. All in favor? Opposed? Approved.

MR. BARTON:
18.
P.O. TONNA:
Okay. Okay, the nonsensical resolutions. Here we go. Sense Resolution Number 14 (Memorializing resolution requesting State of New York to authorize Suffolk County to regulate registration and licensing of taxicabs within Suffolk County). Motion by Legislator Towle.
LEG. GULDI:
Second.
P.O. TONNA:
Okay. This is to -- I love this stuff. Seconded by -- is there somebody who wants to second this? Okay. Seconded by Legislator Guldi. Are we also going to have a Taxicab Authority?
LEG. TOWLE:
Are you interested in sponsoring it?
P.O. TONNA:
No, no. I just wanted to see. Okay. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not --
LEG. CARPENTER:
No.
LEG. CRECCA:
No.
P.O. TONNA:
No? You're approved to a taxi -- okay. Opposed by Legislator Crecca, opposed by Legislator --
LEG. HALEY:
Angie, are you opposed?
LEG. CARPENTER:
Yes.
P.O. TONNA:
Okay. There's two people who are opposed. Okay. A little chink in the armor, Freddy.
P.O. TONNA:
15, 2, 1 not present. (Not Present: Leg. Levy)
P.O. TONNA:
All right. Anyway --
LEG. TOWLE:
It's called democracy.

P.O. TONNA:
That's right. Sense 16 (Memorializing resolution requesting State of New York to enact Health Mandate Reimbursement Fund).
Is there a motion?
LEG. FIELDS:
Motion.
LEG. BISHOP:
Motion.
P.O. TONNA:
Motion by Legislator Fields, seconded by Legislator Bishop.
LEG. HALEY:
Explanation. Quickie, just a quickie, Ginny.
P.O. TONNA:
Let's not talk about that here. Come on.
MR. SABATINO:
This is the Year 2000 Health Care Reform Act which imposes a 25% unfunded mandated on the County of Suffolk, as well as other counties. This would ask that that be made up from State funds.
LEG. HALEY:
Thank you.
P.O. TONNA:
Okay. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Levy).
(Legislators said "cosponsor" in unison)
P.O. TONNA:
There's a number of cosponsors. I think, you know, basically, you can go with the flow.
LEG. TOWLE:
Everybody.
P.O. TONNA:
Sense 17 (Memorializing resolution requesting State of New York to require retrofitting of automatic sprinkler systems for all multi-family dwellings). Is there a motion by Legislator Alden?
LEG. ALDEN:
Yes.
P.O. TONNA:
Motion by Legislator Alden.
LEG. FOLEY:
What is this about.

LEG. GULDI:
Second.
LEG. CARACCIOLO:
Second.
P.O. TONNA:
Second by, ah, myself. I couldn't understand which one of you guys said it. All in favor? Opposed? Approved.
LEG. TOWLE:
Cosponsor.
P.O. TONNA:
Number.
LEG. BISHOP:

Hold on. Hold on.
LEG. HALEY:
Abstention.
LEG. BINDER:
Abstain.
LEG. CRECCA:
Abstain.
MR. BARTON:
Okay. Hold on.
P.O. TONNA:
You abstain? Legislator Crecca and Legislator Binder abstain.
LEG. HALEY:
And Haley.
P.O. TONNA:
And Haley. Okay. Sense Number 18 (Memorializing resolution requesting State of New York to treat clothing tax and water tax equivalently). Legislator D'Andre.
MR. BARTON:
Mr. Chairman, the vote on that one, 17, was 14, 3 abstentions, 1 not present.
P.O. TONNA:
Thank you. Legislator D'Andre, how are we with this?
LEG. D'ANDRE:
Motion.
P.O. TONNA:
Motion, seconded by myself.

00220

LEG. FISHER:
Explanation.
LEG. CARPENTER:
Yeah, really.
LEG. HALEY:
It's the same as the one we did last month pretty much. It's just couched a little differently. It's against the water tax.
LEG. CARPENTER:
Okay, great.
P.O. TONNA:
All right, mike. All in favor? Opposed?
LEG. FISHER:
Wait a minute. I didn't hear the explanation. I missed something.
P.O. TONNA:
It's already water under the bridge. Getting to the sense place, I can joke a little, right, I can go with this?
LEG. FOLEY:
As are the clothes.
LEG. LEVY:
It's tax-free water under the bridge.
P.O. TONNA:
Okay.
MR. BARTON:
The vote on 18 is 18.
P.O. TONNA:
Sense Number 20 (Memorializing resolution requesting State of New York

to increase fines for selling tobacco to minors). Legislator Carpenter, what would you like to do with this?
LEG. CARPENTER:
Motion.
P.O. TONNA:
Motion by Legislator Carpenter.
LEG. FIELDS:
Second.
P.O. TONNA:
Seconded by Legislator --
LEG. TOWLE:
Cosponsor.

P.O. TONNA:
-- Fields. All in favor? Opposed?
LEG. GULDI:
Cosponsor.
P.O. TONNA:
Approved. Okay, great.
(Legislators said "cosponsor" in unison)
All right. You got the general thrust of that? Okay. Sense 23 (Memorializing resolution requesting State of New York to mandate background checks for school personnel).
MR. BARTON:
18.
P.O. TONNA:
Is there a motion, Legislator Cooper?
LEG. COOPER:
Motion.
P.O. TONNA:
Motion by Legislator Cooper, seconded by myself. All in favor? Opposed? Approved.
LEG. FOLEY:
Mr. Chairman.
LEG. CARACCIOLO:
Paul, Paul, Paul.
LEG. FOLEY:
Mr. Chairman.
LEG. HALEY:
Whoa, whoa, whoa.
P.O. TONNA:
Wait.
LEG. CARACCIOLO:
I want to lay on the table.
MR. BARTON:
18.
P.O. TONNA:
Yeah, I got --
LEG. FOLEY:
Mr. Chairman.

LEG. CARACCIOLO:
Oh, you got it.

P.O. TONNA:
What do you think, I said something here?
LEG. FOLEY:
Mr. Chairman.
LEG. CARACCIOLO:
Oh, I thought you were --
LEG. CARACAPPA:
Mr. Chairman.
LEG. FOLEY:
Mr. Chairman.
LEG. FOLEY:
I'm focused. I'm focused.
LEG. FOLEY:
Mr. Chairman, on Sense resolutions. Mr. Chairman.
P.O. TONNA:
Hold it just one second. Go ahead.
LEG. FOLEY:
Yes. On Sense Resolutions, in your packet is Sense Resolution Number 27. I'd like to make a motion to waive the rules and vote on it tonight, Mr. Chairman.
LEG. GULDI:
Which one?
LEG. FISHER:
27. Feel
LEG. FOLEY:
It's Sense 27. It's a Memorializing Resolution requesting New York State Legislature to restore funding for out-of-county tuition reimbursement for Suffolk County. As we speak, the Governor has not included the $2 million for reimbursement for FIT out-of-county tuition --
LEG. CARACAPPA:
Second.
LEG. FOLEY:
-- to Suffolk County. So we need to have this -- we need to have the State Legislature to put those monies back. Otherwise, the College will be $2 million short of the Operating Budget.
LEG. HALEY:
Second.

LEG. FOLEY:
So I make a motion to approve.
LEG. HALEY:
Second.
LEG. CARPENTER:
In line with that --
LEG. FOLEY:
Right.
LEG. CARPENTER:
Mr. Chairman, I had a resolution that never got on the Economic Development and Education Committee agenda addressing out-of-county tuition to exempt the internet courses. They are including those.
LEG. FOLEY:
Do we have it with -- is it here?

LEG. CARPENTER:
I don't know. Does the Chairman have it?
LEG. FOLEY:
Well, can we first vote on this?
LEG. CARPENTER:
I know your Aide came up to me today.
LEG. FOLEY:
I'll support you on that one, but if we could just vote on this, Mr. Chairman, because if we -- we can't wait another two weeks, because they're pulling apart the budget as we speak.
LEG. CARPENTER:
But I think it would be helpful if they both went up together.
LEG. FOLEY:
Yeah, but --
LEG. CARPENTER:
So if we can get a copy of that. Legislator Cooper, can you have your Aide get that?
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
Yes.
LEG. FOLEY:
Can we just approve this?
P.O. TONNA:
Yes, let's just -- it's a Sense Resolution, right? Did you make a -- did you make a motion to approve?

LEG. FOLEY:
Yes, we did.
P.O. TONNA:
Is there a second?
LEG. FIELDS:
Second.
LEG. FOLEY:
There's a second, Caracappa.
P.O. TONNA:
Fine.
LEG. FOLEY:
Or Haley.
P.O. TONNA:
All in favor? Opposed? Approved.
LEG. FOLEY:
Thank you.
MR. BARTON:
18.
LEG. FISHER:
Mr. Chairman.
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
Hold it. I have to lay some things on the table here, okay, and then we'll go from there. All right? Everybody's going to get their chance. I'm not adjourning this meeting until I deal with Legislator

Fisher and Legislator Caracappa. Okay. Motion to waive the rules and lay on the table --
LEG. GULDI:
And approve.
P.O. TONNA:
And -- no, no. Resolution Number 1313, implementing Greenways Program in connection with the acquisition of active parklands at Silberstein Farm. All right. I understand by Legislator Binder. I will want to articulate this. I do not like late-starters. He has indicated that this is a late-starter that is an emergency. So, anyway, there's a motion by Legislator Binder, seconded by Legislator Cooper.
LEG. BISHOP:
On the motion.

P.O. TONNA:
Yes.
LEG. BISHOP:
Is there an EAF complete on this?
LEG. BINDER:
No. I'm laying it on the table now. That's the thing that's not done. The Town has passed a resolution, and if I don't get this started now, Mr. Silberstein will be entertaining some offers he's had from developers, so I have to show him that this motion, this is going forward and so this is good faith. This doesn't have to be passed, it's just being laid on the table tonight.
MS. BURKHARDT:
It's assigned to Parks.
LEG. BISHOP:
All right.
P.O. TONNA:
Okay. Assigned to Parks.
LEG. BISHOP:
I would just -- I just want, in the spirit of, you know, letting you know in advance, the Town of Huntington came to the Parks Committee and said that they were only interested in two properties for active recreational purposes.
LEG. BINDER:
They passed a resolution on this one.
LEG. BISHOP:
They did.
LEG. BINDER:
They actually did, right.
LEG. BISHOP:
And then there's the other one that Legislator Cooper has, and that's what Huntington's interested in, as we understand it.
P.O. TONNA:
Right. There's an attached resolution from the Town of Huntington in this. Okay, thank you very much. Assigned to Parks.
MR. BARTON:
18.
P.O. TONNA:
All in favor? Opposed? Yeah, great. Okay. Number 1314. We'll make a motion to waive the rules and lay on the table Resolution 1314. A

motion by Legislator Caracciolo. Seconded by --
LEG. FISHER:
Second.

00226

P.O. TONNA:
-- Legislator Fisher. All in favor? Opposed? Laid on the table.
MR. BARTON:
18.
P.O. TONNA:
Sending it to Ways and Means. Okay. Sense Resolution.
LEG. CARACAPPA:
Home Rule.
P.O. TONNA:
Number --
LEG. FISHER:
Home Rule Message Number 1.
P.O. TONNA:
Oh, Home Rule Message Number 28 -- no, 1. Okay.
LEG. FISHER:
Number 1.
P.O. TONNA:
Waive the rules -- make a motion to waive the rules, lay on the table and approve.
LEG. FISHER:
And approved.
P.O. TONNA:
Okay. This is a Home Rule Message requesting New York State Legislature to amend the New York State Retirement and Social Security Law to provide Suffolk County Park Police Officers with an optional 20-year retirement plan.
LEG. FISHER:
Motion.
P.O. TONNA:
Motion by Legislator Fisher, seconded by Legislator Caracappa.
LEG. LEVY:
Question.
LEG. BISHOP:
Is this approving or sending to committee?
LEG. LEVY:
Just to get --
LEG. TOWLE:
Cosponsor.

00227

P.O. TONNA:
Sending to Albany.
LEG. TOWLE:
Cosponsor.
LEG. LEVY:
Question.
P.O. TONNA:
All in favor?
LEG. LEVY:
Question.

LEG. BISHOP:
What does this do? I'm sorry. Send to committee or approve?
LEG. LEVY:
Just want to get from Counsel on the record that this is merely making the request of all -- from Albany and that it would have to be approved --
P.O. TONNA:
By us.
LEG. LEVY:
-- Once again by a subsequent resolution of the Legislature.
MR. SABATINO:
If adopted at the State level, it would still require a subsequent separate County action to elect to opt into the 20-year retirement.
P.O. TONNA:
Okay.
LEG. LEVY:
Just for the record, I'll approve for the purpose of going to Albany, but I reserve judgment on the final one.
P.O. TONNA:
Ladies and Gentlemen, we still have a few resolutions here.
LEG. BISHOP:
Did you have a vote?
P.O. TONNA:
Yeah, I'm --
P.O. TONNA:
I'm opposed.
P.O. TONNA:
All in favor? Opposed?

LEG. BISHOP:
Myself.
P.O. TONNA:
Opposed, Legislator Bishop.
MR. BARTON:
17-1.
P.O. TONNA:
Okay. There is now a Sense Resolution Number 28 (Memorializing Resolution requesting United States Congress to roll back Clinton Excise Tax on Price of Gasoline).
LEG. BINDER:
Motion to --
P.O. TONNA:
I make a motion to waive the rules, lay on the table, and approve Memorializing Resolution requesting U.S. Congress to roll back Clinton exercise tax --
LEG. LEVY:
Excise.
P.O. TONNA:
Exercise. He's getting a little heavy. On price of gasoline.
LEG. LEVY:
Motion to defer this to committee because of the rather hostile nature of the wording. I don't mind the actual bill itself, but I think it has to be toned down a little bit.

P.O. TONNA:
Okay. I'll second that. I'm against hostile wording. All in favor? Opposed?
MR. BARTON:
So it's just to lay it on the table?
LEG. BINDER:
Well, no. Roll call.
P.O. TONNA:
Roll call on the hostile wording.
LEG. BINDER:
Roll call. I'd like to pass this tonight.
P.O. TONNA:
Okay.
LEG. LEVY:
This is the one that --

P.O. TONNA:
Roll call.
LEG. LEVY:
-- closed the deficit, as I recall.
P.O. TONNA:
Wait, wait. We're at the roll call section, everybody.
LEG. FISHER:
What's the motion?
P.O. TONNA:
The motion is to defer to committee.
LEG. BINDER:
Which takes precedence over --
P.O. TONNA:
Over everything else.
MR. SABATINO:
Actually, what we should do is -- this is why it's not good to merge motions. I think what you really want to do is make -- separate the motions out, so there's a motion on just the issue of laying it on the table. If it gets laid on the table, then the motion to defer to committee would take priority. So make the first motion just to lay on the table.
LEG. GULDI:
Well, except that if we're going to defer to committee, it could just be filed.
P.O. TONNA:
Okay. There's a motion by Legislator Binder to lay it on the table.
LEG. BINDER:
What I would suggest is that Legislator Levy's motion would be to lay it on the table and to refer to committee, and if that fails, then I will make a motion to refer and to pass.
MR. SABATINO:
That's if you want to have it as a combination motion. I mean --
LEG. BINDER:.
Right, that's fine, so that's -- you could do it that way
LEG. LEVY:
Yeah, I'll make a motion to --
LEG. BINDER:

And his would make --
LEG. LEVY:
-- lay on the table and defer to committee.
00230
LEG. BINDER:
And I would -- right.
P.O. TONNA:
Fine. Okay. That takes precedence.
LEG. BINDER:
And that takes precedence over mine and I would -- right.
P.O. TONNA:
Let's get that one going.
LEG. LEVY:
We're going to be here a long time otherwise.
P.O. TONNA:
Motion by Legislator Levy, seconded by Legislator Guldi. All in favor? Opposed?
LEG. BINDER:
Roll call.
P.O. TONNA:
Roll call.
(*Roll Called by Mr. Barton*)
LEG. LEVY:
Yes, to defer to save time.
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
No.
[LEG. TOWLE-NOT PRESENT]
LEG. CARACAPPA:
No.
LEG. FISHER:
Yes.
LEG. HALEY:
No.
LEG. FOLEY:
Yes, to table -- no, to defer to committee.
LEG. FIELDS:
Yes.
LEG. ALDEN:
No.
00231
LEG. CARPENTER:
No.
LEG. CRECCA:
No.
LEG. D'ANDRE:
Pass.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:

No.
LEG. COOPER:
Yes.
P.O. TONNA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. CARACCIOLO:
Fred's back.
LEG. TOWLE:
No, to table.
P.O. TONNA:
To defer.
LEG. TOWLE:
Defer.
MR. BARTON:
Ten.
P.O. TONNA:
Okay, great. Okay. Number -- Sense Resolution Number 29. There's a motion waive the rules lay on the table and approve. It's a Memorializing Resolution requesting State of New York to roll back sales taxes on the price of gasoline.
LEG. GULDI:
Doesn't have Pataki's name in the caption on this one.
P.O. TONNA:
Yeah, I was surprised.
LEG. BISHOP:
Can I -- we write resolutions that say reminiscence of?

P.O. TONNA:
Not the Pataki excise tax? Okay. Anyway, I can see that --
LEG. BINDER:
This was actually the Cuomo Tax.
LEG. BISHOP:
What kind of crazy --
LEG. BINDER:
If you'd like, I could put Cuomo's name on it.
P.O. TONNA:
All right. Anyway are we going to -- there's a motion to approve. Can we lay on table -- everything. All in favor? Opposed?
MR. BARTON:
Who was the motion.
P.O. TONNA:
Approved.
MS. FARRELL:
Who?
P.O. TONNA:
Sense Resolution Number 22.
LEG. FISHER:
Wait, wait, wait.
MS. FARRELL:
Who?
LEG. FISHER:

What happened.
P.O. TONNA:
Okay. That was approved. Sense Resolution Number 22, there's is a motion to waive the rules, lay on the table and approve. It's a Memorializing Resolution requesting the State of New York to eliminate out-of-county tuition costs for internet courses. Motion by Legislator Carpenter, seconded by Legislator Crecca. All in favor? Opposed? Approved.
MR. BARTON:
18.
LEG. LEVY:
Mr. Chairman.
P.O. TONNA:
Yes.

LEG. LEVY:
I'd just like to ask Counsel to draft a Sense resolution to eliminate the five cent Bush Tax from 1990.
P.O. TONNA:
The Bush League Tax? Okay. All in --
LEG. BISHOP:
Second.
P.O. TONNA:
Hey, this is a motion now to adjourn, seconded by myself.
LEG. TOWLE:
I oppose.
P.O. TONNA:
All in favor? Opposed? Who cares.
[THE MEETING WAS ADJOURNED AT 6:10 P.M.]